

the heritage series

On the Bench:

The Johnsons & the Johnstons

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judicial office in the 19th or 20th century may be entitled to the coat of arms incorporated in the main staircase window of the King's Inns Library (a copy of which is reproduced on the front page by kind permission of the Benchers of the King's Inns) but no such claim could be made on behalf of Mr. Justice William J. Johnston. The inclusion of the letter 't' may appear to be a mere typographical preference but that is not so. Unquestionably the name 'Johnson' originates from the combination of the words 'John' and 'Son'. The name 'Johnston' originally identified families who lived in 'Johnstown' a town in Dumfriesshire which in turn derived its name from a Norman landowner. Whilst the two names have overlapped at different times and different occasions, they have undoubtedly a different origin which the original authors of this publication overlooked.

Mr. Justice William J. Johnston was a much respected judge.

who served primarily in the Chancery Division sitting in Court Six. In all there were six judges appointed to the High Court in June 1924. He retired in 1940. He will be remembered, no doubt, as the father of Dennis Johnston and grandfather of Jennifer Johnston. Dennis was called to the Bar and he too practiced on the Chancery side. He acted for a time as Court Counsel. However, theatre beckoned. He wrote a succession of successful plays including *'The Old Lady Says "No"'*, and *'Moon in the Yellow River'*. His biographical account of World War Two - *'Nine Rivers from Jordan'* - was equally successful. He dined frequently in the King's Inns with his close friend Professor James Meenan. His daughter, the distinguished writer, Jennifer Johnston, also dined in the King's Inns as a guest of the Benchers.

The Heritage Series aims to increase awareness of matters of historical, architectural and cultural interest associated with the courts system in Ireland.



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The Honourable Mr Justice Richard Johnson was appointed a judge of the High Court on the 19th day of January, 1987. Assuredly he was not the first Irish judge to bear that distinguished name. His father had been a judge before him. Judge R.D.F. Johnson was one of an elite band who were appointed or confirmed as judges of the new District Court not by the Government but by the Oireachtas: these founding fathers of the new jurisdiction were appointed by the District Court (Temporary Provisions) Act, 1923 and named individually in the third schedule thereto.

At the present day it is the District Court with which most litigants are likely to be familiar and by which they evaluate the Irish judicial system. A great debt is owed to the first judges appointed to that Court. It was they who satisfied a doubtful public that a system of law enacted in Ireland and administered by judges appointed here could achieve justice tempered with humanity.

Like others of his colleagues on the District Court Bench, Justice Johnson was a man of great culture and an enthusiastic supporter of the theatre. His gifts in this regard were confirmed when the Abbey Theatre accepted his play *The Evidence Which I Shall Give* 'which was performed in the old Queens Theatre. Appropriately enough the play was set in the District Court and, like Somerville & Ross in an earlier age, gives attractive insight to the business of the courts and the characters who find themselves involved there.



An unrelated Johnson J. of the 19th century has received differing reviews. Sir Shane Ross described him as "a respected and dignified judge". When, as a puisne judge, he received a Baronetsy in 1909, Tim Healy referred to him as a "true friend, an upright judge and a perfect gentleman". However Sergeant Sullivan was less flattering in his analysis. He said: "Johnson was a monument of kindness and stupidity. He was universally known as wooden-headed Billy". The humanity of that kindly judge gave rise to numerous problems. In one case where a father was convicted of shooting and injuring his son (admittedly under some

provocation) Mr. Justice Johnson not merely imposed a suspended sentence but, via his crier, sent a donation of £3 to comfort the son. The father was incensed when he learned that instead of being punished his son had been rewarded by the judge. This humane and colourful judge eventually retired in 1909 at the ripe old age of 82.

Mr. Justice Richard Johnson reminds us of other members of the clan who adorned the Irish Bench. Robert Johnson was appointed a justice of the court of Common Pleas in 1801 and his brother was appointed a judge of the same court in 1817. As might be suspected the appointment made in 1801 was not unrelated to the Act of Union which had been

passed the previous year. The pro-government stance adopted by Robert in relation to that legislation was not forgotten. When Robert was forced to resign from the Bench a grateful government paid him an annuity of £12,000 for life and appointed his brother William in his place.

In his beautifully written memoirs *Personal Sketches of His Own Times* Sir Jonah Barrington compares the two brothers in these words:-



(Robert) was a well-read entertaining man, extremely acute, an excellent writer, and a trusty agreeable companion. But there was something tart in his look and address, and he was neither good natured in his manner nor gentlemanly in his appearance, which circumstances, altogether, combined with his public habits to render him extremely unpopular. He did not affect to be a great pleader, but he would have made a first class attorney: he was very superior to his brother William in everything except law and arrogance, in which accomplishments William, when a barrister, certainly was entitled to a pre-eminence which, I believe, none of his contemporaries refused to concede him.

Some or all of the Johnsons who held