men dealt with other chapters of the law in the systematic form of the Anglo-Indian codes; and a digest of the law of partner­ship by Sir Frederick Pollock, and one of the law of negotiable instruments by Sir Μ. D. Chalmers, who some time afterwards filled the post of legal member of council in India, became the foundation of the Bills of Exchange Act of 1882 and the Partner­ship Act of 1890. Lord Herschell passed a Sale of Goods Act on similar lines, also drafted by Chalmers, in 1893; and a Marine Insurance Act, prepared in like manner in 1894, finally became law in 1906. Nothing really stands in the way of a practically complete code of maritime and commercial law for the United Kingdom but the difficulty of finding time in the House of Commons for non-contentious legislation; and whenever this is achieved, the result will in substance be largely due to Sir James Stephen’s efforts. Meanwhile, in addition to his other occupations, Stephen was an active member of the Metaphysical Society (see Knowles), and he carried on an intimate corre­spondence with Lord Lytton, then viceroy of India, during the critical period of the second Afghan War. In connexion with the Metaphysical Society, and otherwise, Fitzjames Stephen took an active interest in many topics of current controversy. This led him to produce a great number of occasional articles, of which a list may be found at the end of Sir Leslie Stephen’s *Life.* The matters dealt with covered a wide field, from modem history and politics, with a predilection for India, to philosophy, but the prevailing mood was theologico-political. All these writings were forcible expositions of serious and thoroughly definite views, and therefore effective at the time and valuable even to those who least agreed with them. As to the philosophical part of them, the grounds of discussion were shifting then, and have continued to shift rapidly. Much of Stephen’s vigorous polemic has already incurred the natural fate of becoming as obsolete as the arguments against which it was directed. Pure metaphysical speculation, as an intellectual exercise, had little attraction for him; and, though he was fully capable of impartial historical criticism, he seldom applied it outside the history of law.

In 1877 Stephen was made a Knight Commander of the Star of India, and in 1878 he received the honorary degree of D.C.L. at Oxford. Early in 1879 he was appointed judge of the queen’s bench division. He held that office a little more than eleven years. The combination of mature intellectual patience and critical subtlety which marked the great masters of the common law was not his, and it cannot be said that he made any con­siderable addition to the substance of legal ideas. His mind was framed for legislation rather than for systematic interpreta­tion and development. Therefore he can hardly be called a great judge; but he was a thoroughly just and efficient one; and if none of his judgments became landmarks of the law, very few of them were wrong. Especially in criminal jurisdiction, he was invariably anxious that moral as well as legal justice should be done. He found time, in 1885, to produce a book on the trial of Nuncomar, for the purpose of rehabilitating Sir Elijah Impey’s memory against the attack made on him in Macaulay’s essay on Warren Hastings, which for most English readers is the first and last source of information on the whole matter. Mr G. W. Forrest’s later research in the archives of the government of India had tended to confirm the judicial protest, at any rate as regards Macaulay’s grosser charges.

The one thing of which Stephen was least capable—among other things possible to a good man and a good citizen—was sparing himself. He had one or two warnings which a less energetic man would have taken more seriously. In the spring of 1891 his health broke down, the chief symptom being sudden lapses of memory of which he was himself quite unconscious. In obedience to medical advice he resigned his judgeship in April, and was created a baronet. He lived in retirement till his death on the 11th of March 1894, having filled a not very long life with a surprising amount of work, of which a large proportion was of permanent value. Perhaps the most individual part of Stephen’s character was his absolute sincerity. He would not allow himself even innocent dissimulation; and this gave to those who knew him but slightly an impression of hardness which was entirely contrary to his real nature. Sir James Stephen married Mary Richenda Cunningham in 1855. On his death his eldest son, Herbert, succeeded to the baronetcy. A second son of brilliant literary promise, James Kenneth Stephen (1859-1892), died in his father’s lifetime: his principal literary achievements consisted in two small volumes of verse— *Lapsus calami* and *Quo Musa tendis,* the former of which went through five editions in a very short time. The third son, Mr H. L. Stephen, was appointed in 1901 judge of the High Court of Calcutta.

See Sir Leslie Stephen, *Life of Sir James Fitzjames Stephen* (London, 1895), with bibliographical appendix, a model Biography; same author’s article in the *Dict. Nat. Biog. ; Letters with biographical Notes,* by his daughter, Caroline Emelia Stephen (1907). See also Sir C. P. Ilbert, “ Sir James Stephen as a Legislator,” *Law Quart. Rev. x. 222.* (F. Po.)

**STEPHEN, SIR LESLIE** (1832-1904), English biographer and literary critic, grandson of James Stephen (1758-1832), master in chancery, a friend of Wilberforce, and author of a book called *Slavery Delineated,* and son of Sir James Stephen (1789-1859), colonial under-secretary for many years, and author of *Essays on Ecclesiastical Biography,* was bom at Ken­sington Gore on the 28th of November 1832. At his father’s house he saw a good deal of the Abolitionists and other members of the Clapham sect, and the Macaulays, James Spedding, Sir Henry Taylor and Nassau Senior were intimate friends of his family. After education at Eton, King’s College, London, and Trinity Hall, Cambridge, where he graduated B.A. (20th wrangler) 1854, Μ. A. 1857, Stephen remained for several years a fellow and tutor of his college. He has recounted the experi­ences of a resident fellow at that period in a delightful chapter in his *Life of Fawcett* as well as in some less formal *Sketches from Cambridge*: *By a Don* (1865). These sketches were reprinted from the *Pall Mall Gazette,* to the proprietor of which, George Smith, he had been introduced by his brother (Sir) James Fitzjames Stephen. It was at Smith’s house at Hampstead that Stephen met his first wife, Harriet Marion (d. 1875), daughter of W. Μ. Thackeray; after her death he married Julia Prinsep, widow of Herbert Duckworth. While still a fellow he had taken holy orders, which he relinquished in March 1875 upon the passing of the Clerical Disabilities Act. In the meantime (after a visit to America, where he formed lasting friendships with Lowell and Eliot Norton) he settled in London, and wrote largely, not only for the *Pall Mall Gazette* and the *Saturday Review,* but also for *Fraser, Macmillan,* the *Fortnightly* and other periodicals. He was already known as an ardent moun­taineer, as a contributor to *Peaks, Passes and Glaciers* (1862), and as one of the earliest presidents of the Alpine Club, when in 1871, as a vindication in some sort of the mountaineering mania, and as a commemoration of his own first ascents of the Schreck- horn and Rothhom, he published his fascinating *Playground of Europe* (republished with additions, 1894). In the same year he was appointed editor of the *Cornhill Magazine,* the reputation of which he maintained by enlisting R. L. Stevenson, Thomas Hardy, W. E. Norris, Henry James and James Payn among his contributors. During the eleven years of his editorship, in addition to three sharp and penetrating volumes of critical studies, reprinted mainly from the *Cornhill* under the title of *Hours in a Library* (1874, 1876 and 1879), and some *Essays on Freethinking and Plain Speaking* (1873 and 1897, with intro­ductory essays by J. Bryce and H. Paul), which included the very striking "A Bad Five Minutes in the Alps ” (reprinted from *Fraser* and the *Fortnightly* in 1873), he made two valuable contributions to philosophical history and theory, *The History of English Thought in the Eighteenth Century* (1876 and 1881) and *The Science of Ethics* (1882); the second of these was extensively adopted as a textbook on the subject. The first was generally recognized as an important addition to philosophical literature, and led immediately to Stephen’s election at the Athenaeum Club in 1877. In 1879 he set on foot a Sunday Walking Club, which contained well-known names, among them Sir F. Pollock, F. W. Maitland, Croom Robertson and Cotter Morison.