

Chapter 1

A Proposition

“Bingham,” a gravelly voice emerged from behind the red velvet curtain.

James Bingham twisted in surprise toward the curtain at his back, rendering his wig askew. He hastily adjusted it to restore lawyerly decorum.

“Bingham,” the voice rasped with guttural urgency.

“What?” James leaned closer to the curtain and smelled alcohol.

“Bingham, you’re up against Shepherd’s Pie,” the rum-rancid breath exhaled.

For some reason, judges called Samuel Rye, his foil in the case, Shepherd’s Pie. James did not know whether he had a nickname.

Gravel-voice continued, “When Shepherd’s Pie begins again, say this.”

A wrinkly hand splotched with liver spots thrust a scrap of foolscap between the curtain panels. Someone belched behind the velvet, provoking school-boy snickering.

James took and read the scribbled note. It addressed the case that he and Rye were arguing, but it contained legal terms, Latin words, and assertions of law foreign to him. This experience was not unusual; he was still relatively new to the Bar. However, he would usually define unfamiliar words, decipher unknown concepts, and dissect unusual claims by candlelight in chambers be-

fore uttering them in court. And the first session had already gone badly. The judge had hammered him and Rye with questions, exposing that neither barrister was up to snuff. James knew that his lawyering was suffering. Because of Emma.

“May I ask who you are?” James was becoming unsettled.

“Boy,” came the indignant response. “Read it and watch that bugger get ripped.”

The voice trailed off, taking the reek of rum with it.

James was not fond of Shepherd’s Pie either. But reading a note he did not understand before an already peeved judge on the orders of a tipsy voice behind a curtain hardly seemed worthy of his responsibilities as a lawyer. James tried to treat courts as cathedrals and law as scripture. He bent his knee to the juridical hierarchy, liturgy, clergy, and canon that brought society order and his life stability. But too often judges and lawyers—mostly of privileged birth—behaved as if courts were playthings.

As James fretted about the note, Cranford Pennington, the senior barrister in his chambers, walked up. Looking imperious as always, Pennington straightened to his full, intimidating height as if preparing to pontificate. Instead, he saw the paper in James’s hand, plucked it, skimmed it, curled a wicked prefect’s smile, and, in that Pennington baritone, said, “Read it, as instructed.”

This command made a confusing situation more disconcerting. It was gospel among barristers in London not to cross Cranford Pennington, who combined an impeccable lineage with one of the sharpest legal minds in the realm. He was in no position to defy Pennington, even over an incomprehensible note written by inebriated jurists. James was not finding enough clients and cases on his own. He survived on “table scraps” that other barris-

ters in chambers were too busy to handle or considered too boring to bother with. Whispers and rumours about him served as warnings about his prospects in chambers commanded by Cranford Pennington.

As Samuel Rye resumed his argument, James begged the judge's permission to intervene. His Honour's eyes twinkled, and the judge granted him leave to speak. James read the note, pausing where the rhythm of the rhetoric invited some reason in the words.

When James finished, the judge said, "Mr. Rye, this seems fatal to your plea. What is your response?"

Samuel Rye swivelled a panicked gaze between the judge and James. He had no more idea than James what the note meant. Rye's bewilderment confirmed to James that he was a pawn in a prank to burn some Shepherd's Pie.

The session did not go well for Rye, who dug himself deeper into trouble the more he pretended to know what he was saying. Despite the humiliation, the judge did not dismiss the plea. He eventually halted the proceedings and scheduled more arguments for Tuesday next, with the admonition that Rye be better prepared. The judge nodded his ancient, wigged head at James, then flashed a wink. Rye hissed, "Boot-licking bastard," as he hurried past James in leaving.

Upon exiting the courtroom, James heard the Pennington baritone again, "Bingham, with me." Pennington indicated the direction with his walking stick.

Burdened by carrying a stack of beribboned briefs, James trailed behind Pennington's lanky strides. He entered the chambers of Judge Oliver Norton shortly after Pennington. The judge was conversing with a man James did not recognise. James had

not appeared before Judge Norton, who had a reputation for being ferocious in the courtroom and generous at the public house.

"Bingham, sit," Pennington pointed at a worn, upholstered chair.

Judge Norton manoeuvred to face James, leaned his abundant backside on his desk, lowered his ample double chin onto his chest, and grimaced.

"James Bingham."

"Yes, Your Honour," replied James.

"Your parents?" enquired the judge.

"Deceased." James thought the question very odd.

"Your wife, she is gone," Norton asserted without feeling.

"No," James tried not to betray emotion. "She is ... she was my fiancée, not my wife."

"Even so," Norton continued, "your woman is dead."

Four words of scouring clarity. James looked at the floor.

It had rained during Emma's sparsely attended funeral and when he had trudged back to the churchyard a week later. He had courted her, but on returning to the grave, he struggled to understand what had passed between them. He had acquaintances for whom courtship and marriage were transformational because love germinated, status elevated, or wealth flowed. Staring at the wet headstone again, James sensed his relationship with Emma had been more transactional.

Shortly before their engagement, he had been grooming his horse, Bones, after riding to Emma's village one glorious fall morning. He talked softly to the horse as he brushed its blackness toward an obsidian sheen. When finished, he fed it a small, tart apple and touched his forehead to its forelock.

He did not know she had been watching until she spoke, "You treat your property well."

She walked away without looking back, her auburn hair swaying across her shoulders. What she meant, or what she was feeling at other peculiar moments in their courtship, he had never asked.

He missed her soft laugh. It had, perhaps, been a promise of possible happiness.

"Bingham," Judge Norton's voice forced James to lift his eyes. "We have a proposition."

"A proposition and a duty," added Pennington.

"A duty arising from empire," said the man James did not know.

"And an empire in need of law and justice," Norton layered on.

Pennington sensed that the barrage disoriented James. Failures to persuade other lawyers to accept the proposition and the duty had not produced a more effective way to present the matter.

"James," Pennington unusually deployed Bingham's Christian name. "The Foreign Office has approached Judge Norton and heads of chambers to find a young lawyer to become a law clerk in Her Majesty's Service. I don't believe you know William Willett, of the Foreign Office."

Willett nodded at James and explained, "Edmund Hornby, chief judge of the British Supreme Consular Court at Constantinople, needs a junior law clerk. Under the Foreign Jurisdiction Act, this court has authority within Ottoman dominions. Judge Hornby requires more help in his efforts to reform how Her Majesty's Government handles legal issues in those lands."

James now realised that Judge Norton's questions had established that he had no family to keep him in London. But a British court in the Ottoman empire? His irregular perusal of *The Times* produced some awareness of Britain's foreign endeavours, but he knew little, if anything, about law beyond the sceptred isle. More intellectually restless young lawyers took up international law. He struggled sufficiently with English law applied in England.

"I'm a barrister not a clerk." James tried a positive way to say he was not qualified.

Pennington sensed that James had never heard of the judge, the court, the act, or maybe even Constantinople. The boy was not the cleverest junior barrister in chambers, but like a draught horse, he pulled and plodded with tolerable results. For Pennington, such commonplace competence was fungible, when the price was right.

"James," Pennington interjected. "The post of law clerk in Her Majesty's Service is different than being a clerk in chambers—and certainly more adventurous."

This explanation, even leavened with enticement, did not answer James's questions. Despite the shame he felt about his ignorance, he spoke up, "Why do we have a court at Constantinople?"

Willett responded, "We have a treaty with the Sublime Porte."

"With the what?" James remained lost.

"With the Ottoman government," Pennington answered, "which diplomats often refer to as the 'Sublime Porte' after the fancy gate that gives access to Ottoman government offices."

James still did not understand. "The Foreign Jurisdiction Act is a treaty with the Ottoman empire that created a court at Constantinople?"

"No. Parliament passed the act in the 1840s to guide Her Majesty's Government in the exercise of the extraterritorial jurisdiction that our treaty with the Ottoman government grants," Judge Norton used his tutorial voice. "Her Majesty established the court a year and some months ago."

Agitated, Willett stood up. Finding a clerk for Hornby had already taken too long. He wanted these ignorant questions to end, and the matter concluded. "As a barrister, you have what this post requires—an understanding of the law and the ability to apply it."

Pennington noted the irritation in Willett's voice and posture. Pennington needed the Foreign Office's help with the commercial ventures a growing number of his clients had—or desired to have—in the Ottoman empire. Obtaining that help was more important than Bingham's place in chambers. He deployed his deepest voice to send a clear message, "Bingham, take this post. It would be best for you."

James went cold with the threat. But he grasped that calling Pennington's bluff courted professional ruin, and that capitulating meant professional exile.

To indicate that more significant business awaited, Pennington retrieved his pocket watch, pretended to gauge the time, and deposited it back into his waistcoat. Then he ordered more than asked, "Could you have an answer by the morning?"

James saw no way out. Pennington held the power. *Read it, as instructed.* Pennington had exploited his misfortunes. *Your*

woman is dead. Pennington had the leverage. *Take this post.* He did not need until morning to choose when he had no choice.

"Tomorrow, I would like to be bound for Constantinople." James attempted to appear decisive in defeat.

"That's done," Pennington said more to himself than anyone else. "The Foreign Office will communicate with you through chambers. William, may we speak about other matters?"

Willett made it clear that James would not be departing tomorrow, but he promised that the Foreign Office would brief him and arrange passage thereafter.

The departure of Pennington and Willett left James with Judge Norton, who stared blankly at James before breaking the uncomfortable silence. "Well, that turned unpleasant. It would have been better for Queen and country had you accepted the proposition that empires need justice. As it is, you will perhaps depart with a bad taste in your mouth."

"Perhaps?" James asked more with sadness than sarcasm.

The judge held up an admonishing hand. "In the East, selfish pathos will not serve you well. Look at me, boy; don't stare at the floor again. You will see injustices done by Christians and Muslims. You will see men with power by blood or capital behave as if the law is a trifle. How you respond will be a measure not just of yourself, as a man, but of our civilisation."

Making his way home that evening, James shivered with Bones in the bitter, late December cold. He could not fathom what had just happened to him. Emma's death took a wife from him, but as people assured him, he would find another woman to wed. Her passing altered nothing else in his life. Pennington had threatened his place in chambers and his career in England—things he had fought poverty and prejudice to have. He

had no idea what burdens parliamentary acts, treaties, courts, and judges would pile on him in a faraway land. He did not know why a British court had to provide the Ottoman empire with justice. His export seemed expedient for the Foreign Office and Cranford Pennington, whatever the status of law in British foreign affairs. The appeal to “our civilisation” made no more sense than the note he had read against *Shepherd’s Pie*. How could he be disposable as a lawyer in England but duty-bound to serve justice in empire?