

## B. E. O'Connor

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For a period of a little less than half a century, people saw in the corridors of the Allahabad High Court, a sober and silent Irish Barrister walking with a slow and steady gait that showed neither worry nor anxiety. The big round head hardly looked out-of-proportion on the short but plump body of Mr. B. E. O'Connor. His broad forehead over the keen slim eyes hidden behind a pair of round glasses, indicated the depth of his study and learning and his clipped lips running across the face exhibited a confidence not possessed by many.

After being called to the Bar in 1892, O'Connor joined the Allahabad High Court in 1893, and without waiting long for briefs rose to a position of eminence. With a two-volume Civil Court Manual he would enter the court-room to do the cases prepared entirely by himself. He would watch his cases with an index card in his hand and argue them with notes written concisely on a roll of paper wrapped round a hardboard.

Mr. O'Connor like Sir Rufus Isacs and Sir Marshall Hall was a great advocate of facts. His marshalling of facts was perfect, his presentation thereof effective and arrangement superb. He knew that law was like pure spirit which evaporates unless confined in the bottle of evidence and emits its true aroma and colour only when poured in the glass of hard facts. With his profound knowledge of the basic legal principles and the rudiments of law, he could mould and present the facts with a magnetism that would attract only the favourable propositions of law. It was this rare ability of marshalling the facts that made him the monopolist of the First Appeal work in the High Court.

O'Connor's success did not depend on the colour of his skin or the bulk of his body. He had to compete with the legal giants like Sunder Lal and Moti Lal Nehru, Satish Chandra Banerji and Tej Bahadur Sapru. According to Sir Tej, O'Connor owed his success 'not to any fictitious aid but to his sterling merits, incorruptible honesty and integrity' and what he considered to be a very necessary pre-requisite of a successful advocate, 'independence combined with respect to the bench'.

He was not an orator and his style was conversational. His control over language was so good that he never stood in need of enlarging the volume of his voice in order to make his words more emphatic or his reasoning more appealable. He never proceeded to the next argument till the first one had been properly injected into the mind of the Judge. O'Connor's words spoken slowly with confidence went straight to the ears of the Bench and his balanced voice could not be missed by the Judges who heard his steam-roller arguments. He was a master painter in words and the Judges hearing his running commentary on evidence must have felt that they were looking at a slow-moving picture of the whole case. He could present the case in its panoramic view and thus make it exceedingly effective and impressive. He believed neither in wasting words nor in being miserly about them.

O'Connor acquired the capacity for mathematical analysis, precision and geometrical arrangements from his father who was a well-known statistician of the Government of India. He applied this knowledge of arranging figures to the systematisation of the facts of his case and achieved marvellous results. He believed that the crux of every case lies in the facts on which it is based.

If O'Connor had to give advice to a young lawyer he would certainly have told him: 'know your facts, marshal your facts, project your facts,' instead of giving the traditional advice: 'know your facts, know your law, know your Judge'. In his office-room, O'Connor maintained a surgeon's table on which he performed operations of his briefs. He used to carefully dissect the whole case and then arrange his facts to give them a proper shape. The operations were generally successful and the finished pictures were mostly acceptable to those who heard the appeals. His control over facts was complete and they danced to his tune of law.

O'Connor's strategy of arguments can be illustrated by picking up and analysing any of his cases. In the case of Bishambhar Das vs. Govind Das reported in (1914) XII A. L. J. R. p. 552, O'Connor appeared for the defendant-appellant and opened the case: "The real question in the case is not whether according to the true construction of the Hindu Law and Usage a sea-voyage is permissible to a Hindu, or whether going to or living in foreign lands is an expiable sin. The subordinate judge has gone at great length into a discussion of this matter which is entirely beside the point. The issue does not arise in this suit, which is neither one for reinstatement to caste nor one for damages against the defendant for outcasting the plaintiff. The suit is purely one for damages for defamation by the defendant, the defamation consisting in the publication of the resolution of the Panchayat which was held on 19th January, 1910." He then critically analysed the evidence and built up the structure of his arguments entirely on the basis of facts. He pleaded that on the facts proved by evidence no case for the plaintiff was made out. He cited no text books and relied on no case law.

He was opposed in the appeal by a counsel of no less eminence than Satish Chandra Banerji accompanied by Tej Bahadur Sapru. The respondent's counsel started with the masterly exposition of law and quoted from Odger's 'Libel and Slander,' Spencer Bower's 'Actionable Defamation', Pollock 'on Torts' and Wrethheimer's 'Law relating to Clubs' and cited in support of his arguments five English authorities and six Indian decisions. The whole argument was on a high legal plane and was studded with maxims and canons of law.

O'Connor in his reply, again emphasised the pleadings and facts as established by evidence in the case. But in order to give his arguments a colour of legality or out of sheer respect for the arguments of his great opponents he touched a few authorities.

Tudball, J., however, in the judgment of the court did not refer to any of the text books or authorities cited at the Bar. The Court accepted the case on facts as put by O'Connor and the propositions of law automatically flowed in favour of the appellant's case. The appeal was allowed with a remark that the suit was misconceived and as put by O'Connor, the issue whether a sea-voyage was permissible under the Hindu Law or living in foreign lands was an expiable sin did not arise in the case.

O'Connor was the most skilled brick-layer of his age. He worked with the bricks of legal evidence and used law only as mortar. He placed brick over brick till the whole structure came up. He knew that- no house can be constructed with mortar alone and his phrase that 'a single brick cannot make a building' was too well known. As an architect he collected all his materials, made a plan of the whole structure and then went forward with the work up to its completion, using as little mortar as possible.

O'Connor ranked amongst the topmost advocates that this Bar has produced in its hundred years' life. He was the last of the galaxy of British barristers who played a leading part in the development of the free institution of the Bar on which has always rested the responsibility of maintaining the Rule of Law. He had helped in bringing to our judicial system not only the British concept of unbiased justice, but also the British traditions of fearless advocacy. He did his best to infuse in the Bar of Allahabad, a feeling of independence and a firm belief in the power and supremacy of Law. It was also his constant endeavour to maintain and develop among the Indian members of the legal profession a sense of equality with the white people who ruled the country. By his action and behaviour, he annihilated all distinctions of class and colour and lived as a common member of the profession which knows no discrimination.

Speaking of O'Connor as an advocate, Sir Tej Bahadur Sapru said: "I have never known an opponent more fair and more courteous than O'Connor, nor a colleague more loyal and more helpful than he . . . . . His advocacy was of an unusual kind. He knew the ins and outs of his briefs, as very few people attempted to know. His arguments on facts particularly were most impressive. His judgment on questions of law was also sound. "

What O'Connor said about the advocacy of Sir Charles Ross Alston can with equal, if not greater, propriety be said about O'Connor himself. "The outstanding feature of his advocacy was an absolute fearlessness combined with a power of expression which rendered clear the most intricate matters that he might have to deal with. With this he combined singularly his high standard of professional honour and integrity and no one through all the years that he appeared at the Bar can say that he deviated by a hair's breadth from the rules of the strictest professional propriety." This man with untarnished integrity never gave an opportunity to any client to complain that O'Connor had failed him. As a matter of principle he argued all his cases himself and that too never without a thorough preparation.

He was an intrepid advocate, who was never ruffled or excited, but always maintained his calm. 'No matter how keen the contest' said Justice Sir John Thorn, 'no matter how strenuous the fight, he never at any time exhibited rancour or ill-feeling; and in the end of the day he maintained undiminished the respect and affection of all who knew him.'

O'Connor would have been shocked to sit in a supersonic jet plane darting with tremendous speed. He never liked to rush or go fast. Whether it was a court-corridor in which he walked or a court-room in which he argued or it was a road leading to the High Court, on which his contemporaries were speeding in their cars, he never went with high speed. He never argued fast, never walked fast and never used a fast vehicle but always rode his singlehomed brougham which kept a steady pace.

He was a man of unassuming habits. He believed that the acts of kindness should never see the light of day and that good be a ways done by stealth. His heart was full of 'the milk of human kindness' and he was incapable of anything suggestive of meanness. The best compliment which he would have liked to get was a recognition of the fact that he was a 'true gentleman'. And O'Connor amply deserved the compliment.

O'Connor lived a secluded life - a life without friends and foes, a life away from the hustle and bustle of society. He was devoted to the cause of his client and perfection in work was his only motto. He had few visitors and himself rarely visited any friends and made no exception in the case of his white colleagues. It is difficult to discover the cause of his social shyness; may be, it was his devotion to work or the psychological make-up of his mind. His interest was confined to the characters in his briefs and did not extend to the people around him. Probably he considered discussions of things other than professional briefs, nothing better than conversation about weather, just a waste.

O'Connor in the evening of his life preferred not to keep a kitchen but dined in a hotel or at a friend's place. But there were neither too many hotels nor too many friends to necessitate a change. He needed a companion at the table but got none at his own. He lived a life confined to himself and nobody could know if he was internally happy or not.

His drawing room which was rarely visited by his colleagues and Judges contained heavy wooden furniture to match his own form. There were also some pieces of curios showing his remote interest in art and antiquity. On the walls were hung a number of pictures, some of which were of landscapes and others contained portraits of persons who were not always decoratively, classically or sufficiently attired. The entire furnishing and the get-up of the house presented a general impression that it was the home of a person who believed in a life of labour, a life of contentment and a life of seclusion.

19, Thornhill Road was not a noisy place. The master lived alone in the house as he had no wife, but it did not have the silence of solitude. Birds, pretty and musical, throbbled the space with their exhilarating songs and charming presence. He loved chirping and dancing of birds and enjoyed their melody. In the backyard of his bungalow there were cages for coloured pigeons, speaking parrots, love-birds and robin redbreasts. In the spare time that he got, O'Connor sat down in his flowery green to enjoy their company

and frolicked with smart flamingoes strutting around on their long legs with swinging necks and scarlet feathers.

After having lived for about 69 years a life of hard work, he passed away quietly on July 21, 1937, leaving behind him, for the generations to come, the memory of a glowing professional tradition, hard labour, fearless advocacy and unimpeachable integrity. He died with animosity towards none and charity towards all.