

LAW AND MANNERS

THE RIGHT HONOURABLE LORD JUSTICE FLETCHER MOULTON

An impromptu speech made by Lord Moulton at the Authors' Club in London, c 1919. He foretells of "the tendency to make laws to regulate everything" and of the tyranny of "yielding to the lust of governing".

The Right Honourable Sir John Fletcher Moulton (1844-1921) was a distinguished jurist and Minister for Munitions in Lloyd George's War Cabinet. He was the greatest patent lawyer of his day. Lord Haldane, in his *Autobiography* said of him (p 258):

"In apprehension Lord Moulton had perhaps the most rapid intelligence with which I ever came in contact. He was too impulsive to possess the judicial temperament at its

highest level, but his was an extraordinary mind. When the German Emperor came to Queen Anne's Gate on the occasion of the luncheon party which I have already recorded, Moulton was there. After talking to him, the Emperor said to me, 'But what is this man? You say he is a judge, but he seems to know everything'."

At age 61 he was appointed in 1906 to the Court of Appeal and six years later, on 1 October 1912, to the Privy Council. The following article appeared in *The Atlantic Monthly* in July 1924. The then Lord Chancellor referred to in the Editor's introduction was Lord Birkenhead (F E Smith KC).

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by

THE RIGHT HONORABLE LORD MOULTON

[A word of explanation seems desirable in regard to the form and the authorship of this paper. It is the verbatim record, by an accurate reporter, of an impromptu speech made by Lord Moulton at the Authors' Club in London some years before his death. Because of its pertinent interest for present-day Americans, we count ourselves fortunate to be able to print it in the Atlantic at this time.]

John Fletcher Moulton, first Baron, Minister of Munitions for Great Britain at the outbreak of the war, a noted Judge, a great Parliamentarian and administrator, may be fittingly introduced to Atlantic readers in the words of the Lord Chancellor before the House of Lords at the time of Lord Moulton's death in 1921:

"I choose my words carefully when I say that I greatly doubt whether it would have been possible for the war to have been brought to a successful conclusion when it was, but for the part Lord Moulton took in it. I hope the country will not soon forget the extraordinary work of this most remarkable man, whose memory his colleagues will long cherish." : Ed.]

In order to explain this extraordinary title I must ask you to follow me in examining the three great domains of Human Action. First comes the domain of Positive Law, where our actions are prescribed by laws binding upon us which must be obeyed. Next comes the domain