

OBITUARY NOTICES.

The Hon. Lord Constable, M.A., LL.D.

By the widely lamented death, on 4th November 1928, of the Honourable Lord Constable, this Society has lost a valued member, Scottish law a distinguished judge, and Edinburgh an outstanding public-spirited citizen.

For Andrew Henderson Briggs Constable, though he hailed from Fife—being a younger son of Mr Briggs Constable of Benarty—belonged to Edinburgh, where his whole active life was centred. His early education was received at Dollar Academy, which can claim him as one of its highly distinguished pupils; but thenceforward he was an Edinburgh man.

After a brilliant career at Edinburgh University, which covered not only scholarship but the whole field of student life, he was called to the Bar. He quickly caught the ear of the Court, and gained the confidence of the profession. Many of his contemporary brethren will recall the admiration, and perhaps the envy—wholly generous, let it be said—with which they regarded his early success. Thoroughly deserved it was, and we all knew it. If a relevant and logical mind, clear thinking and clear expression, level-headed judgment, when allied to a high sense of duty, and the capacity for taking pains—if these be the chief equipments for professional distinction, he not only deserved but commanded success.

On taking silk he quickly became a recognised leader at the Bar, and after holding for a few years the office of Sheriff-Principal, he attained the highest honour which any Scots advocate can gain—election as Dean of Faculty by the unanimous choice of his brethren. As has been justly said, he proved himself “an ideal Dean.” He resigned the Deanship on appointment as Solicitor-General for Scotland, but shortly thereafter was raised to the Bench, for all too short a period.

Others have already written and testified to his many and wide interests; of his loyalty to his Church, his King, and his Country; his service to his University, and to the public life of this city of ours.

It has often been said of our naval officers that in order to succeed a man must be at once “livable and lovable.” If this be true of the “curbed, cabined, and confined” decks of a battleship, it is no less true of the more

spacious floor of the Parliament House. Advocates are not only professional brethren but professional opponents. But for some high ideal of professional duty and honour life at the Bar would be intolerable. Now Andy Constable (for his immediate generation knew him by no less affectionate name) was the very soul of honour. Paradoxical as it may seem to be, the interest of an opponent was as safe in his hands as that of his own client. He found no difficulty in finding a practical solution to the problem which puzzled Swift, Lord Macaulay, Bentham, Paley, and a host of philosophers who knew not the rules of the game—that it is possible to be at once a great advocate and a great gentleman.

Sarah Battle—who shall live for ever in the gentle pages of Charles Lamb—and who “next to her devotions loved a good game of whist,” craved for her business “a clear fire, a clean hearth, and the rigour of the game.” As Lamb puts it, “she was none of your lukewarm gamesters, your half-and-half players. She loved a thoroughbred partner, a determined enemy. She took, and gave, no concessions. She hated ‘favours.’ She never made a revoke, nor ever passed it over in her adversary. She fought a good fight, cut and thrust. She held not her good sword (her cards) like a dancer; she sat bolt upright; and neither showed you her cards, nor desired to see yours.” The royal game was “her business, her duty, the thing she came into the world to do—and she did it.” The point of which is that with all the “rigour of the game,” we end by loving the old lady.

There is nothing fanciful or inapt in applying this to the greater “game” at the Bar, when in the hands of its big and best men. And of these was our late brother. He too loved the “rigour of the game”; he too held himself “upright” as, indeed, he was. He missed, he gave away no points in attack or defence. But it was all clean, “white” fighting, in accord with the unwritten rules of the game, which are founded on and have their real sanction in a sense of personal and professional honour. And to Andy Constable this came as instinct. No one ever dreamed of “watching” him. I know of no higher tribute to an opponent; of few higher to a friend.

And so it was that he gained and maintained the respect and affection of men. And so it is that we, whose circle of friendships is growing more narrow year by year, mourn the loss of a true gentleman and friend, whom we shall miss indeed, but the charm of whose memory may serve to lighten the road we no longer can travel together.

He was elected a Fellow of the Society in 1925, and served on its Council from 1927 until his death.

C. D. M.