

# LAWYERS

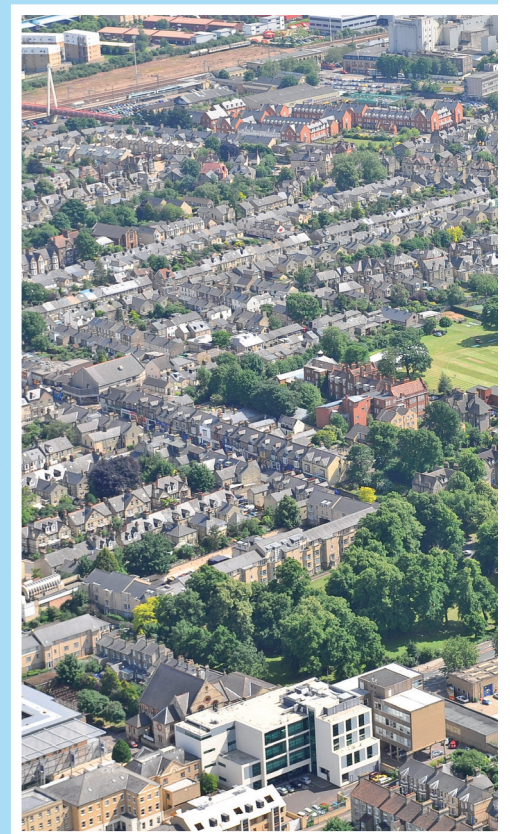
Which lawyers have played first class cricket?

Daniel Lightman investigates

There is a long tradition of lawyer-cricketers. Perhaps the first was William Byrd (1674–1744). Born in Virginia, where his father was an early settler from England, he was sent to English public school and went on to be called to the Bar and join the Inner Temple. In 1704, on his father's death, Byrd returned to Virginia to take over his family's estates, and is said to have introduced cricket there. Between 1709 and 1712 William Byrd kept a secret diary, the entry for 25 April 1709 recording: "I rose at 6 o'clock and read a chapter in Hebrew. About 10 o'clock Dr Blair, and Major and Captain Harrison came to see us. After I had given them a glass of sack we played cricket. I ate boiled beef for my dinner. Then we played at shooting with arrows and went to cricket again till dark."

#### Lawyers not making the mark

Some distinguished cricketers—such as the Ashes winning captains Douglas Jardine, who qualified as a solicitor, and Sir Pelham Warner, who was called to the Bar—did not practise as lawyers. A number of eminent lawyers did not make their mark in first class cricket. Sam Silkin, later a QC and Attorney-General between 1974 and 1979, played two first class matches, one for Cambridge, the other for Glamorgan, in 1938, but only



scored a grand total of four runs in three first-class innings. The culmination of the distinguished legal career of Sir Archibald Levin Smith (1839–1901) was his appointment as Master of the Rolls the year before his death. His cricketing career was far more modest: two matches for the MCC in the early 1860s, which yielded just 16 runs in four innings.

Some, indeed, experienced embarrassment on the cricket field. J W—later Lord Justice—Chitty (1828–1899) was involved in an amusing incident during the 1849 'Varsity match. "It was in that match that King and the Oxford

# AT LONG ON



Aerial photograph of Fenner's Cricket Ground

wicket-keeper, Joe Chitty, came into collision over a very short run”, the Cambridge player W S Deacon later recalled. “I can distinctly remember the momentary hush and then the roar of laughter when it was seen that Chitty had lost his wig, and was sitting on the ground with the sun shining on his absolutely bald head. It was a very funny sight.”

#### Excelling in both worlds

A few individuals, however, have managed to excel in both worlds. Until relatively recently, gifted amateur cricketers could pick and

choose the matches in which they played and it was possible to dabble in the law.

Sir Richard Garth (1820–1903), Oxford captain in 1840 and 1841, was Chief Justice of Bengal between 1875 and 1886.

Thomas Hughes (1822–1896) was in the Oxford XI in 1842, and later a QC and county court judge. He is best known today, however, as the author of *Tom Brown's School Days*.

Allan Gibson Steel (1858–1914), who was considered to be the greatest all-rounder of his day after WG Grace, captained England in three of his 13 Tests. He later

became a KC and Recorder of Oldham.

Charles Townsend (1876–1958) was a cricketing prodigy, first playing for Gloucestershire at the tender age of 16, and taking a record 94 wickets in the month of August two years later. He played Test cricket against Australia, and later became Official Receiver at Stockton-on-Tees.

J R Mason (1874–1958) was a fine all-rounder who played five Tests for England and (with considerably more success) for Kent, ending up (though an amateur) with more than 17,000 runs and almost 850 wickets in his career. Kent captain between 1898 and 1903, *Wisden* commented that he “would doubtless have continued to lead the side for far longer had not the calls of his profession as a solicitor compelled his resignation.”

After captaining Western Province, and leading South Africa on its tour of England in 1901, Sir Murray Bissett (1876–1931) became Chief Justice of Rhodesia. M D (“Dar”) Lyon (1898–1964) was an excellent wicket-keeper batsman for Somerset—he was described in his obituary in *Wisden* as being “considered by many to be among the best batsmen who never gained a cap for England”—and later became Chief Justice in the Seychelles.

Long after his cricket career had ended, Learie (later Lord) Constantine (1901–1971), the greatest West Indian all-rounder before Sir Gary Sobers, was called to the Bar. At the age of 62 he joined the chambers of Sir Dingle Foot QC at 2 Paper Buildings where, according to Foot,



Lightman: a long tradition

he managed “to achieve a respectable junior practice”.

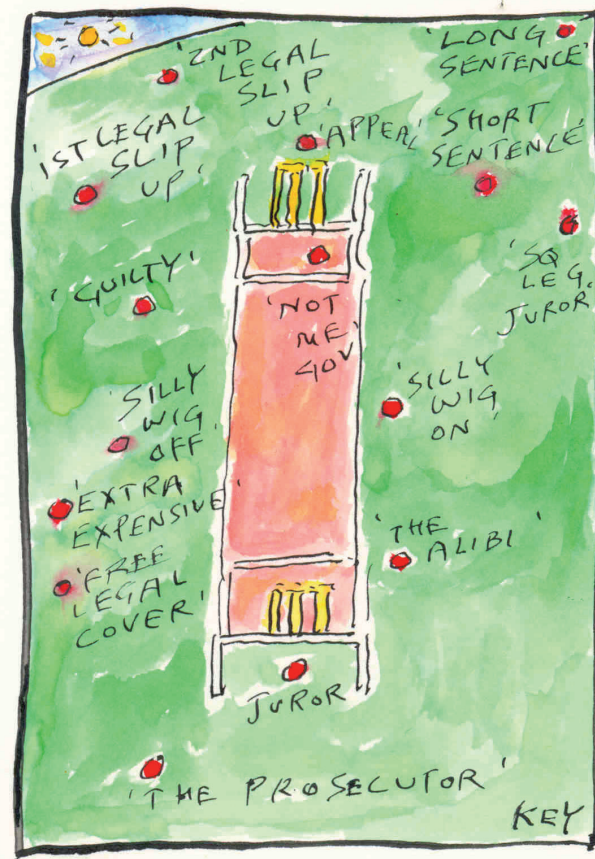
Before being appointed as a Circuit Judge in 1972, Bill Sime (1909–1983) was a robust captain of Nottinghamshire. He was an attacking middle-order batsman with a highest score of 176 not out.

Fast bowler William Hugh Griffiths was a Cambridge Blue for three years (1946–48) and played a number of matches for Glamorgan, including when it won the County Championship for the first time in 1948. He is one of the few bowlers who hit Denis Compton in the face, causing him to retire hurt. In 38 first-class matches Griffiths ended up with 102 first-class wickets, almost half of them bowled, with best figures of 6-129 against Lancashire in 1946. Griffiths did not pursue a cricketing career, instead commencing one of the most distinguished of legal careers, becoming a QC in 1961, a High Court Judge in 1971 and a Law Lord in 1985.

Between 1949 and 1951 the future High Court Judge Sir Oliver Popplewell won three Blues as a wicket-keeper. “When I look back on my three years in the Cambridge side”, Popplewell self-deprecatingly recalled in his autobiography *Benchmark: Life, Laughter and the Law*, “I reflect on how lucky and privileged I was to be part of such distinguished sides and to have had the opportunity to play against all the heroes of the day. As a modest club cricketer myself, I was indeed fortunate to share and be part of some high-class cricket, which gave such pleasure to the public and amusement to the players.”

#### A moment of glory

Other distinguished lawyers had their moment of glory on the cricket field. Viscount Monckton of Brenchley (1891–1965), a wicket-keeper batsman, was unlucky to play only one first class match, for a Combined Oxford and Cambridge University side in 1911, in which he scored 72 (once out) and kept wicket well. A leading barrister and politician,



he was Attorney-General to the Duchy of Cornwall at the time of the Abdication Crisis in 1936.

JKE Slack, who scored 135 on his debut for Cambridge University in 1954, 23 years later became the first solicitor to be appointed a Circuit Judge. South African-born fast bowler Bruce Brodie, playing for Cambridge University against the South African touring team of 1960 dismissed five of the tourists’ first six batsmen for just 18 runs: the 1961 *Wisden* commented that the visiting South African touring team “were given a fright by Brodie, one of their countrymen who bowled with life and accuracy”. Brodie later became chairman of the solicitors’ firm Frere Cholmeley, and is now a barrister, mediator and arbitrator.

#### Gems of information

Those interested in learning more about lawyer-cricketers should consult two books. In his dry tome *South Africa’s Cricketing Lawyers*, Heinrich Schulze states that he has “identified positively” 32 South African international cricketers as lawyers, including “three magis-

trates, one master of the Supreme Court, one law lecturer, seven advocates (three of whom were elevated to the Bench, while a fourth one held an acting appointment), and 20 attorneys.”

The second book is far more colourful, if perhaps less reliable factually. Privately published in 1958, *Cricketers and the Law* was written by the solicitor and renowned cricket-book collector Joseph W Goldman (1893–1978). According to the *Wisden Book of Cricket Memorabilia*, “Goldman’s treasure house was long recognised as the finest private cricket library that existed ...”

Goldman’s prodigious research yielded a number of gems of information. For example, *Cricketers and the Law* notes that J P Murphy KC (who died in 1907) “was a member of Surrey for many years and a great follower of the game; weighed 20 stone and was one of the fattest barristers ever; was allowed the privilege of always addressing the Court seated”; whilst F L Popham, who played for Oxford in 1829, “was the only known Barrister to win the Derby, which he did with ‘Wild Dayrell’ in 1855”.

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#### A vanishing breed?

Unfortunately, the lawyer-cricketer appears to be a vanishing breed. There is little room for the dilettante amateur in either the cricketing or legal worlds. At the time of his retirement, in 2004, the Somerset batsman Peter Bowler was county cricket’s only qualified solicitor. Some hope for the future, however, comes from the current Sri Lankan captain, Kumar Sangakkara, who is a law student at the Sri Lanka Law College. ❖

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