

Buckmaster, Stanley Owen, first Viscount Buckmaster

(1861–1934)

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Stanley Owen Buckmaster, first Viscount Buckmaster (1861–1934)

by Walter Stoneman, 1915

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Buckmaster, Stanley Owen, first Viscount Buckmaster (1861–1934), lord chancellor, was born on 9 January 1861 at 2 New Road, off St John's Hill, Wandsworth, London, the third of four sons of John Charles Buckmaster (*d.* 1908), professor of chemistry, and his wife, Emily Anne (*d.* 1890), eldest daughter of George Goodliffe, of Trumpington, near Cambridge. John Buckmaster was a remarkable man who, beginning as an agricultural labourer at the age of ten in the village of Slapton in Buckinghamshire, became successively a joiner, a platform speaker in the campaign against the corn laws, and, after

attending a teacher training college, a teacher of chemistry first at the college where he had trained and then at the Imperial College of Science and Technology.

Stanley Buckmaster was sent to Aldenham grammar school (now Aldenham School). The school was then in low water and the boys suffered hardships which Buckmaster never forgot. However, thanks to the encouragement of one outstanding teacher, Buckmaster won a junior studentship in mathematics at Christ Church, Oxford, in 1879. He led an active and sociable life at Oxford, but was disappointed by obtaining a second class in both mathematical moderations (1881) and the final honours school (1882) rather than the first class for which he had hoped and which his two elder brothers had obtained.

Buckmaster was called to the bar by the Inner Temple in 1884. His first few years were a struggle, but from 1887 onwards he began to acquire a general practice on the midland circuit, and became a familiar figure in the county courts and magistrates' courts. However he also acquired a Chancery practice which eventually became the dominant part of his work.

On 29 December 1889 Buckmaster married Edith Augusta (*d.* 1935), fourth daughter of Spencer Robert Lewin of Widford, Hertfordshire. They had one son and two daughters. The elder daughter, Margaret, was a woman of outstanding ability who devoted her life to social reform and predeceased her father.

Buckmaster's marriage was not, at least in later years, happy. In a letter to a friend in the last year of his life, he described himself as having had 'a broken home' (letter to Sir Lancelot Sanderson, June 1934, Heuston, 307).

Chancery silk and Liberal politician

Buckmaster's practice as a senior barrister became very successful, and he took silk in 1902. At that time Chancery silks normally practised in the court of a particular judge, and Buckmaster attached himself to the court of Mr Justice Buckley, later Lord Wrenbury. In the same year he joined Lincoln's Inn; he became a bencher of the inn in 1910 and became its treasurer in 1934, the last year of his life.

After taking silk, Buckmaster, who had always been an enthusiastic Liberal, turned his attention to politics and sought election as a member of parliament. In 1903 he was adopted as the Liberal candidate for Cambridge, and he won the seat in the Liberal landslide in January 1906. Unusually, he chose to make a controversial maiden speech (on 6 July 1906), defending Mr Justice Grantham against allegations of pro-Conservative bias in the hearing of two election petitions. Buckmaster opposed his party by objecting to the *Criminal Appeal Act 1907*, which introduced the court of criminal appeal. In the following years, he rarely spoke in the House of Commons and was frequently absent.

In spite of this, Buckmaster was highly regarded by the Liberal leadership, and after he lost his seat at Cambridge in the general election of January 1910 and failed to regain it in December 1910, a place was found for him as candidate in a by-election for the Keighley division of Yorkshire, which he won in October 1911. Thereafter he became very active both professionally and politically. He appeared regularly not only in the Chancery Division of the High Court but also in the King's Bench and the judicial committee of the privy council. He told his family that he was earning the then enormous sum of £40,000 a year. From 1910 to 1913 he was standing counsel to Oxford University.

In the House of Commons in 1912 Buckmaster made a powerful speech in defence of the ministers involved in the Marconi scandal, in particular the then attorney-general, Sir Rufus Isaacs. Buckmaster's reputation

for personal integrity gave his speech great weight in the house, and was instrumental in persuading the house to accept the explanations given by the ministers. In October 1913 Isaacs was appointed lord chief justice and the solicitor-general, Sir John Simon, was promoted to replace him as attorney-general. Buckmaster was appointed to replace Simon and was knighted. In the consequent by-election (resulting from the rule then in force that newly appointed ministers had to resign and stand for re-election) Buckmaster was again returned for Keighley. His work as solicitor-general was widely praised and enhanced his reputation.

On the outbreak of war in 1914 Buckmaster (while remaining solicitor-general) was appointed director of the press bureau, the department responsible for control of the press. This was not a successful appointment. Buckmaster was not fitted for the office by background or personality. Relations between the press and the armed forces (particularly the Admiralty) were bad and the newspaper proprietors were powerful figures who resisted control. Buckmaster's statement in the House of Commons on 12 November 1914 that he was prepared to block criticism which 'might destroy public confidence in the government which at this time is charged with conduct of the war, or might in any way weaken the confidence of the people in the administration of affairs' (*Hansard* 5C, 58.129) suggested an authoritarian attitude excessive even in time of war.

Lord chancellor

In May 1915 the prime minister, Herbert Asquith, was forced to form a coalition government. One of the terms on which the Conservatives insisted was the removal from office of the then lord chancellor, Lord Haldane. Simon was offered the post but refused it. Buckmaster was Asquith's next choice. He received the great seal on 27 May and was sworn of the privy council on the same day. He was elevated to the peerage as Baron Buckmaster of Cheddington in the county of Buckingham on 14 June.

Buckmaster held office as lord chancellor for only eighteen months. Asquith was forced to resign on 6 December 1916, and Buckmaster as a member of his government resigned on the same day. When David Lloyd George formed the new government, Buckmaster was replaced by a Conservative, Sir Robert Finlay.

His short period of office and the government's concentration on the war effort deprived Buckmaster of the chance to make a significant impact as lord chancellor. He was responsible for only two appointments to the High Court, those of A. F. Peterson and H. A. McCardie. He made no appointments to the office of king's counsel, taking the view that to do so would be unfair to juniors absent on war service. However, a war cabinet had not yet been created and Buckmaster, as a member of the cabinet, was involved in decisions affecting war strategy. He was strongly opposed to the decision, following the withdrawal from the Dardanelles, to send an expeditionary force to Salonika. He was also closely involved in the decision not to grant a reprieve to Sir Roger Casement from the death sentence which had been imposed on him for treason.

Law lord

In October 1917 Buckmaster was appointed one of the members of the inter-allied council to co-ordinate the purchase of war material from the USA. In December 1917 he publicly supported the 'Lansdowne

letter', the letter written to the *Daily Telegraph* by the fifth marquess of Lansdowne calling for a negotiated peace.

After the war Buckmaster strongly attacked the atrocities committed in Ireland by the 'Black and Tans', the auxiliary police force recruited by the British government. He became recognized as one of the leading orators of his day, speaking on a wide variety of subjects both in the House of Lords and on public platforms. He never wrote out his speeches in advance, but relied on scribbled notes. Subjects on which he spoke ranged from the treatment of Germany after the war to the protection of lapwings (for which purpose he secured the passage of the *Protection of Lapwings Act* 1928). He supported improved housing for the poor, birth control, the abolition of capital punishment, and women's suffrage.

Unlike most people, Buckmaster became more radical, particularly on social issues, as he grew older. He was particularly active in the field of divorce reform, where he sought to provide for divorce on grounds other than adultery, which at that time was the only ground recognized by the law. In November 1918 he introduced a bill adding desertion as a ground for divorce, which was defeated. In March 1920 he moved the second reading in the House of Lords of a bill which would have provided five additional grounds for divorce. This bill was narrowly passed by the House of Lords but it failed because the government never introduced it in the House of Commons. Similar bills were introduced in the House of Lords in 1921 and 1924 but failed to get enough support to be enacted. Buckmaster's only success was to pilot through the House of Lords the *Matrimonial Causes Act* 1923 which made a limited extension to divorce law by allowing women to obtain a divorce on the ground of their husband's adultery alone; previously women (but not men) had had to prove cruelty as well as adultery.

Buckmaster's personal loyalty to Asquith and the decline of the Liberal Party after 1918 ruled out any return to office. However, as a former lord chancellor he regarded it as his duty to sit regularly as a member of the House of Lords in its judicial capacity and the judicial committee of the privy council. Two of the best-known cases in which he took part come from the beginning and the end of his judicial career. In *Bowman v. Secular Society* (1917) he held, together with a majority of his colleagues, that the purposes of a society formed to challenge Christian doctrine were not illegal. In *Donoghue v. Stevenson* (1932)—a case familiar to every first-year law student—Buckmaster found himself in a minority in objecting to the extension of a manufacturer's liability in negligence to include liability to the ultimate purchaser of the manufactured goods (in the case in question, a bottle of ginger beer alleged to have contained a decomposed snail). Buckmaster was not a creative or reforming judge—he stuck firmly to the maxim that hard cases make bad law—but he was highly regarded by other leading judges of his day. Lord Birkenhead described him as 'a consummate judge' (Heuston, 301). Lord Dunedin was asked, 'Whom do you regard as the greatest colleague you have had?' and replied:

You will be surprised when I tell you—Buckmaster; I have not and I never have had any sympathy with Buckmaster's political ideas and performances and I think him to be a sentimentalist—until he is sitting on his arse on the bench; there he is one of the most learned, one of the most acute, and the fairest judge I ever sat with.

DNB

In 1925 Buckmaster abandoned his judicial work for a time to go into the City, giving up his judicial pension during this period although he was under no obligation to do so. His purpose was to right what he believed to be wrongs suffered by the shareholders of an oil company at the hands of their directors. However, the City was not to his taste and he soon returned to his judicial work. In 1929 Buckmaster was

appointed chairman of the political honours scrutiny committee, which had been set up in 1924 in order to stop the abuses of the honours system which had occurred during Lloyd George's premiership. He was reappointed in 1931. He also served, for three years before he became solicitor-general and again from 1925 until his death, as the umpire for deciding disputes about wages and conditions in the boot and shoe industry. In 1923 he was proud to become chairman of the governing body of Imperial College, where his father had taught.

Buckmaster was awarded honorary degrees by the universities of Toronto (1925), Oxford, and Edinburgh (both 1933). In 1930 he was awarded the GCVO. In 1933 he was belatedly raised to the rank of viscount.

An observer described Buckmaster in 1925 as:

a man of medium height; and lean. He has a lean face; high cheek bones, hollow cheeks, an aquiline nose, deep set blue eyes, and an earnestness of manner that reaches the quality of solemnity ... He speaks with an admirable, clear and easily heard voice, which never falters, which speaks admirable, choicely arranged, finely inflected language.

Heuston, 298

Buckmaster was a popular member of the Garrick Club, to which he was elected in 1909.

Buckmaster's short tenure of office, during a period when life was dominated by the First World War, means that he is one of the lesser lord chancellors of the twentieth century. His importance rests perhaps more on his roles as social reformer and judge after his retirement from office as lord chancellor. There is a notable dichotomy here—he was a judicial conservative but a liberal on social issues. He was a man of outstanding integrity and great powers as an orator, who might well have returned to office had it not been for the collapse of his party.

At the end of 1933 Buckmaster's health failed. After a year's illness he died at his home, 1 Porchester Terrace, Hyde Park, on 5 December 1934. He was cremated at Golders Green and his ashes were interred in the graveyard of the parish church at Widford in Hertfordshire, the village from which his wife had come and where he owned a country house. He was succeeded by his only son, Owen Stanley Buckmaster. His wife, who had long been an invalid, died the following year.

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Likenesses

J. Russell & Sons, photograph, 1915, NPG

W. Stoneman, photograph, 1915, NPG [see illus.]

G. F. Watt, oils, 1920, Lincoln's Inn, London

E. Kapp, drawing, 1929, Barber Institute of Fine Arts, Birmingham

T. Cottrell, cigarette card, NPG

R. Eves, oils (posthumous), Christ Church Oxf.

H. Furniss, ink caricature, NPG

T. McKegger, portrait, priv. coll.

Owl, mechanically reproduced caricature, NPG; repro. in *VF* (19 Nov 1913)

Wealth at Death

£93,309 14s. 1d.: probate, 21 Feb 1935, *CGPLA Eng. & Wales*

£92,838 15s. 5d.: probate, further grant, 13 May 1935, *CGPLA Eng. & Wales*

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