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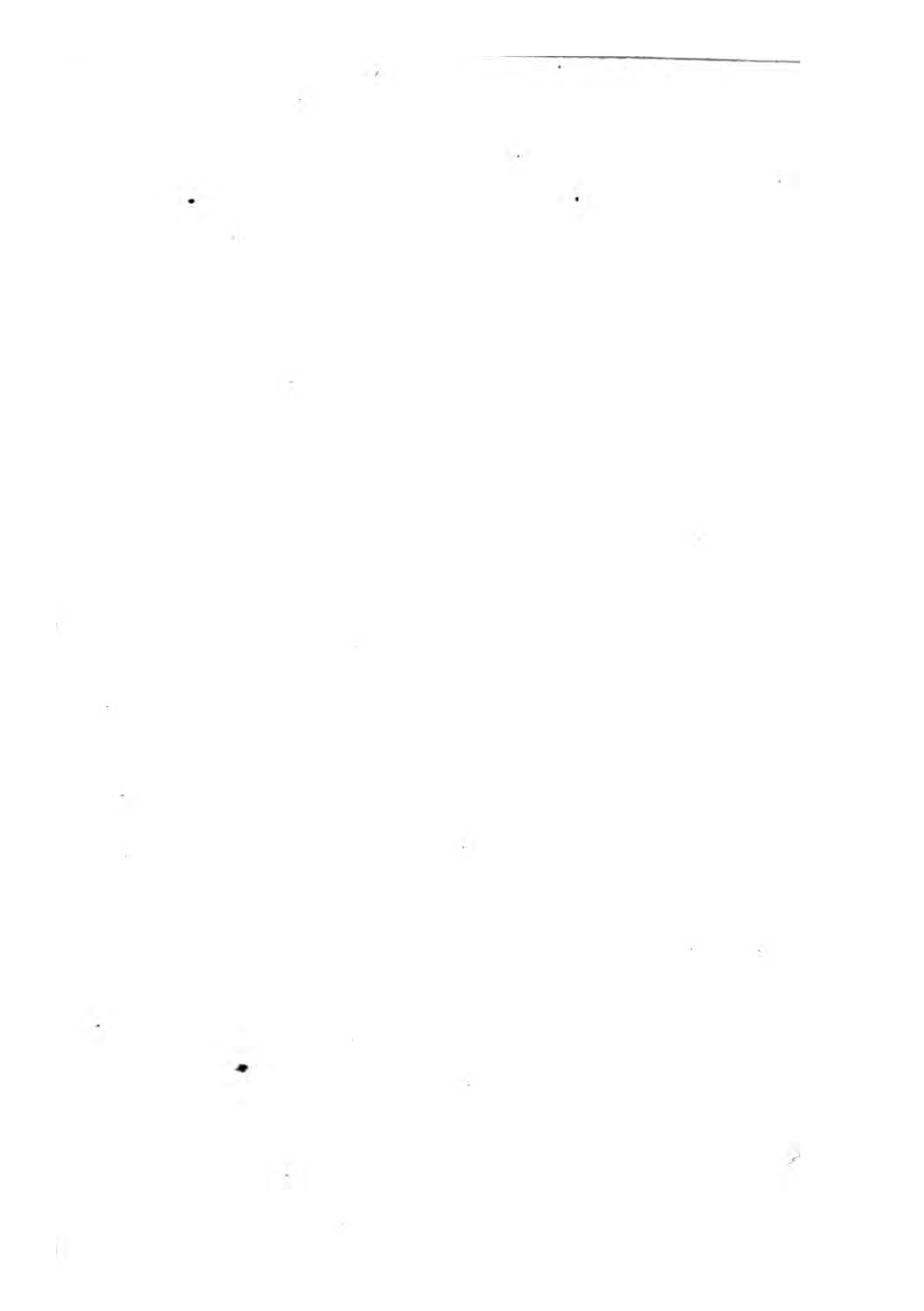




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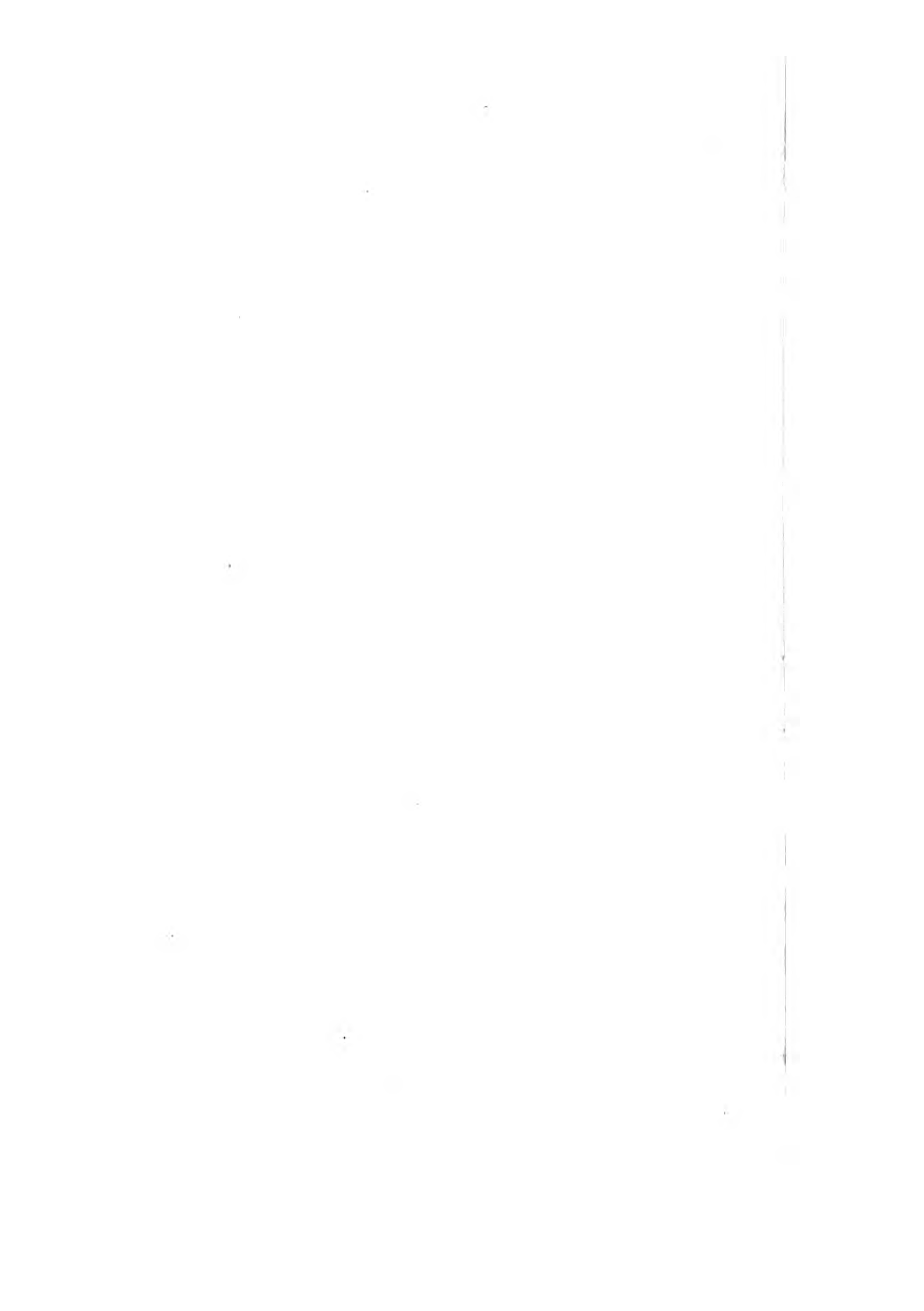




THE  
BENCH AND THE BAR.

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VOL. I.



THE  
BENCH AND THE BAR.

BY THE AUTHOR OF  
"RANDOM RECOLLECTIONS OF THE LORDS AND COMMONS,"  
"THE GREAT METROPOLIS,"  
&c. &c.

IN TWO VOLUMES.

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## P R E F A C E.

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IN submitting the present work to the public, the Author wishes it to be considered as a companion to his "Random Recollections of the Lords and Commons,"—it being written on the same plan, and as nearly as possible in the same style. In the estimates he has formed of the various members of "The Bench and the Bar," whose names he has introduced into his pages, he has been most anxious to avoid saying anything which could by possibility be construed into an ill-natured observation; while at the same time he has not shrunk from that free expression of his opinions which could alone confer any value on a work of this kind.

It may be right to state, that in his arrangement of the different chapters which relate to the Bar, he has not taken the different Counsel according to their supposed priority of rank or standing in the profession ; but has been guided in the order in which he has placed them by accidental circumstances. This appeared to him the least invidious course to adopt.

It may also be right to state, that all the Counsel belonging to the Common Law Bar are in the habit of practising occasionally at all the Law Courts, though in most cases each of them has a greater amount of business in one particular Court than in the others. The Author has consequently given the names of the various Counsel under the head of the Court in which they have the largest practice.

*London, October, 1837.*



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**OF THE FIRST VOLUME.**

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# THE BENCH AND THE BAR.

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## CHAPTER I.

GENERAL REMARKS — ORIGIN — CONSTITUTION —  
PECULIAR POWERS, &c. OF THE VARIOUS  
COURTS — MISCELLANEOUS OBSERVATIONS.

AMONG the various public institutions of England, the superior courts of law, next to both Houses of Parliament, excite the most general interest, as they are undoubtedly the most important. Almost every intelligent stranger who visits London makes a point, provided they be sitting at the time, of seeing those courts and



witnessing the proceedings. The judges who preside over the courts of law, are necessarily, of themselves, very great attractions to strangers, to say nothing of one's natural anxiety to understand something of the form of procedure, and to see the places in which they meet. They are all men who have previously distinguished themselves at the bar, and attained to the first rank in their profession: and most of them have also displayed great talents as judges. Their names have, consequently, without one single exception, been more or less prominently kept before the public for a considerable length of time. Most of them have been well known as men of talent, at least twenty years before their elevation to the bench; and if they were then objects of no ordinary interest, they become "lions" of the first magnitude on their being raised to the judicial seat, especially in those cases in which they acquire a reputation as judges, corresponding to what they possessed as counsel at the bar.

Then there are the distinguished counsel at present practising in the various courts. Many

of these gentlemen, as I shall afterwards show at some length, are not only celebrated as lawyers and pleaders, but as literary men. There is scarcely a department, either of science or of literature, in which one or more of our present barristers have not distinguished themselves.

Even as a spectacle the courts of law are well worth a visit from strangers. It is an interesting and somewhat imposing sight to witness the four judges,—which, as will afterwards be seen, is the number who sit at once in most of the courts,—seated on the bench, all looking remarkably grave, and made to appear more so than they really are by their huge wigs. Had Dominie Sampson seen one of these wigs on the head of a judge, there would have been no end to his exclamations of “prodigious!” The robes, too, in which the judges are clothed, are showy in no ordinary degree, while in amplitude they happily correspond with the proportions of their wigs. Then there are the counsel in a tier of seats opposite to their lordships. In some of the courts there are often fifty or sixty counsel at one time,—all clothed in their gowns,

and each head enclosed in a wig of liberal dimensions. To be sure, three fourths of the number are briefless; but they are quite as useful, notwithstanding, in giving effect to the scene, as those who are most extensively employed. There they sit, day after day, brothers in adversity, and keeping each other in countenance. I am not particularly partial to the system of Lavater; but I think it applies with an almost unerring certainty to briefless barristers. There is a longitude in their faces about which, as the Duke of Wellington used to say, there is no mistake. But putting their physiognomies out of the question, they may be generally distinguished from their more fortunate brethren by their attempts to kill time by making all manner of pen-and-ink sketches,—men, women, beasts, houses, trees, &c. &c., which are usually most clumsy affairs.

In the other courts demure faces are chiefly confined to briefless barristers—in the Court of Chancery it is otherwise. There demure faces are universal. From the Lord Chancellor himself, down to the most recently admitted of the

junior counsel, there is the same elongation of countenance. No one ever saw a smiling or cheerful face there, of which any of the long-robed gentlemen could claim the proprietorship. I have known many a young man enter that court, on his being called to the bar, with a pleasant and cheerful frontispiece; but I know of no instance—I question if there be any such on record—in which that expression of countenance has been preserved a single week. A few days in any case, in some instances a few hours, are sufficient to transmute the most cheerful countenance into one of the most demure description. The certainty and suddenness of the change, are matters beyond the range of my philosophy. They seem to be the effect of some magical instrumentality. Nor is this elongation of face confined to the parties whose heads are thrust into wigs. The very spectators who chance to drop into the court are subjected to the mysterious agency. You see young gentlemen full of life and hilarity of spirit, and middle aged men from the country whose jolly expression of countenance it would do any

one's heart good to witness, enter the Court of Chancery, and before they have been five minutes there, they look as demure as if they were assisting at the performance of a funeral. I have had occasion at different times to spend several consecutive hours in the Court of Chancery, and have felt a positive relief on seeing a cheerful countenance come into it on which I could gaze for a little,—just as Mungo Park, the celebrated African traveller, felt delighted when he beheld the oasis in the desert. But my gratification has always been of an exceedingly temporary kind: ere the lapse of a few minutes I have invariably found such countenance wearing as grave an aspect as that of an undertaker. Doctors differ among themselves as to whether or not cholera be contagious: no one who ever put foot in the Court of Chancery can doubt the contagiousness of the gravity which prevails there. Not even the most pleasant and cheerful looking women who accidentally visit the place can resist its powerful influence. I have sometimes thought that if there were a looking-glass in the court, in which young ladies could

see their own elongated and demure faces while there, they would start back in an agony of horror at the spectacle, under the impression that some malignant supernatural agency had wrought the change.

From one cause or another there are always a great many strangers in the courts of law. On those occasions when an important case is expected to come on, the court in which the trial is to take place is crowded to excess. In such cases I have known a guinea to be offered for a seat. Some time ago, when a noble lord was the defendant in a case in which the husband of a literary lady of great personal charms was the plaintiff, five guineas, I believe, were offered by one gentleman for a seat. Twenty, however, would not, after the trial had commenced, have procured the accommodation. I doubt if a greater number of human beings were ever crowded together for an equal length of time, in so limited a space, than on that occasion. In most parts of the court the pressure was so great, that one might almost as well have tried to break through the walls of New-



gate, as to have forced his way through the dense mass of mortality, as some one happily phrased it, which surrounded him. Another instance of an excessively crowded court occurred in December last, in the Court of Exchequer, when the case of the proprietor of a well-known magazine, against an honourable gentleman who had assaulted him, was before it.

It is my intention, in this work, to present the public with sketches of the Judges and of the leading men at the bar, similar to those which I have given of the Members of both Houses of Parliament, in my "Random Recollections of the Lords and Commons." But before doing this, it may be proper to give an introductory chapter respecting the origin, constitution, peculiar powers, &c. of the various courts. In this chapter, I trust I shall be able to communicate much information which will be at once new and interesting.

The Courts of Law, like the Houses of Parliament, are at Westminster. They are in the immediate neighbourhood of Westminster Abbey, and communicated with the old House of Commons.

The only entrance is now at the east end of Westminster Hall, a place which, since its recent fitting up with so much taste, has become a favourite place of promenade for the gentlemen of the long robe, and for strangers who have business at either of the courts. When I say gentlemen of the long robe, I must restrict, in this instance, the application of the terms to those who are well employed. They are glad to get out of court for a few moments, in order that they may enjoy a little exercise, and breathe withal the fresh air, after some great forensic effort—great in regard to the time they have been on their legs, if not always in point of brilliancy or eloquence. You never see a briefless barrister walking for five minutes at a time in Westminster Hall; nor, I will answer for it, anywhere else when attired in his long robe. Though literally doing nothing, he wishes it to be understood that he is so completely overhead and ears in briefs and business, that he has not a moment to spare in exercising his locomotive powers. The unpractising “practitioners” in the courts are so busy in helping



one another to do nothing, that they will not venture out on any account to have a few moments' walk in Westminster Hall.

The word court, as applied to the legal tribunals of the country, is generally understood to have been derived from the circumstance of all important questions having been anciently tried in an apartment of the king's palace appropriated for the purpose, and in his presence. These tribunals thus formed, as it were, a part of the court, and when they were removed from the palace, they still retained the name.

The origin of most of the present courts may be traced back to the latter part of the Norman dynasty. They underwent some modifications at the time of the passing of Magna Charta; but not to such an extent as materially to alter their constitution. They are all Courts of Record; which means, in contradistinction from other courts of inferior powers and importance, that every transaction which takes place in them is written out on parchment, and, on receiving the signature of the judges, becomes, from that moment, a matter of such sacredness and im-

portance, that its truth must never be called in question, even were a party in a condition to prove it erroneous. All the courts at Westminster can take cognizance of all cases in which the pecuniary business of the question at issue exceeds forty shillings: all matters of less amount must be decided by the inferior courts, in which no records of the nature referred to are kept. The Courts of Record are all supposed to be directly derived from the special authority of the king, who is represented by the constitution to be the fountain of justice. They are instituted by his letters patent, and have the power, which is peculiar to themselves, of fining and imprisoning those who incur their displeasure.

The courts at Westminster are eight in number. They are, taking them according to their respective localities, as you enter Westminster Hall, the King's\* Bench—the Bail Court—the

\* Since this was written the death of the late king and the accession of Victoria has altered the designation of this court into that of the Queen's Bench. As, however, so much of my account of this court of law refers to periods when it was called the King's Bench,

Court of Exchequer—the Court of Exchequer Chamber—the Court of Common Pleas—the Vice-Chancellor's Court—the Court of Chancery—and the Rolls Court. The Bench, the Bail Court, and Common Pleas, are severally courts of common law. The Exchequer is both a court of common law and a court of equity. The others are essentially courts of equity, though also possessing the functions of courts of law.

The KING'S BENCH is the supreme court of common law throughout the kingdom. It is the remnant of the *Aula Regia*, a court established by William the Conqueror, and which not only sat in his residence, whatever the part of the country to which he removed, but which was presided over by persons chosen from his household for the purpose. The King's Bench, though not held for nearly two centuries at any other place than Westminster and Guildhall, is, in consequence of the locomotive qualities of the institution which it succeeded, still capable

I have thought it right to preserve the original designation.

of being removed, at the pleasure of the king, to any part of the country. In the year of the great plague in London, nearly two centuries ago, the King's Bench was transferred to Oxford, where it sat for a considerable time. When Edward the First conquered Scotland, it followed him to that country, and actually sat at Roxburghe. When thus removed to any other part of the kingdom, it at once absorbs or sets aside all previous commissions for holding assizes in the particular county in which it sits. It proceeds to try the cases *ipso facto*. There is only one exception to this universal power of the Court of King's Bench. By an act passed in the early part of the reign of George the Third, it is provided that any session in the county of Middlesex begun to be held on the jail deliveries of Newgate, shall continue to be held until the cases are all disposed of, notwithstanding the sitting of the Court of King's Bench at Westminster, or any other part of the county, at that particular time. In consequence of the King's Bench being liable to be removed to wherever the sovereign shall be pleased to

go, all the writs are returnable "wherever we shall then be in England."

The King's Bench derives its name from the circumstance of the sovereign having been in former times, and being still assumed to be, in the habit of sitting in it along with the judges. Some historians tell us that Henry the Third repeatedly sat in the King's Bench during the proceedings in important cases. It is added, that he sat on an elevated bench, the judges being seated on a lower one at his feet. Other historians express doubts as to this monarch having attended in person in the King's Bench. Be the fact as it may, it is established beyond all question, that Edward the Fourth sat there three consecutive days in the second year of his reign. The object of the youthful monarch was the praiseworthy one of a desire to witness the way in which justice was administered. James the First, it is also said, sat for some time on one or two occasions, along with the judges, in the Court of King's Bench; but as he was not allowed to take any part in the proceedings, that being the province of the judges alone, he

soon tired of the thing. That monarch was so strongly addicted to loquacity, that to be prevented from speaking for any length of time, was the greatest punishment which could have been inflicted on him. He and Sir Peter Laurie would never have agreed about the silent system. The former would have deemed it, judging from his own experience on the subject, immeasurably too harsh a remedy for any criminal, whatever the nature, or however great the magnitude, of his offences. The royal Solon was never more in his element than when over head and ears in some theological or other disputation.

By one of those fictions so numerous in the English law, the sovereign is still, as just stated, supposed to be present during the sittings of the King's Bench. The writs which are issued by the court state that the case is to be heard "before the king himself." As this court, as before-mentioned, derives its name from the assumed presence of the king during its proceedings, it changes its name to that of the Queen's Bench during the ascendancy of a female. It was so called during the reigns of



Elizabeth, Mary, and Anne, and is so termed at present, Victoria being the sovereign of these realms. The only case of perplexity which ever occurred as to the designation under which it should go was, when Oliver Cromwell assumed the protectorate of England. After a great deal of discussion among the judges and others, and the proposal of various other names, it was agreed to call it "The Upper Bench."

I have already said that this is the supreme court of common law. Its jurisdiction is universal. A case may be removed to it, by writ of *certiorari*, from any part of England; or it can put an end to the proceedings in any other court, in the most arbitrary or summary manner. It has a sovereign authority over all inferior courts, and superintends all civil corporations throughout the kingdom. It enforces the performance of their duties on magistrates, in those cases where the law provides no specific remedy. It can bail parties illegally committed to prison, either by the sovereign and council, or by either House of Parliament; nay, so great are its

powers, that it may, if it please, (and there are instances on record in which it has done so,) bail persons who have been imprisoned according to the most obvious letter and spirit of the law.

It has a special jurisdiction extending not only to all capital offences, but to misdemeanors of every kind of a public nature where the tendency is to a breach of the peace or to the oppression of individuals or bodies of persons. It also possesses the discretionary power of inflicting summary punishment in any way that it shall think fit;—whether by fine, or imprisonment, or other “infamous punishment,”—as the clause conferring this power is worded. Nor does its authority rest even here. It has the prerogative of making use of any prison in the kingdom, for the purpose of carrying its views of punishment into effect; so that, in point of fact, any prison in the country is as much its prison as that which goes by its name, and is ostensibly its prison. This was a question on which some doubts at one time existed; and it was tried about a quarter of a century since in the case of Messrs. Hart and White, the pro-



prietors of "The Independent Whig," a well-known liberal journal of that period. These men having been convicted of a libel on the government, the Court of King's Bench sentenced one of them to imprisonment in the Gloucester jail, and the other in the Dorchester jail. The parties appealed to the House of Lords against the right of the court to send them to any prison out of the county of Middlesex: but the sentence of the court was affirmed. No other tribunal in the country can bail a person sentenced to imprisonment in this court.

The Court of King's Bench is divided into two sides, the crown side and the plea side. On the crown side all criminal causes are tried, from high treason down to the most trifling breach of the peace.\* In criminal matters the jurisdiction of the court is so great, that even an Act of Parliament appointing that all offences

\* Even actions of debt may, however, under certain circumstances, and by the plaintiff having recourse to certain expensive and troublesome forms, be brought before this court; though we never hear of any such cases.

of a certain class shall be tried before certain judges, does not deprive the King's Bench of its right to interfere, and to take the direction of the matter into its own hands; unless, indeed, such Act of Parliament shall specifically denude it of that jurisdiction. On the plea side are tried all actions of trespass, forgery of deeds, conspiracy, cases of fraud, &c. In such cases the actions are called civil; the remedy sought to be obtained being a civil one, though the offences are, in point of fact, of a criminal nature. The number of cases of this class which come before this court is very great.

A curious fiction exists with regard to the mode of procedure in civil cases in this court. An action cannot be brought against a party in the same simple way as in the other courts of law. He must be brought up before the court for a supposed trespass committed in the county of Middlesex. If the case be aailable one, he is assumed to be in the actual custody of the marshal when he has put in bail; if notailable, he is presumed even to be in the marshal's custody when he has entered an appearance.

The plaintiff then may proceed against him in any civil case; the criminal offence with which he was charged being no more heard of. This fiction, a most despotic one in theory, though comparatively, if not absolutely, harmless in practice, had its origin in the dictum of the judges some centuries ago, that a party once brought into that court, either in the actual or supposed custody of the marshal, could not be proceeded against, even in any civil matter, in any other court.

There are only two tribunals in the country to which there lies an appeal from this court; these are, the Court of Exchequer Chamber, and the House of Lords; into either of which the case may be removed by writ of error, according to the nature of the suit, and the way in which it has been prosecuted.

In cases of great doubt or difficulty, the judges in the King's Bench, so far from regretting that their decisions may be reversed by a superior tribunal, hesitate to give any decision at all themselves, but refer the case to the judges in the Court of Exchequer Chamber.

In connexion with the Court of King's Bench there is the BAIL COURT. It adjoins the other, and is presided over by one of the puisne judges, by rotation, or by some private arrangement amongst themselves. The Bail Court is to the King's Bench what a chapel of ease is to a church. It assists in disposing of the business which has accumulated in the larger court. It chiefly, however, confines itself to the less important description of business.

The COURT OF EXCHEQUER is the next court to that of the King's Bench in locality, though inferior in point of importance to the Court of Common Pleas. Originally it was held in the king's palace. It is supposed, by many persons, to have derived its name from the circumstance of a chequer-wrought carpet, similar in appearance to a chess-board, having formerly covered the table. Others, again, think the origin of the name may be traced to the fact of the pavement of the court having been chequered; while a third class maintain that the name originated in the circumstance of the accountants in the court having been in the

habit of using cheques, or chess-boards, to assist them in their arithmetical computations. But whatever may have been the origin of the appellation, the purpose for which the court was instituted was to hear and determine all causes affecting the rights of the crown and the revenue of the country. It is a very ancient court. It is generally supposed to have been coeval with the reign of William the Conqueror. Its institution, indeed, is usually ascribed to him, and is believed to have been formed on the plan, though with many improvements, of the exchequer in Normandy. It underwent various alterations in the reign of Edward the First, and is understood to be now the same as it was when re-constructed by him. Its chief purpose still is, to decide on all matters affecting the rights and revenues of the crown, though many other causes of a different nature have of late been tried in it. This has been done by parties availing themselves of certain legal fictions which exist. For example, the law recognises the right of any plaintiff to assume that he is the "king's minister," or debtor, and that by the defendant's refusing to

pay him the debt he owes him, or having in any way committed an injury, he (the plaintiff) is less able to discharge the debt he owes his sovereign. By this fiction a jurisdiction is assumed by this court over all the private matters between individuals, though neither the plaintiff nor defendant owes a farthing to the king. By means of these fictions, taken in conjunction with the implied provisions of an act passed a few years since for establishing a uniformity of process, actions, in some cases of a strictly personal nature, have been recently brought before this court. The late case of Fraser against the Hon. Grantley Berkeley for an assault committed by the latter, is one in point. Formerly, when the Court of Exchequer restricted itself almost entirely to the hearing of crown and revenue cases, the proceedings possessed but little public interest, and few, therefore, of the daily papers thought of sending a reporter to it. Of late, however, the cases have been so interesting, that all the daily journals have gentlemen on their establishments for the purpose of reporting the proceedings in this court. In



all cases where the sovereign's revenue is affected, the Exchequer is the only court where the question can be tried; and its jurisdiction is exclusive, even in personal cases, where the public revenue is concerned.

The Court of Exchequer sustains the double functions of a court of common law and a court of equity. The law side of the court is presided over by Lord Abinger, the Lord Chief Baron, Sir J. Gurney, Sir William Bolland, Sir James Parke, and Sir Edward Hall Alderson. The equity side is in the Exchequer Chamber. It is always supposed that the Lord Treasurer, the Chancellor of the Exchequer, the Lord Chief Baron, and three puisne barons, are present, though, in many cases, none but the Lord Chief Baron is actually so. Formerly there used to be a good deal of business done in the equity side of the Court of Exchequer, a large portion of which consisted of the suits of the clergy for the recovery of their tithes. Of late, however, the business has greatly diminished. This is the proper place for any of the king's subjects to prosecute the Attorney General for

any act of injustice which he may have committed. The only appeal from the equity side of this court, is to the House of Lords. The appeal from the law side lies, in the first instance, to the Exchequer Chamber, whence the party may, if he please, appeal to the House of Lords.

The Court of Exchequer, like the Court of King's Bench, though not having properly any criminal jurisdiction, has the power, and is bound if required to exercise it, of discharging or bailing in any criminal cases. This power, however, it never exercises, unless called on to do so, which it scarcely ever is,—the Court of King's Bench, or one of its judges, being the place or the person almost universally applied to in such cases. The judges in the Court of Exchequer go by the name of barons.

The COURT OF EXCHEQUER CHAMBER sits in the same place as the equity side of the Court of Exchequer. It is a court of appeal for rectifying the errors of the other courts of law. This court always nominally consists of the judges of the three courts of com-



mon law, and occasionally of the Lord Chancellor also. It is usual, however, for the Lord Chief Baron to hear cases alone. This court sits only two days during each term. On the first day, which is usually fixed soon after the beginning of the term, the judgments of the other courts of law are affirmed or reversed; on the other day, which is fixed for some time after, that which was left unfinished at the first is completed.

The COURT OF COMMON PLEAS is an institution, regarding the antiquity of which a diversity of opinion prevails. Gwyn, a well-known writer on legal matters, maintains that it was established at the time of the granting of Magna Charta. Sir Edward Coke ascribes to it a much more ancient origin. His conviction is, that it existed as a distinct court some considerable time before the Conquest; and he says, that it was only recognised, or confirmed, by Magna Charta. Be this as it may, all writers seem to concur in the opinion, that at the granting of the great charter of our liberties, the Court of Common Pleas, which before, like the Court of King's

Bench, was a movable court from one part of the country to the other, was permanently fixed to hold its sittings in London. The purpose principally contemplated by its original institution, was the hearing of all civil actions between subject and subject; but in process of time its jurisdiction began, and still continues, to embrace personal and mixed actions. Over mixed actions, excepting in actions of ejectment, it has an exclusive jurisdiction. Its jurisdiction is also so exclusive over real actions, that were any such suit commenced either in the Court of King's Bench or the Court of Exchequer, the whole proceedings, however tedious and expensive they may have been, would be altogether void. The only exception to the exclusiveness of the Court of Common Pleas in real actions, is in the case of the king,—who has the privilege of instituting his real or mixed actions in any court he is pleased to name.

The jurisdiction of this court is general. It embraces the whole of England. Though properly it has no jurisdiction in criminal cases, it has, like the Court of King's Bench and Court

of Exchequer, the power of discharging persons illegally imprisoned; which power either of its judges may exercise during the vacation. It has also the power of bailing parties imprisoned; but, as in the case of the Court of Exchequer, neither the court itself nor any of its judges in vacation time, is ever, or very rarely, called on to exercise this power.

It is a fact which may appear surprising, that notwithstanding the importance and extensive powers of the Court of Common Pleas, it possesses no original jurisdiction. Its authority is derived from writs issued by the Court of Chancery. The writs so issued are called the king's mandates for the court to proceed in the cases mentioned. The Lord Chancellor holds the seal of this court.

Previous to 1834, no counsel who had not attained to the rank of a serjeant-at-law, had the right of pleading in the Court of Common Pleas; but by a warrant under the king's sign manual, this exclusive privilege of the serjeants was abolished that year, and the court thrown open to all barristers. It was, however, provided, by

the same warrant, that the serjeants who had been previously practising in that court, should rank next after the junior king's counsel. But those who were at any future period to be made, were not to have the same privilege extended to them.

From the decisions of this court, an appeal lies to the Court of King's Bench. The right of such appeal, however, is seldom exercised by the losing party.

Such are the courts of law. The judges in all these courts, being twelve in number, are what are called the twelve judges of England, to whose decision all difficult matters of importance are referred. The law courts sit about eight months in the year. They have four terms, or four divisions of the year. During term time, actions of a certain nature, involving points of law, are tried by the judges alone; and out of term time, issues bearing on questions of fact are tried, with the assistance of either a special or a common jury. The defendant has always the right of deciding whe-

ther the question before the court shall be tried by a special or a common jury.

Independently of their duties at Westminster, the judges of the courts of law have to preside at the country assizes. Going these circuits, as the technical phrase is, subjects each of them to an expense varying from two hundred and fifty to three hundred pounds per annum.

At certain periods of the year, which vary according to the exigencies of the business before the court, one of the judges sits in what are called chambers, where business of inferior importance is disposed of; and for a few weeks in the course of the year, the Courts of King's Bench and Common Pleas sit at Guildhall.

Before being raised to the bench, it is necessary that the embryo judge have attained the rank of a serjeant-at-law. An amusing instance of adherence to this regulation occurred on the elevation of Sir James Scarlett. When the appointment was given him, it was found that he was not then a serjeant-at-law; and the only

way by which the difficulty could be obviated, was to raise him in the first instance to that rank. This was accordingly done; and so rapid was Sir James's elevation, that the same day saw him made a serjeant-at-law and a judge. If I remember rightly, he did not enjoy the dignity of a serjeant an hour, before it was swallowed up in that of a seat on the bench.

While in the courts, the judges, as everybody knows, look marvellously grave. They have, however, their seasons of relaxed features, like other people. They are asked to dine with the new Lord Mayor every Lord Mayor's Day,—his lordship, attended by a numerous retinue of city functionaries, doing them the honour of waiting personally on them in their respective courts, to invite them to the banquet. Let any body only see them at a Lord Mayor's dinner, with their wigs and gowns doffed, and arrayed in one of the exquisite fits of Mr. Willis, or of Mr. Crellin, of St. James's Street, and then say whether he would take them for the same persons. On the first day of term, too, the judges go to the courts in great pomp. The procession is magnificent.



It is very different now from what it once was. Before the reign of Queen Mary, they were obliged to ride to Westminster Hall, on term day, on mules; now they go in splendid carriages.

So much for the courts of law. I come now to speak of the Courts of Equity; but a word or two first, explanatory of the distinction between a court of law and a court of equity. The technical definition of the difference is, that a court of law has jurisdiction over legal rights and legal defences; while a court of equity has jurisdiction over equitable rights, or in other words, has the power of deciding as exclusively according to what may be deemed the strict justice of the case, as if there were no court of law in existence. A court of equity can compel, as will be afterwards seen, the discovery of facts: a court of law cannot. A court of equity usually gives other relief along with damages: a court of law can only award damages for the injury done.

The courts of equity are the COURT OF CHANCERY, the VICE-CHANCELLOR'S COURT, and the ROLLS' COURT.

Taking these courts, as I have hitherto done, according to their respective localities as we enter Westminster Hall, the Vice-Chancellor's Court is the next of which I should have to speak. As it, however, is only a branch of the Chancery Court, the few observations I shall have to make on it, will come with greater propriety after speaking of the parent institution.

The COURT OF CHANCERY is the highest court of judicature in the kingdom, next to the House of Lords. It is established for the purpose of moderating the severity, and rectifying the errors, of the other courts. It is essentially a court of equity, but has also the right of acting in the capacity of a court of common law, when that may be deemed expedient. It has no power, however, to try facts between parties, or to summon a jury. When it discharges the functions of a court of common law, its proceedings are said to be ordinary: when sitting as a court of equity, which it usually does, its proceedings are said to be extraordinary. When sitting as a court of equity, or



court of conscience, it proceeds by bills, answers, decrees, &c., and takes every step it thinks most likely to defeat and punish fraud, oppression, breaches of trust, and every kind of injustice. So great are its powers, that it can compel a defendant to discover facts which are against his own cause; a power which no court of common law possesses. It has also the power of repealing the Sovereign's letters patent when they are contrary to law, or grounded on unfounded suggestions. The Queen being supposed incapable of doing wrong to her subjects—as, “God bless her,” she doubtless is—it is assumed that she will be quite agreeable, on the representations of the Lord Chancellor, to have her letters patent in such cases repealed. Hence the designation, as applied to the Lord Chancellor, of being the keeper of the Royal conscience.

The Court of Chancery is of great antiquity; but the precise time of its institution is not known. It is supposed to have exercised the functions of a court of common law long before it assumed those of a court of conscience or

equity. As a court of equity, it is believed to have had its origin in the circumstance of parties appealing from the decisions of the other courts of common law to the king in council; on the assumption that, as the proceedings in those courts were grounded on his original writs, he would naturally be anxious to see justice done to his subjects. The king in council is supposed to have referred many, if not all, of these appeals, to the Lord Chancellor himself. This is conjectured to have been in the time of our Saxon ancestors. It is certain that the court had a separate jurisdiction as a court of equity, towards the latter part of the reign of Edward the Third.

In 1616, a violent dispute arose between the courts of common law and the Court of Chancery, as to whether the latter, in its capacity of a court of equity, had the right of giving relief to a party after or contrary to the judgment of the courts of common law. This contest arose at the instance of Sir Edward Coke—the “Coke upon Littleton,” so celebrated at Westminster Hall—then Lord Chief Justice of the Court of

King's Bench. With such a high hand did the law courts carry the matter, and so confident were the judges in those courts that the Court of Chancery had not the power it arrogated to itself, that they proceeded so far as to prefer indictments against the suitors, the solicitors, the counsel, and even against one of the Masters of Chancery, for having incurred *premunire*, by questioning in a court of equity a decree in the Court of King's Bench. The matter was eventually submitted to the judgment of the king; but he not being lawyer enough to decide the question, referred it to his council: had it been a knotty point in theology, the royal Solon would have undertaken its decision at once. The king's counsel reported so decidedly in favour of the right of courts of equity, that James at once gave judgment on their behalf. Lord Coke lost no time in intimating his willingness to submit to the decision which had been come to; but the part he had taken in the matter caused him the loss of his place.

It is not strictly necessary that the Lord Chancellor be a lawyer, though he has always

been so for a long time past. Some centuries ago there were many instances of non-legal Lord Chancellors. Even so lately as the seventeenth century, Lord Clarendon was appointed to the office, twenty years after he had relinquished his practice at the bar. And in the same century the Earl of Shaftesbury was made Lord Chancellor, though he had never practised at all. It is proper, however, to state, that the noble earl had been brought up to the legal profession.

Within the last hundred and seventy years, great improvements have been introduced into the administration of justice in the Court of Chancery. In 1673, Sir Heneage Finch began the work of improvement; and various other Lord Chancellors, though I regret to say not all, have since his time followed in his footsteps. The consequence has been a vast increase of business in this court.

The Lord Chancellor has very extensive powers, other than those he possesses while sitting in the Court of Chancery. I will not, however, refer to these, as they do not strictly fall within the objects of this chapter. He usually

presides in the court by himself; but he has the right to call in the assistance of other judges when he pleases. There are twelve Masters in Chancery, who perform the subordinate business of the court. The Master of the Rolls sits for the Lord Chancellor in his absence.

The importance of the Court of Chancery may be inferred, not only from the circumstance of its jurisdiction over the other courts, but from the amount of property sometimes locked up in it. Some years ago, when the doubts and misgivings of Lord Eldon caused a great accumulation of business, the amount of property litigated in the court was little less than 11,000,000*l.* In one case alone, money to the amount of nearly 1,000,000*l.* was locked up.

The slowness of the Court of Chancery in delivering judgment on cases before it, used to be proverbial. It is said that one case was actually undecided for upwards of a century. Many cases have been before it for forty, thirty, and twenty years. Of late there has been greater expedition in disposing of its business. The Vice-Chancellor's court has been of great service in

this respect. I shall have occasion to give some information regarding the business done in the Court of Chancery, when I come to speak of the recent Lord Chancellors.

Great reforms have of late years, been made in the Court of Chancery, chiefly through the instrumentality of Lord Brougham; and never were reforms more needed. It was, for a long period, in a most frightful state. What between its enormous expenses and its interminable delays, it has ruined numerous wealthy families who have had the misfortune to enter or be dragged into it. Many a heart has it broken; many a suicide has it been the cause of.

During the proceedings in this court, the great seal is always supposed to be lying on the table before his lordship. This, however, is a fiction. The seal itself is never there: it is carefully locked up in the Lord Chancellor's house. Nothing but the bag, which contains it on important occasions, is on the table. This bag is made of a peculiar kind of silk, and has the designs of the seal itself wrought into it.

The VICE-CHANCELLOR'S COURT is of recent



origin. It was established in the fifty-third year of the reign of George the Third. The reason assigned for its institution, was the great increase in the business of the Court of Chancery. All its jurisdiction is derived from the latter court. The Vice-Chancellor is completely under the Lord Chancellor. The Vice-Chancellor's Court can hear and determine all cases which the Court of Chancery sends into it,—only that all its decisions are subject to be reversed by that court. Indeed its decisions are not properly speaking law, until they have received the signature of the Lord Chancellor.\* The Vice-Chancellor is created by the sovereign's letters patent, and must, before his appointment, have been at least fifteen years at the bar. He must sit whenever the Lord Chancellor requires him to do so. As regards rank and precedence, he is next to the Master of the Rolls.

The ROLLS COURT may also be regarded as a branch Court of Chancery; with this difference,

\* Or the Lord Keeper, or Lords Commissioners of the Great Seal, when there happens to be no Lord Chancellor.



that it is strictly, in practice at least, a court of equity. After the details I have given of the Court of Chancery, it is unnecessary to make any remarks explanatory of its powers. The business now done in it is large, and oftentimes cases of very great importance are heard and decided by it. The Master has, on various occasions of late years, presided in the Court of Chancery in the Lord Chancellor's room, when the latter has been unavoidably absent.

All the equity courts sit, with very few and very short intervals, throughout the year. The terms which regulate the sittings of the law courts do not at all affect them. They sit during the chief part of the year in Chancery Lane.

Such are the courts at Westminster Hall. Those who have paid any attention to their proceedings, (not by reading the newspapers,—for mere reports of the most important cases only appear,—but by personal observation,) must have been struck with the trifling circumstances out of which many of the causes arise, and the consequent folly of the litigants. The “glorious uncertainty” of the law, as regards the decisions,

is proverbial: "the glorious certainty" as to the expense on either side, is equally great. It is a very common thing for the successful party to be out of pocket. How many successful litigants have I known who might, with a peculiar emphasis, say with the general of old after he had gained a battle, "Another such victory and I am lost!" Nay—how many have I known to be ruined by one such victory! I have known instances in which, where the sum contested was small, the expenses exceeded that sum five or six times. How often are both parties ruined by litigation! Two such persons may be appropriately compared to the Kilkenny cats, which, on finding themselves tied together by their tails, fought with each other till nothing but their tails remained.

The number of gentlemen belonging to the bar, or, in other words, who are qualified to practise in the courts at Westminster, is nearly 6,000; and yet, notwithstanding this formidable array of barristers, 1,500 of whose names will be found gracing the pages of the Law List, not more, perhaps, than seventy or eighty have any-

thing to do worthy of the name of business. The great majority of the cases, indeed, are monopolised by some fifty or sixty individuals. Many of these derive princely incomes from their practice. I shall, in future chapters, when I come to speak of the more distinguished members of the bar in their individual capacities, have to mention instances in which such incomes are as high as 5,000*l.*, 6,000*l.*, 8,000*l.*, and even 12,000*l.* The retaining fees given to distinguished counsel in important cases, are often very large. One thousand guineas has, on many occasions, been given; two and three hundred are of frequent occurrence. The largest I ever recollect to have been given was to Mr. Serjeant Wilde, in the Small and Attwood case, a year or two ago. On that occasion, the learned gentleman's services were retained at the enormous price of eight thousand guineas. It is but right, however, to mention, that for the greater part of twelve months, Mr. Wilde might be said to have applied the energies of his mind to that important case almost exclusively. He did so to the refusal of a large portion of other lucrative

business which was offered to him while occupied with it.

It can hardly be necessary to say, that the terms on which the leading counsel undertake to appear in such cases are not altogether,—though they are in most instances in a great measure,—according to the demands which such cases make on their time and attention. One thing usually taken into the account, is the pecuniary or other importance of the question at issue, and the circumstances of the litigants.

But it is not from their practice in the courts alone that our leading barristers derive all their professional income. Most of them derive a large portion of it from the fees they receive for opinions delivered in their own chambers, on cases and points submitted to their consideration. The amount of these fees varies, of course, with the difficulties which may surround the case; with the importance of the matter at stake; and with the pecuniary circumstances of the parties asking the opinion. Even in those cases which are, to counsel's minds, so simple as not to require a moment's reflection, the charge,

to the poorest person, is never less than one guinea. How far it ascends in the upward scale, I have not the means of stating with confidence. Many barristers who scarcely practise at all in the courts, make a great deal of money in this way, their opinion being generally proved by the event to have been sound. Mr. Chitty is an instance in point. Though he is seldom, if ever, heard of in the courts of law, he is in the receipt of a very handsome income, which he derives from giving his opinion on doubtful points submitted to him.

Everybody who has been in our courts of law must have been struck with the amazing zeal which the counsel manifest for the interests of their clients. There is an earnestness in their manner which could not, in appearance, be exceeded were they engaged in a case which affected the life of their dearest friend. I have always looked on barristers as a species of theatrical actors. Their zeal for their clients is assumed, when about to make their speeches, just as a tragedian assumes the character he is about to represent. Were it real—did they actually

feel as intensely as they appear to do—they would be the most unhappy beings on the face of the earth. Only fancy Sir William Follett, Mr. Serjeant Talfourd, or any other member having a large practice, feeling as deeply affected as he seems to do, at the alleged wrongs of his numerous clients! Why, in such a case, counsel would literally sink under the heavy load of their sympathetic woes. How lightly, notwithstanding all their warmth and energy in the cause of their clients, they really feel for those clients, is a fact which is often proved by their leaving court the moment they have finished their speeches, and never, perhaps, afterwards troubling themselves to inquire into the result of the action. It consists with my own knowledge that this is no uncommon thing, though the result is of course communicated to them sooner or later, by some means or other. It is related of one of our English kings, James the First, I think, that having, on one occasion, entered a court before his accession to the throne, while a very important case was before it, he was so struck with the zeal and ingenuity the counsel



displayed for his client, that, on his resuming his seat, the prince observed to a noble friend who was with him, that the gentleman who had just spoken had not only the justice of the case clearly on his side, but that he was one of the most humane men he had ever seen. The counsel on the opposite side immediately rose to reply, and had not been a quarter of an hour on his legs when he evinced an equal amount of zeal and ingenuity for *his* client. The justice of the case seemed now to be all on the side of the client whose cause the latter was advocating. The young prince was quite confounded, and abruptly left the court, exclaiming, "Rogues all! rogues all!"

When Garrick was, on one occasion, asked by a clergyman how it happened that an audience in a theatre was so often melted into tears by the representation on the stage of matters of mere fiction, while the ministers of the gospel preached, sabbath after sabbath, truths of unquestioned reality and of eternal importance, without producing the slightest impression on their hearers,—when asked this question, the reply of the great



tragedian was, "We actors portray fiction as if it were truth, and you clergymen preach truth as if it were fiction." I have often thought, that if our clergy exhibited as much zeal and energy in inculcating the great truths of the gospel, as counsel at the bar do on behalf of their clients, their ministry would be attended with much happier results than it usually is. The fictions of law and the sophistries to which counsel must have recourse, are worked up so skilfully, and are uttered with so much animation and energy of manner, that they have, as in the case of stage representations, all the appearance, and often produce in the minds of strangers all the effect, of actual truths.

So singularly successful are many barristers in acting the part they have assumed, that they actually appear to feel more deeply for the alleged injuries of their clients than those clients do themselves. I myself know several instances in which litigants have shed tears while hearing in court a statement of their injuries, real or fancied, from the lips of their counsel, who never showed the least sympathy with Heraclitus at

the contemplation of those injuries before. Not long since, a poor fellow burst into tears as his counsel sat down, after a pathetic detail of his wrongs, observing, with peculiar emphasis, and sobbing as he spoke, "I never knew I was such an ill-used man until now—so I never did."

Private individuals are allowed to plead their own causes at the courts at Westminster. This, however, is not often done. The most memorable recent cases in which it has been done were those of the late Mr. Hunt, of Mr. Hetherington, and Mr. Cleave. Both the latter were prosecuted at the instance of government, in the Court of Exchequer, for printing and publishing unstamped newspapers; and both addressed the court at considerable length. If I remember rightly, they severally spoke, without any hesitation or pause, between two and three hours; and so well did they acquit themselves, that had they been decked out in the gown, the bands, and the well-powdered wig, they would have passed off, in the view of those who knew no better, for experienced barristers.

The last case in which poor Hunt appeared as

his own counsel, was a very curious one. He appeared not as defendant, but as plaintiff. The action was brought against the "True Sun" newspaper, for an alleged libel. I do not now recollect the precise import of the whole of the matter complained of; but the libel chiefly consisted of a single word, which was appended, in the journal in question, to a statement of Hunt's own. That statement, if my memory does not deceive me, consisted of a denial of the truth of a paragraph which had appeared in a provincial paper, to the effect that Hunt had occasioned a row in Preston, one of the results of which was, that his own nose had been bitten off. The "True Sun," after quoting both paragraphs, appended to Mr. Hunt's statement the word "Fudge!" He contended that the obvious import of the term was "false," and that consequently the proprietors of the paper had been guilty of an atrocious libel on his character, by not only, in point of fact accusing him of falsehood, but of having been actually guilty of causing a row, to the imminent hazard of the limbs, and noses, and lives of his majesty's

lieges. The defendants resisted the action on the ground that the plain meaning of the word "Fudge," was "nonsense," "stuff," "balderdash," &c. The merits of the case therefore turned on the actual signification of the term referred to; and the proceedings accordingly had altogether a lexicographical complexion. Hunt himself spoke for nearly three consecutive hours. The scene from first to last was of the richest kind. The plaintiff, after wading through all the dictionaries of the English language extant, expatiated on the enormity of the crime imputed to him, in causing so serious a row as that one of its effects should have been the loss of his own nose. "My lords," said Hunt, looking singularly grave, and touching his nasal organ with his forefinger, as if to convince himself anew that it still embellished his frontispiece, "my lords, you see that the libellous paragraph is false as regards the biting off of my nose, and ——." Here the manufacturer of "the matchless," as he always called his own blacking, was interrupted by the gentlemen of the long robe, who sat at his back, bursting into a fit of laugh-

ter. Turning about his ponderous body, or the "mortal mountain," as Cobbett used to call it, and staring them hard in the face, he exclaimed, "There they go already, my lords! There's an unmannerly interruption for you. I can assure these gents," again turning his face towards the bench, and pointing to the place whence the laugh at his expense proceeded; "I can assure these gents, that it is no joke to have one's nose bitten off. [Renewed laughter from the bar.] I should like to know, my lords, how they would like to have their noses bitten off. Their physiognomies would, in that case, notwithstanding the aid of their powdered and curled wigs, cut a very sorry figure." This was followed by peals of laughter from all parts of a crowded court, in which even the judges themselves could not refrain from joining. The barristers who had been indulging their merriment at Mr. Hunt's expense, looked quite as crest-fallen as if they had really been deprived of their facial protuberances: they offered him no further interruption.

Of the humorous scenes which sometimes oc-

cur in our courts of law, I shall have occasion to speak at some length, and to accompany my observations with various instances, when I come to give individual sketches of the Bench and the Bar. At present, I shall only mention, that courts of law, though always serious matters to the hapless litigants, are often most amusing places to the mere spectator. A good deal of amusement is sometimes afforded by the altercations which take place between the counsel engaged on the opposite sides of the case. I have seen many such edifying exhibitions of forensic gladiatorship. They can abuse each other in very choice phraseology, when it suits their purpose to do so. The poor wights of clients on each side conclude that all this excellent vituperation of each other arises from "learned zeal" for their interests; whereas, the fact is, that except in those cases where a private misunderstanding had previously existed, it can scarcely be said to arise from any cause at all: it is a sort of matter-of-course affair. The simple spectator concludes, that after such an altercation as any of those to which I have alluded, neither



of the parties will ever exchange a friendly word with each other. If he only wait until the court is up, the probability is that he will see them walking up Parliament Street on their way home, arm-in-arm, seemingly as inseparable as the Siamese Twins. Did anybody ever hear of a duel, or of any other serious personal consequences, resulting from professional squabbles? I never did. The squabbles of the gentlemen of the long robe have often reminded me of the sham fights got up by a certain class of persons in the streets, in order that they may have an opportunity of exercising their light-fingered propensities. Some time ago there existed, at the east end of London, a club called "The Abusive Club," the object of which was, to qualify the members for pouring out the greatest amount of vituperation, without entertaining the slightest unfriendly feeling towards each other. Practically it is the same with the lawyers; though I have no idea that they have any club or society for perfecting themselves in the art,—if so it must be called. It has often occurred to me, however, that there must be some such



club among the cabmen : for every one must have observed, that in the midst of their most abusive and seemingly angry altercations, they raise their fore-finger, and sing out, "Cab, sir?" whenever they see any probability of a "fare."

My next chapter will be devoted to personal sketches of some of the lately deceased Judges.

## CHAPTER II.

## LATELY DECEASED JUDGES.

LORD ERSKINE—LORD ELLENBOROUGH—MR.  
BARON GRAHAM—LORD TENTERDEN.

LET not my readers be alarmed: I am not about to give such a latitude of interpretation to the word "late," as will take them back to the days of Sir Thomas More, Lord Bacon, the Earl of Clarendon, Sir Matthew Hale, or indeed to any of those other distinguished judicial characters who have flourished at much more recent periods. I shall confine myself to men who have presided in our courts of law since the beginning of the present century, and shall only cursorily advert to such even of them as

have been, by some means or other, brought prominently before the public. I may just premise, that in this series of sketches of the "Bench and the Bar," my observations and anecdotes will be strictly original, in every instance in which there is nothing stated which would imply an obligation to other authorities.

I do not know that I could begin with a more appropriate name than that of Mr. Thomas Erskine, afterwards Lord ERSKINE. Mr. Erskine was for many years without an equal at the English bar, and perhaps he has never, taken all in all, had a superior, as counsel, in our courts of law. He was one of the many instances to be found in the annals of the bar, in which a man suddenly rises from obscurity into the full blaze of popularity. Until employed as counsel for a Captain Bailie, who was the defendant in an action before the court in which he then practised, he was altogether unknown at the bar, though he had been some short time called to it. The effect which his speech on that occasion produced, and the impression it made even on the minds of the attorneys, who are not always re-

markable for their appreciation of the loftiest order of eloquence, was so great, that no fewer than thirty of those attorneys put retainers into his hand before he left the court. Indeed, I am inclined to think, from the accounts I have heard of the sensation his speech produced, though of course there can be no means of ascertaining the thing exactly, that every attorney in court, who had a disengaged case in hand, retained Mr. Erskine in it. This was about the year 1780. His fame as a barrister was so completely established by this brilliant forensic effort, that, in a few months afterwards, he was chosen to appear at the bar of the House of Commons, as counsel against a bill of Lord North's, the object of which bill was to restore to the universities the monopoly in almanacks. Here, again, he made a speech, the brilliancy of which electrified the House of Commons, though at that time some of the most distinguished speakers who have ever adorned it, were in the habit of nightly pouring forth their eloquence within its walls. What added to Mr. Erskine's reputation as an advocate, was the

fact of the bill being lost by a large majority. His fortune as a barrister was now made. He could not accept one half of the briefs that were offered to him. I have it from one who had it from his own lips, that his practice averaged annually £16,000 for many years afterwards. He appeared in every case of importance for the next quarter of a century during which he practised as counsel, before his elevation to the Bench; but the case in which, of all others, he most distinguished himself, was that of Mr. Thelwall, Mr. Horne Tooke, Mr. Hardy, and I believe, nine others, all of whom were arraigned for high treason. This was in 1794. Mr. Thelwall, who, I may here mention, died only about twenty months ago, was the second person singled out from the others for trial; it following as a matter of course, that his acquittal would be followed by that of all the others, or his conviction by theirs. The trial lasted nineteen days, and ended in the acquittal of the parties. Some time before Mr. Thelwall's death, he and I had some conversation on the subject, and though he was then about seventy years of age, his eye lighted

up at the very mention of Mr. Erskine's name. He described to me, in terms of animation worthy of the well-known ardour of his temperament in his youthful years, the extraordinary zeal which Mr. Erskine showed, the almost superhuman exertions he made, and the unrivalled talent he displayed on that occasion. Mr. Erskine was a man whom no fee, however large, could induce to appear in any case in which any great principle of justice could be compromised by his acceptance of such fee. When he undertook a cause involving the liberty or lives of his fellow-subjects, the amount of remuneration he would receive for his services, was always with him a secondary consideration. He was aroused to exertion by an overwhelming feeling of the injustice which was threatened to be committed; and hence his whole soul was bent on the acquittal of the defendant. It is worthy of observation, that all the greatest triumphs he achieved in the courts of law, were in the character of counsel for the defendant.

I have already mentioned the case of Captain Bailie, the first in which he appeared on being

called to the bar. It was followed by his triumphant defence of Lord George Gordon, who was accused of constructive treason, for the part he took in the memorable riots of 1780. He equally distinguished himself in his defence of the Dean of St. Asaph—in that of Stockdale the publisher—in that of Perry, then proprietor of the “Morning Chronicle”—all charged with libels; and, to give no more instances, in that of Mr. Thelwall and his associates. In the latter case especially, he not only manifested a burning zeal for the accused, while examining witnesses or addressing the jury: but the interest he felt in the result was equally great, and was displayed in an equally striking manner, out of court. I use no hyperbolic or exaggerated expression, when I say that his anxiety for the fate of the prisoners was with him an absorbing feeling, apart from all pecuniary considerations, and even from those of his own forensic fame,—though both these things, the latter especially, must in ordinary circumstances have operated to a certain extent on his mind, as they do on the minds of other men. For about four weeks



—this includes several days immediately preceding the commencement of the trial—for about four weeks, his mind was engrossed, to the exclusion of almost everything else, with matters connected with the proceedings. Mr. Thelwall himself, than whom, of course, no one could be a better judge, assured me that during that time Mr. Erskine scarcely enjoyed one hour's sound repose. Indeed he could scarcely be said to have slept at all. His time being occupied in court all day, a large portion of his nights was spent with Mr. Thelwall, the other prisoners, the junior counsel, Mr. Gibbs, and with the witnesses for the defence,—in making preparations for the following day. Altogether, perhaps, the amount of labour, anxiety, and fatigue, which Mr. Erskine underwent on that occasion, is quite unparalleled in the annals of the English bar. I doubt if it has many parallels in the history of mankind. No mere professional zeal, great as I know that zeal oftentimes to be, could have borne him up under the accumulated pressure. Nothing but the fact of his whole heart and soul being em-

barked in the enterprise of procuring the acquittal of the prisoners—nothing but the most sincere and the warmest sympathy, grounded on settled principle, with the persons arraigned, could have sustained him.

But what places the sincerity and ardour of Mr. Erskine's zeal for his clients on this occasion beyond all question, is the fact, that he was in the habit, ever after, when he could snatch a moment from his professional avocations, of visiting them at their own houses. When his retirement from public life gave him ample opportunities of being in their society, there was scarcely a day in which he did not visit some one or two of them. A friend of mine, who was intimately acquainted with the late Mr. Hardy, says he has met Lord Erskine at Mr. Hardy's house four or five times in one week.

Mr. Erskine was an orator in the strictest meaning of the term. His matter was always excellent. He often wandered from the subject, but his audience were so charmed with the richness of his fancy, the sublimity of his senti-

ments, and his happy illustrations of the positions he sometimes laid down in his erratic flights, that they were seldom conscious of his digressions. He occasionally indulged in declamation; only, however, when he had, after a careful consideration beforehand, come to the conclusion that it was likely to be more serviceable to his client than close and continuous argument. There was nothing turgid or meretricious in his diction; he was no clap-trap orator. His style combined the rare qualities of being easy and nervous. His sentences flowed from him so naturally, that it never appeared to cost him an effort to speak. He was happy in concentrating all the powers of his mind, and in bringing them to bear on any particular emergency that might arise in the course of the trial, the moment that emergency did arise. Nothing seemed to take him by surprise: no circumstance, however adverse and unexpected, that might occur in the course of the proceedings, deprived him for an instant of his self-possession. In the sustained brilliancy of his eloquence, it is doubtful if he ever had—he certainly has

not now—an equal at the bar. His manner, too, was excellent. He had an intelligent eye, remarkably expressive of the ardour with which he had embarked in the cause of the client on whose behalf he was addressing the jury. The tones of his voice were clear and sonorous; and his action was energetic, without verging on that extravagance which is unpleasant.

But I must not shut my eyes to the defects of Mr. Erskine. His knowledge of the law was neither varied nor profound. He often committed egregious blunders from this cause, though the splendour of his parts as an orator diverted attention from them. Mr. Thelwall stated to me, that the junior counsel, Mr. Gibbs, was immeasurably Mr. Erskine's superior, both as a lawyer and a logician: indeed, Mr. Thelwall thought the latter gentleman unequalled in those respects by any of his then contemporaries at the bar, though he never afterwards rose to any distinction. He was one of the many instances which occur in every profession, and in every walk of life, of merit not meeting its due reward.

Such was Mr. Erskine at the bar. Would that I could stop here. He entered the House of Commons soon after attaining the meridian of his distinguished reputation. There he displayed great talent; but nothing which could stand a moment's comparison with that which he evinced at the bar. In 1806, on the formation of the Grenville administration, he was made Lord Chancellor. Alas! for the sake of his own reputation that he ever was so! Never was the common observation, that a good advocate makes a bad judge, more strikingly proved than in his case. His decisions were the derision of the whole bar: the merest tyro in the study of the law could at once detect their unsoundness, and his errors in regard to those authorities and reasons on which he grounded them. A volume of his lordship's judgments in the Court of Chancery has been published; but it has never been referred to, either by his successors in office, or by the bar. Were a counsel to quote the decision of Lord Erskine in support of his own view of any case, it would make him the laughing-stock of the

profession, and prove ruinous to his legal reputation.

Lord Erskine did not retain the great seal for any length of time. He retired with the ministry who raised him to the high office, and their tenure of place was but of temporary duration. He remained in town for many years, and then returned to Scotland, his native place, where he lived in retirement till his death, about twelve years since. He never was the same man after he left the bar. It was his proper sphere. Before he quitted London for Scotland he got careless, to some extent, in his person, and to a still greater extent as to the individuals with whom he associated. I may mention, as an illustration of the change which his mind had undergone in this respect, that when a number of the "Morning Chronicle," containing some wood-cuts relative to the murder of Weare by Thurtell appeared, he went to the office himself, and purchased six copies of the paper, evincing by his conversation with the publisher, and in other ways, that he felt as great an interest in the affair as the lowest and most igno-



rant portion of the community could have done. On the following day he quitted London with his cook, whom he made his second wife. His last days were embittered by pecuniary embarrassments, aggravated by unpleasant circumstances of a domestic nature. He was an inveterate egotist: he never could relate any anecdote in which he himself was not the principal character. In his egotism he resembled old Cobbett,—with this difference, that his egotism was generally pleasant, and not injurious to other parties.

The name of Lord ELLENBOROUGH, late Lord Chief Justice of the Court of King's Bench, is one with which the public are still familiar. Though well-known before, he brought himself into special notice by the circumstances attending the trial of Mr. Hone in 1817. Of that trial, and those circumstances, I shall presently have to speak very briefly. Lord Ellenborough was the son of Dr. Law, Bishop of Carlisle. For a long time after he was called to the bar he had but little employment. His prospects first began to assume somewhat of a bright complexion on the marriage of his sister



with Sir Thomas Rumbold, whose connexion with influential noblemen and gentlemen who had been in India, procured Mr. Law a retaining fee as one of the counsel in the celebrated trial of the Marquis of Hastings. His talents at the bar were nothing more than respectable; but he was remarkable for the boldness of his manner—the fearlessness of his attacks on an opponent—and the galling, withering sarcasms, which the violence of his temper, and a considerable fluency of language, enabled him, at all times, to level at those on the adverse side of the case. These were recommendations of sufficient weight to procure for him, in 1801, the office of Attorney-General, on the formation of Mr. Addington's administration. In the year afterwards, the death of Lord Kenyon paved the way for his elevation to the Chief Justiceship of the King's Bench, with the appendage of a peerage. His singularly rapid good fortune only tended, as Sir Egerton Brydges in his Autobiography observes, to puff him up still higher—"it puffed him unto the skies." It would have been well had the ebullitions of his hot and haughty temper been confined to his

ordinary intercourse with his fellow men ; but they were unhappily too often exhibited on the seat of justice. No man, so far as I am aware, ever imputed to Lord Ellenborough, except in political cases, a disposition to employ the important powers with which the crown had vested him, in any way which could interfere with the administration of justice ; though in some few other cases, the warmth and violence of his temper made him arrive at certain conclusions, which, had he possessed the qualities of coolness and patience, he never would have come to.

Sir Egerton Brydges, who knew him well when at Cambridge, says, that the ungovernable temper which he evinced till the last moments of his life, was often exhibited by him when a boy. As a judge, the same author represents Lord Ellenborough to have been " impatient, hasty, vituperative, and by necessary consequence, sometimes incorrect in his authorities, arguments, conclusions, and opinions." Sir Egerton goes on to say, that there is some advantage to the public, though not to the suitors, in such

a mind and temper as Lord Ellenborough's; for he adds, "it makes despatch of business, as it cuts or tears asunder what it cannot untie." In this opinion few men will concur; for I question if there be a more unseemly spectacle in the world, or one the effects of which are more injurious to society, than that of a judge betraying such a temper on the seat of justice.

Lord Ellenborough's infirmity of temper, as might have been expected, often brought him into unpleasant collision with counsel at the bar. The scenes which were sometimes exhibited on such occasions, were not calculated to add to the dignity of the proceedings in a court of justice. But the only instance in which any squabble with the person addressing the court seems to have made a permanent impression on his own mind, was the trial, in 1817, of Mr. William Hone, at that time a well-known vender of political pamphlets. Mr. Hone had been indicted on three several informations, for sedition and blasphemy. Mr. Justice Abbott, afterwards Lord Tenterden, presided at the trial of Mr. Hone on the first information. To the infinite

surprise of Lord Ellenborough, and I believe of the government also, at whose instance, as a matter of course, the informations had been brought, the defendant was acquitted. Lord Ellenborough conceiving the case to be so clear against Mr. Hone, that no jury, if the law and the facts were brought fairly before their minds, could hesitate to convict, said, immediately on hearing of the acquittal on the first information, "I'll go down," meaning to the Court of King's Bench at Guildhall, "I'll go down and preside myself to-morrow." His lordship did so, and the trial on the second information proceeded. The court was crowded to suffocation, the case having excited the deepest interest. Mr. Hone defended himself in person. Regarding himself as in some measure a martyr to his opinions, and encouraged by the sympathies of a crowded court, he evinced the greatest self-possession throughout the proceedings; and being naturally a man of great readiness in replying to any observation made against him, he made some exceedingly happy remarks when Lord Ellenborough interfered with the manner

in which he was conducting his case ; and these remarks almost invariably elicited simultaneous bursts of applause from the spectators. This very naturally irritated the temper of Lord Ellenborough, — such demonstrations being no doubt unbecoming the solemnity of a court of justice. His lordship at last, losing all patience, sent for Mr. Sheriff Desanges and his colleague ; and on their entering the court, he addressed the former in most indignant tones, in these terms :—“ I have sent for you and your colleague, sir, as there is an absolute necessity for your presence. There have been most unseemly disturbances in the court ; you are the persons who are responsible, and you *shall* be responsible ; and, therefore, you will use your utmost activity in apprehending any persons who dare to interrupt the course of justice.” In a very short time after this, Lord Ellenborough, who had a little before refused to allow Mr. Hone to retire for a moment from the court, though very unwell, refused him permission to read some extracts from a newspaper which he thought essential to his defence ;

on which he, with peculiar emphasis, exclaimed, "My lord! my lord! your lordship is not on your trial—I am." A member of the bar, who was present on the occasion, once mentioned to me that he never witnessed anything else which produced such an effect. It acted with the simultaneousness of electricity on the audience. A peal of applause, which lasted for some time, showed the response which their bosoms gave to the felicity of the remark. When silence had at length been obtained, Lord Ellenborough again adjured the sheriffs, in angry tones, to do their duty. They replied that they could not fix on any particular individual, as they had been confounded by the instantaneousness and universality of the plaudits. On this Lord Ellenborough, worked up into a paroxysm of rage, and as if scarcely knowing what he said, exclaimed, "Open your eyes and see; stretch out your hand and seize the offender!" The trial went on amidst various other similar interruptions, and the defendant was again acquitted. It was thought the third information would, under these circumstances, be abandoned; but such was not



the fact. Lord Ellenborough took his seat next day on the bench, and the Attorney-General proceeded with the case against Mr. Hone. The court was again, and to a greater extent, the scene of similar exhibitions: and the result of the proceedings was, as before, the acquittal of the defendant. When the verdict of "Not Guilty" was returned, the applause was absolutely deafening. Lord Ellenborough was the same evening heard to say to a friend whom I will not name, "I must bend down till the storm blows over." This was the first time he had ever been known to utter any expression indicative of yielding to the pressure of circumstances. He never was himself again. He died in about twelve months afterwards, some said of a broken heart, but that of course could only be conjecture. In person he was about the middle size, and rather stout. His complexion was florid, and the expression of his countenance corresponded with the irritability of his temper. He had a fine sonorous voice, and was considered a good speaker.

Mr. Baron GRAHAM, who died about a year



since, was well known for his eccentricities before his retirement from the Court of Exchequer. As a barrister, previous to his being raised to the Bench, he displayed respectable talents, and had a fair share of business. As a judge, he was also respectable; but by no means distinguished above his brethren on the bench. It is, therefore, chiefly on account of certain peculiarities about his character that I make a brief allusion to him. I believe there are not many instances on record in our courts of law, of a judge having discharged the judicial functions so long. He was upwards of thirty years a judge; and as during a great part of his judicial career crime was very prevalent in the provinces, and capital punishments were then the order of the day, he earned for himself the unenviable reputation—if reputation it must be called—of having sentenced more unfortunate human beings to death than any other judge who ever presided at the country assizes. One of his peculiarities of character was a sort of antiquated politeness, which he practised under all circumstances, and to the very latest period

of his life. He even carried it with him to the bench: hence the unhappy prisoner at the bar was often deceived into a belief that the rigours of the law would be somewhat abated in his case. What will appear still more extraordinary, Mr. Baron Graham invariably exemplified his peculiar notions of politeness, even in the very act of sentencing poor creatures to death. His manners, on such occasions, would often have been laughable, but for the deeply-affecting situation in which the unhappy prisoners stood. A very singular instance of the Baron's excessive and ill-timed politeness occurred, on one occasion, after the close of the trials at a country assize. Nine unhappy men were all appointed to receive sentence of death for burglary, highway robberies, and other offences. It so happened, however, that in entering the names of the unfortunate parties after being convicted, on his own slip of paper, Baron Graham omitted one of them. The nine men were brought up to receive judgment, and the eight, whose names were on his paper, were

severally sentenced to death. They then quitted the bar. The ninth stood in mute astonishment at the circumstance that no sentence was passed on him. The clerk of the court perceiving the mistake, immediately called aloud to his lordship, just as he was opening the door, to leave the court, that he had omitted to pass sentence on one unfortunate man. Turning about, and casting a look of surprise at the unhappy prisoner, he hurried back to the seat he had just vacated, and taking a pinch of snuff—he was one of the most inveterate snuff-takers that ever lived—and putting on the black cap, he addressed the prisoner in the following strain, giving at the same time a profusion of bows:—  
“ My good man, I really beg your pardon for the mistake: it was entirely a mistake—altogether a mistake, I assure you. The sentence of the court on you is, that you be taken to the place whence you came, thence to the place of execution, and there hanged by the neck until you are dead. And the Lord have mercy on your soul. I do beg your pardon: I’m very

sorry for the mistake, I assure you." So saying, he made another low bow to the unhappy man, and then quitted the court.

In personal appearance Baron Graham was tall and gaunt. One of the greatest objects of his ambition was to have his wig of the largest dimensions it could conveniently be made, and as stiffly curled as possible. He always displayed a bunch of frills, which were equally conspicuous from their unusual size, and from the ebony aspect they exhibited owing to the immense quantity of snuff he consumed, but of which not more than one-half found its way into his nasal apertures; the other half was spilled, in the act of being taken, on his frills, which, from their great protuberance, necessarily caught a large part of the powder which slipped through his fingers, in its downward journey. Out of court he always wore a three-cornered hat, and a black coat remarkable for the antiquity of its cut. His waistcoat was made to match. He always rejoiced in knee-breeches, while his shoes, or shods, as he used to call them, were invariably ornamented by the huge

buckles which were so fashionable about a century ago. Lady Graham fully sympathised with the Baron in his notions as to dress. She also invariably appeared in the costume which was fashionable among the ladies in the early part of the last century. They both used to walk out, after he had retired from his judicial duties, regularly at a certain hour every fine day, when they excited much curiosity from the singularity of their dress. The place they always chose for their promenade was Oxford Street; and what is worthy of mention is, that on no account could they ever be induced to walk on the south side of the street. Sheridan once made a wager with Fox, that on both walking up Piccadilly he would see more cats lying in the windows than the latter. Fox accepted the offer: and each went from one end of Piccadilly to the other. When they had finished the journey, it turned out that Sheridan had seen no fewer than eight cats in the windows, while Fox had not seen one. The thing appeared unaccountable to the latter, until Sheridan explained that he had taken the sunny side of the street, as

cats are fond of sunning themselves in the windows of shops. Whether the marked predilection of the Baron and Lady Graham for the north side of Oxford Street, arose from a similar fondness for basking in the sun, I have no means of learning.

Among the late judges in our courts of law, there were few who were better known than LORD TENTERDEN. No man who ever sat on the bench was more respected, and no man ever better deserved the respect with which he was universally regarded. His lordship rose to the distinction of Lord Chief Justice of the King's Bench, from the humblest origin. He was the son of a barber, of the name of Abbott, in Canterbury, at the free grammar-school of which place he received his education. He was induced to select the law as a profession, in consequence of the advice of the late Mr. Justice Buller, to whose son he had been, for some time, a tutor. He had not been long at the bar, when, chiefly through the influence of friends, he got into one of the largest and most lucrative practices at that time in the profession. His in-



come, from his practice, was understood to have amounted to £10,000 a-year. In 1816 he was appointed to a puisne judgeship in the Court of Common Pleas. In a few months afterwards he was made one of the judges in the Court of King's Bench, on which occasion he was knighted; and in less than two years afterwards he was raised to the dignity of Lord Chief Justice of that court. In 1827 he was elevated to the Peerage under the title of Baron Tenterden. As a barrister, he never distinguished himself. He was known by the profession to be an excellent lawyer; but he wanted those more flashy qualities necessary to give a man any general reputation at the bar. He had no imagination; neither did he possess that dexterity and tact in addressing a jury, which are so necessary to success. His manner was cold and inanimate, and his speeches were monotonous and tiresome to all who heard them. It was doubted, under these circumstances, whether, on his being raised to the bench, he would make a good judge. Many of his former acquaintances at the bar confidently predicted he would not. The event showed they



were wrong. He had not long occupied a seat on the bench, when to the surprise of most persons, and to the confusion of his enemies, of whom, from feelings of wounded jealousy, he had a great many, he gave promise of proving one of the greatest ornaments a court of justice ever had. He saw the essential points of a case as if by a sort of intuition, and mastered with a singular ease and facility all its difficulties. Nor was he less happy in communicating his views, on such occasions, to the jury or to his brother judges. He was remarkably clear in all his statements; and his summings up were distinguished for their perfect impartiality, as well as for their luminousness. He showed, with wonderful precision, the law he was called to administer, in all its bearings on the case before the court. And such was the extent of his legal knowledge, that he could at once refer to any previous case in the records of the Court, which bore on that under consideration. He was a man of great mildness and urbanity of manner on the bench, as well as in private life. He was never known to betray the least violence;

nor to be a party to any unseemly squabbles with the bar. He was also a man of highly cultivated mind in a literary sense. Sir Egerton Brydges, who was his intimate friend from his boyhood until the time of his death, thought highly of him, both as a man and a gentleman of literary taste. I have lately had an opportunity of seeing a large quantity of Sir Egerton's unpublished manuscripts, and nothing can exceed the terms of eulogy in which he speaks of Lord Tenterden in all the relations of private and public life, and also as a man of intellectual capacity.

Lord Tenterden's personal appearance was extremely prepossessing. The principles of Lavater held true as applied to him. His countenance indexed the mildness of character of which I have spoken. There was something approaching to feminine softness about it. He had a fine eye, and a prominent, well-formed forehead. His face inclined to rotundity. It was allowed, on all hands, to be so handsome, that not even his large wig could disfigure it. His person was of the middle size, and well made.

His lordship had one infirmity of mind: he was ashamed of that in which he ought above all things to have gloried. He never could recur to the fact of his humble origin, without feeling mortified. On one occasion circumstances led him to make some remarks in the House of Lords, on the antiquity of that House, and its peculiar privileges, and on the consequent veneration in which it ought to be held. While expatiating on these topics, he overheard a noble lord who sat beside him whispering into the ear of another noble lord, evidently in a very sarcastic manner, the observation, that it was decidedly a good joke to see a barber's son stand up, and, identifying himself with the noble and ancient families who belonged to that House, dilate on its antiquity, high privileges, and so forth. The circumstance cut him to the quick. He very rarely if ever spoke on any subject afterwards.

The circumstances attending his dying hour were very remarkable. "The ruling passion strong in death," is a phrase in everybody's mouth. History abounds with striking illustra-

tions of it. Addison, who had long laboured to convert an infidel friend in his life, sent for him in his expiring moments, in the hope that his death-bed scene would do that which all his arguments had failed to accomplish. "See," said Addison, seizing his friend by the hand, "see in what peace a Christian can die," and then expired. The infidel was converted by the scene. Jean Gordon, a plain countrywoman, whose name is still well known in the South of Scotland, having been thrown into the river Tay by the mob, because of her attachment to the Pretender, exclaimed each time her head rose above the water, "Prince Charlie yet—Prince Charlie yet!" These were her last and only words, from the time she was thrown into the river until she sank to rise no more. Pitt, whose attachment to his country was so marked through life, died with the prayer on his lips, "O save my country, Heaven!" Not to mention other instances, most persons are aware of the striking exemplification of the ruling passion strong in death, afforded in the last moments of Nelson and of Sir John Moore. Lord

Tenterden's death afforded another instance, though under somewhat different circumstances. The last trial at which he presided, was the memorable one of the Bristol magistrates, for the riots in that city. This was in 1832. He was observed, for some months before, to have been gradually getting weaker and weaker. His altered looks clearly showed that his health had been seriously affected; and his friends did everything they could to dissuade him from undertaking to preside at a trial which must, of necessity, involve so much mental anxiety, and subject him to so much physical fatigue. Still he would preside. In the course of the proceedings every one saw how physically unfit he was for the task. He fainted several times on the bench; and at last, nature gave way to such an extent, that he was no longer able to maintain a sitting posture. He was taken home; but he insisted every day, until the case was finished, on seeing the notes of the other judges. These he examined carefully, and made remarks on the various circumstances which transpired in the court, as they appeared in those notes.

He grew gradually worse, and for a short time before his death, which took place in ten days after he had been taken out of the court, he was partially insensible. A few minutes before he expired, his reasoning powers returned to him. He conversed a short time with his friends, and after a momentary pause, said, "Gentlemen of the jury, you may retire." These were his last words—he died in a few seconds after he had uttered them. This circumstance shows how completely the trial in question had engrossed his thoughts, until seized by the temporary unconsciousness. And the case returned to his mind with his returning consciousness. At the moment he gave utterance to the words quoted, he no doubt fancied himself sitting in the court, and addressing the jury.

## CHAPTER III.

## LATE LIVING JUDGES,

LORD ELDON—LORD BROUGHAM—LORD LYND-  
HURST—MR. JUSTICE GASELEE.

LORD ELDON'S name is not now very often heard in public. Among the profession, however, it is still the subject of frequent conversation; and until within the last few years, no man was better known, either as a politician or a lawyer, than his lordship. His history furnishes one of the many remarkable instances of the distinction to which talent, without any adventitious aid, will raise a member of the English bar. It is worthy of observation, that the first important act of his life, was to do that



which he was afterwards most forward to denounce. He eloped with his wife, and called in the aid of the celebrated high priest of Hymen who has so long presided in the temple of Gretna Green. Pennyless himself, and his bride as portionless as the greatest fortune hater could wish—for there are persons who pride themselves on choosing wives without a farthing in the world—both came, as most poor people in a certain rank of life do, to London; where, after much meditation as to what employment he should betake himself, to earn the means of subsistence for himself and his wife, he determined to apply himself to the study of the law. He did so with an intensity of application which, perhaps, has never been surpassed. From morn to night, and frequently from night to morn into the bargain, did he, in a dark garret, pore over the musty records of legal antiquity, scarcely seeing a human being, or being seen by a fellow mortal, for weeks at a time. When called to the bar, he of course emerged physically from the obscurity of his garret, but professionally he was as obscure as before for several years,

during which he had gone the northern circuit regularly. The luxury of a single brief was one which John Scott—for that was his name—had not enjoyed all this time. At length, under purely accidental circumstances, which it would take too much space to detail, he was employed in a case; and though he had not been engaged above an hour or two before he was called on to address the jury on it, he so distinguished himself by the clearness and soundness of his views, and the vast stores of profound legal knowledge which he brought to bear on the point at issue, that he was at once seen to be a man of no ordinary talents. From that time, aided soon afterwards by his brother, the late Lord Stowell, he rose from one degree of distinction to another, until he was made Attorney General, and eventually Lord High Chancellor of England.

As a barrister, Mr. Scott was by no means distinguished for anything showy. Eloquence, in the true acceptation of the term, was a thing which never fell from his lips. He never electrified an audience; he never touched the heart,

or worked on the feelings. In fact, he never sought to appeal to the passions. His great, indeed his only object, was to convince the judgment by a lucid statement of the facts, and a masterly exposition of the law of the case. And few men at the English bar have been more successful in these respects. His law and his logic were always so good, and were brought so clearly before the minds of those who heard him, that it was impossible, where he had the right side of the question, that any dexterity, however great on the part of the counsel on the opposite side, could mystify the jury. In his speeches there was little animation : his action was never violent. Still there was an earnestness in his tone and about his manner, which was well adapted to produce a favourable impression on the minds of a jury. His style was plain, but generally nervous : it was always clear. He indulged in no flights of the imagination : indeed, I have no idea that he ever, even in his youthful days, could soar into the regions of fancy. He was a matter-of-fact, and matter-of-law man. He knew that here his strength lay, and he had the wisdom not to

step out of that path in which alone he could distinguish himself.

His political opinions were always of the most ultra-Tory character. They were not assumed to serve a purpose. They were not taken up with a view to promote his personal interests. A more sincere or conscientious man never, perhaps, appeared on the political stage. He would not, I am satisfied, have been induced to abandon his Toryism had Liberalism been then in the ascendant, for any price which could have been offered him. I have not a doubt that even at the time he was the briefless John Scott, not knowing many a day where or how he was to get a dinner, the most honourable and lucrative office any government could have had at its disposal, would not have proved a sufficient temptation to make him profess Liberalism. He abhorred the bare idea: the very abstraction was odious to him. And the ardour of his youthful Toryism suffered no diminution as he advanced in years. It rather increased with every successive step he took in life. Many were the political changes he witnessed in his

friends. He saw others shaping their creed so as best to quadrate with their own interests : his principles, ay, and his conduct too, were always the same. Though every one else, from the king on the throne down to the humblest subject in the land, had abandoned Toryism, Lord Eldon would have clung to it with all the tenacity and with all the fondness with which he would have clung to life. Had it found a resting place nowhere else, it would have been a welcome and fondly-cherished inmate in his breast. However much men may differ from his lordship as to the soundness of his political creed, no one could, for a moment, doubt his sincerity ; and no one could withhold his admiration of the undeviating consistency he has evinced through a long and most eventful public life.

I have spoken of Lord Eldon's great legal attainments, when practising at the bar as plain John Scott. When elevated to the Lord Chancellorship, they shone with peculiar lustre. No man, perhaps, who ever sat in a court of law, examined a case more thoroughly in all its

bearings, and no man's decisions ever gave more general satisfaction. The only ground of complaint that ever existed against him as a judge, was the great length of time he took before giving his judgments. When a case was once put into the Court of Chancery, when he presided in it, it was quite uncertain whether it would be decided in the lifetime of either of the parties, supposing they were to live for upwards of a quarter of a century. In most instances, the delay arose from the slowness of the progress towards that stage of the case in which it came before him for decision. He seems to have acted on the maxim, in his capacity of Lord Chancellor, of "slow and sure." His doubts on every important case which came before him were of almost interminable duration. It sometimes seemed as if he would never make up his mind at all. The result often was, that both the litigants were ruined in fortune by the expenses, as well as broken in spirit by the anxiety, consequent on the procrastination.

It is a curious fact, and one which furnishes



another to the already innumerable proofs of the anomalous constitution of the human mind, that although Lord Eldon was so inveterate a doubter on the bench, no man was ever more prompt in his decisions in political matters, or in those which daily occur in the ordinary relations of life. In such cases, instead of taking years to make up his mind, he required not a moment. He saw what he conceived to be a right view of the matter the instant it was presented to his mind. The ghosts of many thousands of pheasants—if departed pheasants have ghosts—can bear testimony to this. Lord Eldon always was, and is still, notwithstanding his being in his eighty-sixth year, what, in sporting phraseology, is called a “good shot.” No doubt or misgiving ever crossed his mind when he saw one or more birds within reach of the contents of his fowling-piece. On such occasions, he invariably made up his mind at once to fire. His feathered victims never observed anything doubtful or hesitating about him.

His lordship’s maxim as a judge before ad-



verted to, of "slow and sure," was a glorious one for the chancery lawyers. He was, out of sight, the best friend they ever had. Sir Charles Wetherell, Sir William Horne, and the other leading counsel in the equity courts, are under obligations of the greatest magnitude to him; and if they have a particle of gratitude, or the slightest sense of honour in their bosoms, they will erect a statue to his memory when he has crossed the "bourne" of Shakspeare—a bourn from which no lawyer or judge, any more than "traveller," ever returns. He played into their hands at a fine rate; and yet he never seemed to be aware of it. Often would counsel of the first rank charge their clients forty or fifty guineas for having risen in their seats to remind him that he had a certain case before him, and to express a hope—which hope, however, if one could imagine it in such circumstances to have been sincere, stood no chance of being one hour sooner realised on that account—to express a hope that he would do something in the case at his earliest convenience. This the counsel called "moving" in the case: the

poor clients only found it was moving, in so far as it moved some handsome sum out of their pockets. Lord Eldon was a judge quite after the lawyers' own hearts: he was the man for enabling them, as some of themselves used jocularly to say, to pocket "refreshers." He was the only person on whom I ever saw Sir Charles Wetherell deign to bestow a smile or a look of benignity. Lord Eldon had a perfect horror of the bare idea of reforming the Court of Chancery. He held that its constitution and practice were perfection itself. When any attack was made on it in Parliament by Michael Angelo Taylor or others, he literally used to shed tears; and on one occasion he actually intimated his decided intention of resigning, should even a committee of inquiry into its alleged abuses be granted. To attack himself personally was nothing compared with an attack on the court in which he presided. The first was a trivial sin: the latter was an unpardonable offence.

Lord Eldon's sterling integrity of purpose insured him the attachment of all who knew him.

Among his greatest personal friends was George the Fourth. That sovereign, it will be remembered, made him a magnificent present as a proof of his private friendship, immediately after the noble earl ceased to be Lord Chancellor through a change of ministry. He used, however, when Prince Regent, to have many harmless jokes at his lordship's expense. One of the best of these—at any rate, the best of several which have been communicated to me—was played off on him soon after his elevation to the chancellorship. That was in the early part of the present century, when the Prince was in the meridian of life, and passionately fond of fun and frolic. Having previously instructed all the subordinate performers in the parts they were to play, the Prince and Sheridan one evening engaged a hackney-coach, and went down to the House of Lords to await the rising of their lordships. The house having risen, the Prince desired one of his servants, whom he had brought with him for the purpose, to intimate to his lordship, as he quitted his robing-room, that he was waiting in his carriage oppo-

site Westminster Abbey for him. Lord Eldon having informed the servant that he would be with the Prince presently, hurried down stairs immediately afterwards, and was with him nearly as soon as the servant himself. The night was unusually dark, and the streets were then but very imperfectly lighted. These circumstances, added to that of having just left the brilliantly lighted House of Lords, very naturally account for his lordship stepping into the vehicle without discovering that instead of the Prince's own carriage, it was only a common hackney-coach. On going inside, Lord Eldon found Sheridan with the Prince. The latter mentioned to his lordship that he was anxious to get his opinion and advice on some matter of personal importance to himself, and that for certain reasons, which he mentioned, they would go to some neighbouring hotel instead of to the palace, to talk over the matter.

“Most certainly, your Highness; wherever your Highness pleases,” said his lordship, with that thorough devotion to royalty for which the noble lord ever was through life, and still is, distinguished.

After what the coachmen call a three or four minutes' ride, Lord Eldon found the coach stop, and in a few moments afterward he was conducted by the Prince and Sheridan into a handsome apartment up one pair of stairs. The Prince, in the first place, asked a few commonplace questions of the Lord Chancellor, as to the proceedings in the House that evening, and then introduced some other topics of general conversation. "Eldon," said the Prince, suddenly stopping short in the midst of a rather lively confabulation; "Eldon, I'm sure you'll excuse me for a few minutes."

"O, most certainly, your Highness."

"Sheridan will amuse you with something or other till I return," said the Prince, rising from his seat, and quitting the room as he spoke.

Sheridan forthwith called his singularly-excellent conversational powers into full play, in order to prevent Lord Eldon from suspecting that any trick was about to be practised on him.

Only about ten minutes, however, had elapsed, when his lordship, notwithstanding the wit of

Sheridan, began to express a longing for home. "I wish," said he, "the Prince were returned, as I have some matters to attend to of pressing emergency at home."

"I'm surprised—quite surprised that he has not been with us before now," observed Sheridan.

"I wonder what's the nature of the business about which he wishes to consult me; because if it's not of immediate importance, I could see him some other time on the subject," said Lord Eldon.

"I do not know what it is," answered Sheridan; "but I know it is of the most pressing kind; for he has repeatedly said so to me."

"It's very odd that he has not returned; it's full ten minutes since he left us," observed Lord Eldon, moving back his chair, and giving what Sheridan called an "immense" yawn.

"Perhaps I had better go out and see whether I can learn anything of him."

"I should feel particularly obliged to you if you would, Mr. Sheridan," answered his lordship.

Sheridan took up his hat and quitted the apartment.

His lordship was now left alone in his glory, but was not suffered to remain long in his solitary state. A remarkably ugly-looking female, about forty years of age, entered the room about half a minute after Sheridan had left it, and advancing towards his lordship, inquired, with something between a grin and a smile, how he did.

“How do you do?” growled his lordship, looking the damsel in the face, with a most marked expression of sternness and astonishment.

“Your friends have left you, dear,” said the nymph, seating herself on a chair beside his lordship, and looking him in her most coaxing manner in the face.

He suddenly pushed back his chair, and without uttering a word, stared at her as hard as if he had meant to say, “Who are you?”

“Perhaps you’ll accept of my company instead of that of your friends who have left you,” observed the female, suddenly seating herself on his knee.



“Get out, get out, you hussey!” exclaimed his lordship, forcibly jerking her off his knee and starting to his feet. He rang the bell that instant with tremendous violence. The waiter made his appearance, but manifested the most provoking coolness.

“Get me a coach this moment, Sir, that I may get out of this house immediately,” said his lordship, in indignant accents.

“Yes, Sir,” said the waiter, with the same provoking nonchalance as before. “Yes, Sir; only, you are aware, Sir, you have to pay, in the first place, for the use of the room, Sir.”

“For the what?” said his lordship, evidently as confounded as he was enraged.

“For the use of the room, Sir,” answered the waiter, with undiminished coolness, and putting a towel he held in his right hand under his left arm.

“I have not used the room,” said his lordship, sternly.

“That is your own fault,” observed the other; “you have been in it, and that’s all the same to us.”

“ I was brought here, and have only been in the room for a few minutes.”

“ No matter to us : you cannot leave the room till you have paid for it,” said the waiter, adjusting his collar.

“ Do you know who I am ?” said his lordship, losing all temper at what he conceived the combined injustice of the demand and the consummate effrontery of the fellow.

“ It makes nothing to us, Sir, though you were the Lord High Chancellor of England,” answered the waiter, at the same time snuffing one of the candles.

“ I *am* the Lord Chancellor, Sir.”

“ Very well : you are the same to us as any other man. They who live in Rome must do as Rome does.”

“ Well, Sir, and what is your demand ?” inquired his lordship, seeing there was no chance of being suffered to stir a foot until he had paid it.

“ A guinea, if you please, Sir,” answered the waiter, wiping the dust off the back of one of the chairs.

“ Then here it is, Sir,” said his lordship, tossing down a one pound note and a shilling on the table ; “ but remember, Sir, you shall hear further about this matter.”

“ We’ll take our chance of that,” observed the waiter, as drily as before.

“ Now, Sir, will you call a coach ?”

“ You shall have one in a moment,” answered the waiter, hurrying out of the room for the purpose of bringing it. In a few seconds he returned, saying a coach was waiting at the door for his lordship.

The particular coachman had been engaged before, and properly drilled into the part he was to perform in the affair, by the Prince and Sheridan.

His lordship entered the coach, and ordered the driver to take him to No. —, in Russell Square. On arriving at his lordship’s residence the coachman alighted, and gave a succession of tremendous rat-tat-tats.

“ Stop, stop !” exclaimed his lordship, putting his head out at the coach-window ; “ you’ll alarm the house—you’ll break the door.”

Jehu knocked still louder than before.

“ Let me out, let me out, you fellow ! What do you mean, Sir ? ” shouted his lordship, half suffocated with rage.

Another series of knocks of the most violent kind, was the only answer.

By this time Lady Eldon, preceded by a troop of servants, hurried down stairs in breathless haste with a candle in each hand, exclaiming, “ What’s the matter ? what’s the matter ? ”

The driver now opened the door of the coach, and down stepped his lordship. “ There’s your fare, you unmannerly fellow,” said he, putting eighteen-pence into the coachman’s hand.

“ Eighteen-pence ! only eighteen pence ! ” exclaimed the driver, holding out the one-and-sixpence in his hand, and looking at it with an affected air of supreme contempt. “ Vell, who ever heard of such a thing ? Only eighteen-pence for driving the Lord High Chancellor of England from the ——— —\* in Chandos Street to Russell Square.

\* The house in question was a well-known one, but was, with the other houses in the same street, pulled

It was now that the fact of where he had been flashed across his lordship's mind ; and hearing the coachman still singing out the name of the place coupled with his own name, he put a one-pound note into his hand, saying, " There, there, Sir, take this, and say no more about it."

Jarvey put his hand to his hat, pocketed the pound note, mounted his dicky, and giving a sharp smack to his horses, drove away as mute as the adjoining statue of the Duke of Bedford, which he he had to pass on quitting his Lordship's residence.

Many a hearty laugh had the Prince and Sheridan afterwards with Lord Eldon, at the success of the trick they had played off at his expense. In that laugh his lordship always cordially joined ; and one who knows him well, predicts with confidence that, notwithstanding his advanced age, it will still afford him a hearty laugh, should this narrative of the circumstances meet his eye.

I have spoken largely of Lord Eldon in his public down several years ago, preparatory to some improvements in that part of the town.

capacity. A more worthy or honourable man, in all the relations of private life, never existed. He is loved and venerated by all who have had the happiness of meeting him in the domestic circle. I could give the testimony of some distinguished men, whose politics are the antipodes of his lordship's, who have had opportunities of knowing him intimately in private, to the remarkable urbanity of his manners, the integrity of his conduct, and the kindness of his heart.

His personal appearance has, for many years, had something unusually venerable in it. Though he stoops a little under the weight of his very advanced age, his frame still exhibits much of its original robustness. His eyes are large and deeply set. His countenance still wears an intelligent expression, and his reasoning faculties are said to be unimpaired. His face has but little of that shrivelled appearance which is the usual characteristic of advanced years. His complexion is fair, approaching to paleness. His hair, to use the phraseology of the poet, is "silvered o'er with age." He is

above the middle size, and still walks with a firm step.

I now come to LORD BROUGHAM, the greatest man, taken all in all, which this country has in modern times produced. His career, as a judge, was but short; but the situation he held during that short period was the highest which a subject can fill; and he held it in a most eventful era in our civil and political history. As a barrister, and as a member of the House of Commons, the name of Henry Brougham was as familiar to the public ear and eye as that of Lord Brougham now is, or ever can be. His practice at the bar was extensive; it was very lucrative also. I am confident that, for ten or twelve years previous to his elevation to the bench, it could not have averaged less than 15,000*l.* per annum. He was retained in almost all important cases. It was only in these, indeed, that he appeared to advantage. No two men could be more unlike each other than was Henry Brougham in a case of limited interest and in one of commanding importance. I know some



barristers of great distinction and of first-rate talent, that can throw their whole soul into matters of the most trifling kind. I know, for example, instances of the most trivial assaults, in which the counsel for the plaintiff has entered with as much energy into the case as if the defendant had been a second Guy Fawkes, who had been detected in the act of setting a match to a train which would end in blowing three or four hundred unoffending human beings into the air. I have, too, seen counsel, in cases where the result of the conviction of their client would only subject the party to a fine of a few pounds, as vehement in their gesticulation and as fervid in their eloquence as if his life had been at stake. Mr. Brougham was not a man of this kind. There was in all such cases a coldness in his manner and a languor in his eye which plainly showed, notwithstanding that he would now and then make an effort to rouse himself, that his spirit was not in the task he had undertaken. He was like the schoolboy, who has certain exercises which he knows he must go through, however reluctantly, and he accord-

ingly does get through them the best way he can. To cases of an unimportant kind he never could apply his mind. How striking the contrast when he appeared in an important case, especially if it was one involving any great principle of civil or religious liberty ! On such occasions Brougham far exceeded, in the talent and energy he displayed, any man who has practised at the bar for the last quarter of a century. He usually rose in a calm and collected manner, enunciated a few sentences in a subdued tone, expressive of the sense he entertained of the importance of the task he had undertaken, and solicited the indulgence of the jury, while he trespassed on their attention for a short time. He then proceeded, in slow accents and in measured sentences, to develop the generalities of the case, gradually rising in animation of manner and increasing in the loudness of his voice and the rapidity of his utterance, until he arrived at the most important parts of his subject. The first indication he usually gave of having reached those points in his speech to which he meant to apply all the energies of his mind, was that of

pulling his gown further up on his shoulders, and putting his tall gaunt figure into as erect and commanding a posture as he could assume without endangering his equilibrium. Then came his vehement gesticulation—the rapid movement of his right arm, with an occasional wafture of the left hand, and the turning and twisting of his body into every variety of form. His eye, which before was destitute of fire, and his features, which were composed and placid as those of a marble statue, were now pressed as auxiliaries into the service of his client. His eye flashed with the fire of one whose bosom heaved with tumultuous emotions, and the whole expression of his face was that of a man whose mind was worked up to the utmost intensity of feeling. And this was really the case with Brougham wherever the interests of his client were identified with some great principle. His principles, unlike those of barristers in general, were really a part of his nature. In vindicating or asserting them, therefore, in the person of his client, he was, in point of fact, repelling some outrage which had been offered to himself.

To have seen him in some of these moods was truly a spectacle worthy of the name. It was only on such occasions that any accurate estimate could be formed of the vast resources of his mind. He then poured from his lips strains of the loftiest order of eloquence. Idea followed idea, principle succeeded principle, illustration accompanied illustration, with a rapidity which was astonishing. One moment he was strictly argumentative—the next declamatory. Now he stated in winning language and in an engaging manner, whatever was in favour of his client—then he inveighed in the fiercest strains and in tones which resounded through the place in which he spoke, against that client's opponent. In such moments there would have been something absolutely withering to him against whom his denunciations were directed, in the very countenance of the orator, even had he not uttered a word. His dark bristly hair stood on end, or at least appeared to do so. His brow was knit. There was a piercing stare and wildness in his eye; and his sallow complexion and haggard features altogether presented an aspect

which it was frightful to behold. The jury on such occasions often forgot the purpose for which they had been called into court: they forgot the case in the advocate. He diverted their minds from the subject matter before them to himself. They lost sight, for the moment, of the merits of the case they were impanelled to decide, in their boundless admiration of the gigantic talents and brilliant eloquence of the speaker. A gentleman who knew the late Mr. Hazlitt well, recently mentioned to me, that when Mr. Hazlitt was a reporter for the "Morning Chronicle," Lord Plunket, then Mr. Plunket, made so brilliant and overpowering a speech on one occasion, in the House of Commons, in favour of Catholic Emancipation, that he sat entranced for a full half hour without taking a single note. He forgot, for the time, as he himself used to say, that he was a reporter. The jury often, in some of Brougham's happier efforts, forgot, for the time, that they were jurymen. In the court not a breath was to be heard: all was still, save his own powerful though somewhat harsh voice. In his denunciations of wit-

nesses whose testimony had made against the case of his client, he was terrible. They have often been known literally to quail and quiver on their legs under his invective. And yet, notwithstanding all the vehemence of his manner, and the intensity of passion into which he worked himself, his speeches, though he sometimes purposely wandered from the principal point before the court, were as well arranged, and every sentence was as correctly constructed—that is to say, according to the massy and involved style which he always preferred—as they could have been had he been speaking in the calmest and most collected manner. He seldom displayed much legal knowledge; and though he could, on occasion, argue closely, he very rarely in his greatest efforts exhibited much of argumentative acuteness. He disdained, indeed, when he threw his whole soul into his speeches, to be fettered by what he considered in such a case the trammels of law or logic. Hence he could not so well be said to have gained the great triumphs he so often achieved at the bar, by convincing, as by confounding the



jury,—just as we often see a person silenced rather than convinced by the dexterity of a skilful disputant. Mr. Brougham may be said to have taken the jury on such occasions by storm. He *compelled* them to surrender themselves to him. His appeals to their feelings and passions were so powerful, and his eloquence was so dazzling, that he deprived them, for a time, of the capacity of dispassionately examining and comparing the conflicting evidence on either side. It is true that the cool and careful summing up of the judge followed his address; but the impressions made on their minds by that address were not yet effaced. Apparently they were all attention to the statements and observations of the judge, but in reality they scarcely knew what he was saying. The penetrating and expressive looks of Brougham still haunted their mental vision; his vehement and impressive, though often uncouth, gesticulation was still before them; the deep and varied intonations of his voice still rang in their ears; and the matchless and overwhelming brilliancy of his eloquence continued to assert its sway in their



minds to the exclusion of everything else. It is in this way alone that the fact is to be accounted for, that he often extorted a verdict from the jury in favour of his client, when it was equally notorious to the bench and to every professional gentleman in court, that all the law and the argument were on the opposite side.

I have already said that Mr. Brougham could argue according to the strictest rules. And he did sometimes display his great reasoning powers in his addresses to juries. This, however, was only when he clearly saw that the jury were men of more than the average intelligence, and consequently most likely to be effectually reached through argument; or when the law and justice of the case were most manifestly on the side of his client. In all other cases, experience taught him that to confound the judgments and appeal to the passions of the jury, by means of his overpowering declamation, was the course which promised best for the interests of his client.

In ordinary circumstances he never made the

least previous preparation for addressing a jury, farther than acquainting himself with the particulars of the case; and no man could master the details of any case more perfectly or with greater ease. He trusted to the resources he had at all times at command. On very important occasions, however, he did carefully prepare particular parts of his speech, especially the termination of it. In one of my works\* I have mentioned, as an instance of this, that so fastidious was he as to the peroration of his celebrated speech before the House of Lords, when defending Queen Caroline, that he actually wrote that peroration fourteen several times, before he could get it to please himself.

But I must not occupy too much space in speaking of Brougham as a barrister. It is time I should glance at him in his capacity of a judge. Some men's greatness comes unexpectedly on them. It was so with Mr. Brougham. Two days before he was in possession of the great seal, he had not, I believe, the remotest idea of ever being raised to the dignity of Lord

\* Random Recollections of the House of Lords.

Chancellor. Possibly some of my readers may recollect, that eight days before his elevation, he mentioned in the House of Commons, that the circumstance of the dissolution of the Wellington government, which had then taken place, would not induce him to postpone the motion of which he had given notice on Negro Slavery more than a few days, adding, that his position could not possibly be affected by any new administration which might be formed. Some persons have doubted his sincerity in this observation, supposing that he must have known at the time, that he was to be included in the ministerial arrangements which were then in embryo. I am able, from a private source of information, to bear testimony to Mr. Brougham's candour and plain dealing, when he made the remark in question. On the following day he accepted a retainer from a country attorney, in a case of some importance, which should have been heard in a few days afterwards. This he would not have done if aware that the great seal was so near his grasp. By the time the day appointed for his moving in the case had arrived, the seals

were offered to him, and he had agreed to accept them, though not formally in his possession. He consequently took no steps in the case referred to. Surprised and indignant at this, the attorney took him severely to task for what he called his improper neglect of his professional duty. "You'll come and take breakfast with me to-morrow morning, when I'll explain the reason of the seeming neglect," said the embryo Lord Chancellor. The attorney accepted the invitation, and breakfasted with Brougham next morning. The former recurred to the inconvenience and disappointment caused by the latter not taking the particular step in the case alluded to. "I am sure you will excuse me when you know the reason. I am now Lord Chancellor of England. I last night received the great seal," said Brougham. The honour of being the first to breakfast with Brougham, after his elevation to the chancellorship, reconciled the country attorney to the disappointment of the non-procedure in his action.

Lord Brougham, as a judge, gave much greater satisfaction than was generally expected.

It was thought that his constitutional precipitancy, joined to a deficiency of Chancery knowledge, would have incapacitated him for the important office. In this, however, people were mistaken. He was not so hot and hasty on the bench as he had been at the bar and in the senate,—though his constitutional infirmities in this respect did occasionally show themselves, even on the seat of justice. He carefully applied himself to the merits of every case which came before him, and soon showed with what rapidity he could acquire the quantity of Chancery knowledge requisite to enable him to discharge the duties of his office as judge, in at least a respectable manner.

Perhaps no Lord Chancellor ever presided in Chancery who applied himself more assiduously and unremittingly to the discharge of the duties which devolved upon him, than did Lord Brougham. The amount of physical, not to speak of mental labour, he underwent during the greater part of his Chancellorship, was truly astonishing. For many consecutive months did he sit from ten till four o'clock in that court,

hearing and disposing of the cases before it; and on returning home from the House of Lords, after having sate for hours on the wool-sack, he immediately applied all the energies of his mind to the then pending cases before the court. The best proof of this is to be found in the fact, that though possessing, in a degree seldom equalled and certainly never surpassed, the power of extemporaneous speaking, he wrote, on particular occasions, his judgments, and then read them in the court. I might also advert, in proof of Lord Brougham's extraordinary application to the duties of his office, to the fact of his having, in two or three years, got rid of the immense accumulation of arrear cases which were in the Court of Chancery when he was first entrusted with the great seal. It is not, however, necessary to allude particularly to this fact, as it is already so well known.

Lord Brougham's irritable temper often led him, when Lord Chancellor, to squabbles with the counsel at the bar. The furious attack he made on Sir Edward Sugden, must be fresh in the memory of everybody. No person could justify



that attack. It was as unwarrantable in principle as it was unseemly in a court of law, and especially as coming from the highest legal authority in the country. It is but due, however, to Lord Brougham to say that he often regretted these unbecoming outbreaks of temper; and that he did so in this particular case. It consists with my own private knowledge, that he afterwards, on pretext of speaking on matters of public business, called Sir Edward one day into his private room, and made a most ample apology for the attack he had made on him. Sir Edward was generous enough to accept the apology, thus privately given, though the offence was a public one.

I may here, however, mention, that during the interval between the attack and this apology, Lord Brougham on several occasions aggravated the outrage by further annoyances of Sir Edward while practising before him. I do not say that such annoyances were intentional; possibly they may have been accidental; but, whichever way the fact lay, it is not to be wondered at if Sir Edward, in the peculiar circumstances in which he was placed, was predisposed to regard



them as intentional. On one occasion, while the learned gentleman was pleading before his lordship in a very important cause, and just when in the middle of what he conceived to be the most essential part of his speech, Lord Brougham suddenly threw back his head on his chair, and closing both eyes, remained in that position for some time, as if he had been asleep. Sir Edward Sugden abruptly paused, waiting no doubt till his lordship should resume an attitude which would be more encouraging for him to proceed with his speech. On this, Lord Brougham suddenly started up from his reclining position, and resuming that in which he usually sat when on the bench, apostrophised Sir Edward after the manner so peculiar to himself:—"Go on, Sir Edward, proceed, Sir Edward; what's the cause of the stoppage?"

"My Lord," answered the latter, "I thought your lordship was not attending to my argument."

"You have no right to think any such thing,

Sir Edward ; it's highly improper in you to do so : go on, if you please."

Sir Edward resumed his speech, but had not addressed the court above two or three minutes, when Lord Brougham, addressing the officer, said, in his usual hasty manner, " Bring me some sheets of *letter-paper* directly."

Of the folio size always used in court, his lordship had an abundant supply before him.

" Yes, my lord," said the obedient officer, withdrawing for a moment to execute his lordship's commands. He returned in a few seconds, and placed some half dozen sheets on the desk. His lordship immediately snatched up a pen, and commenced writing as if he had been inditing a letter to some private friend. Sir Edward again paused in his address to the court, and leaned with his elbows on the bench before him, as if willing to wait patiently until his lordship should finish his epistolary business.

" Sir Edward !" exclaimed the Lord Chancellor in angry and ironical accents, after the learned gentleman had been silent for a few

moments, "Sir Edward ! pray what's the matter now ?"

"I thought, my lord, that your lordship was temporarily occupied with some matter of your own."

"Really, Sir Edward, this is beyond endurance."

"I beg your lordship's pardon ; but I thought your lordship was writing some private letter."

"Nothing of the kind, Sir Edward," said his lordship, tartly ; "nothing of the kind. I was taking a note of some points in your speech. See, would you like to look at it?" said he, sarcastically, at the same time holding out the sheet of paper towards Sir Edward.

"O not at all, your lordship. I do not doubt your lordship's word. I must have been under a mistake."

Sir Edward again resumed, and Lord Brougham, throwing his head back on his chair, looked up towards the ceiling of the court.

Lord Brougham had a great horror of hearing the interminable speeches which some of the junior counsel were in the habit of making, after he conceived everything had been said which could be said on the real merits of the case before the court by the gentlemen who preceded them. His hints to them to be brief on such occasions, were sometimes extremely happy. I recollect, that after listening with the greatest attention to the speeches of two counsel on one side, from ten o'clock till half-past two, a third rose to address the court on the same side. His lordship was quite unprepared for this additional infliction, and exclaimed, "What! Mr. A——, are *you* really going to speak on the same side?"

"Yes, my lord, I mean to trespass on your lordship's attention for a short time."

"Then," said his lordship, looking the orator significantly in the face, "then, Mr. A——, you had better cut your speech as short as possible, otherwise you must not be surprised if you see me dozing; for really, this is more than human nature can endure."

The youthful barrister took the hint: he kept closely to the point at issue—a thing very rarely done by barristers—and condensed his arguments into a reasonable compass.

The Court of Chancery, as every one who has been in the habit of attending it must have observed, has always been a favourite place of resort with mad people. I might adventure an hypothesis on this subject; but as it would occupy too much space to establish it, I will not allude to the matter further at present. Suffice it to say, that the number of those unhappy persons who haunt the court suffered no diminution during Lord Brougham's chancellorship. I have occasionally seen some curious scenes with such unfortunate persons. While his lordship was presiding in the court at Lincoln's Inn, towards the end of 1833, a mad woman, taking advantage of the temporary absence of the officer, pushed aside the curtain which separates the court from his private room, and having seen him go into that room a few moments before, was making her way in after him. It happened,

however, that she met him in the passage as he was returning to his seat.

“See, Sir,” said she, spreading out the lower part of the skirt of her gown, which was all covered over with mud, in consequence of having fallen in the streets; “see, Sir, what they have done to me.”

His lordship in the first instance drew himself back; for the woman so planted herself in the passage, that he could not get past her.

“See, Sir, what they have done to me,” she repeated.

“That’s very improper of them,” said his lordship, still drawing back his head.

“They give me bad water to drink,” added the maniac.

“Very wrong of them, indeed,” observed Lord Brougham.

“I’m a very poor woman, and not able to pay my rent,” said she.

“That’s very unfortunate; I’m very sorry to hear it,” said his lordship.

“Will *you*, then, pay my rent for me?” in-

quired the lunatic, hastily, and looking him earnestly in the face.

“ O no ; I cannot do that. I’m but a poor man myself,” answered the Lord Chancellor, looking wistfully for the appearance of the officer to rid him of so disagreeable a visitor.

“ What ! don’t *you* pay your rent, then ?” asked the woman.

“ O yes ; I’m obliged to pay my rent : they compel me to do that,” answered his lordship.

“ Then, why won’t you pay mine ?” added the insane female, with singular adroitness.

Lord Brougham, not perceiving that it necessarily followed, according to any known rule of logic, that because he paid his own rent, he was therefore bound to pay other people’s, reiterated the assertion, that he was but a poor man, and could not do anything of the kind. “ But,” he added, pointing to Sir Charles Wetherell, Mr. Jacobs, and the other counsel in the first row, “ if you go to those gentlemen, they’ll pay your rent for you at once : for they’re as rich as Jews, and quite as charitable.”

The poor maniac adopted his lordship’s sug-



gestion. She immediately stepped up to Sir Charles Wetherell, and after an amusing scene with the learned gentleman and other counsel, consequent on her unsuccessful application to them to pay her rent, the officer, who by this time made his appearance, removed her out of court.

Another strange scene occurred in the Court of Chancery between his lordship and a maniac, in the spring of 1834. A man having the dress, and a good deal of the appearance of a gentleman, taking advantage of a momentary pause in the proceedings, rushed in over to that part of the court where the attornies usually sit, and addressing his lordship in a broad Irish accent, inquired whether he might be permitted to say a few words.

“What is the nature of the application you are about to make?” inquired his lordship.

“Och, and sure, it relates to myself!” answered the insane person.

“I have no doubt of that. Pray what is its nature?” continued his lordship.

“It is of a compulsory nature, plase your honour.”

“ Still you do not answer my question ; and therefore I cannot hear you. You must sit down,” said Lord Brougham, tartly.

“ Faith, then, if that’s the way you are to be after bidding me sit down, I must tell your worship that it’s myself don’t like that same at all at all. I deserve better treatment for my sarvices,” observed the poor fellow.

“ Pray tell me, then, what you want the court to do for you,” reiterated his lordship.

“ Och, if it’s to do for me, your honour manes, I’ll soon be after telling it you. I want your lordship to institute proceedings against Lord Grey and Lord Althorp and some others of his Majesty’s government.”

“ On what grounds ?” inquired his lordship.

“ Was it the grounds your honour would like to know ? Och, sure the grounds are as good as can be—for refusing to answer my letters, your worship.”

“ That is a matter in which I cannot interfere. I cannot compel these noblemen to be prompt or punctual in answering their correspondents,” remarked Lord Brougham.

“ Oh ! but by the powers, it's your honour can do that same if you likes.”

Lord Brougham, who evidently did not perceive until now that the unfortunate man was labouring under [an aberration of intellect, inquired, speaking in a more subdued and conciliatory tone, what was the nature of the letters he had sent to Lords Grey, Althorp, &c.

“ Your honour, they were about nothing else than that same cure for the cholera which I have discovered.”

“ O, you're a doctor, are you ?”

“ Faith, and whose business is it, whether I am or not, your honour ? It's myself that was nine weeks in Tipperary without being in bed at all at all, during the cholera. I was all that time attending to the sick, your lordship ; and I want government to give me remuneration for my humanity and public sarvices, especially as I have discovered an infallible cure for that same disease.”

“ O, you have a very strong claim on government, undoubtedly ; I'll take care to make them answer your letters,” said his lordship, deeming

that the best way of getting rid of the unfortunate man.

“ Long life to your honour ! may you long live to sit in the *seat* of Thomas More ! ” shouted the lunatic, in tones which resounded through the court ; and then, making a low bow to his lordship, he retired.

On the following day a report of the scene was given in the Morning ——— and Morning ———. The reporter for the first journal represented the unhappy man as having said the seat of Mr. Thomas Moore : the other reporter put it, “ Sir Thomas More,” but gave in italics, according to his Irish accent, the word seat as “ *sait*.” Having seen the report of the affair in the two papers in question, the maniac immediately hurried down to the court, and arrived a few minutes before Lord Brougham had taken his seat. Going in over to the reporter for one of the evening papers, he inquired whether he knew the reporter for the Morning ———. The other answered in the affirmative. “ Well, then, would you be after telling him from me, that he is

a great blockhead? He has made me say Mr. Thomas Moore for Sir Thomas More. Sure, everybody knows that little Tommy the poet never sat on that *sait*," pointing to the Lord Chancellor's seat.

"Every one knows that," said the reporter.

"And is it yourself that knows the reporter for the Morning ——?"

The other answered in the affirmative.

"O! then the spalpleen has insulted myself, and radiculed my country."

"He ought not to have done that," said the reporter.

"But, faith, and he has done that same, though, by making me say '*sait*,' in italics."

"That was very improper."

"Do you know the fellow?"

The reporter answered in the affirmative.

"Is he respectable?"

"He is quite respectable."

"Is he a gentleman?"

"He is a gentleman, both by education and manners."

“Then will you do me the favour to hand him this?” giving the reporter his card to transfer to the reporter for the Morning ———. “You understand the thing—do you?”

“Perfectly so.”

“Perhaps you’ll be his friend; if so, you——”

“I *am* his friend,” said the reporter, interrupting the insane man.

“But I mane at the duel; in which case I should like the affair to be proceeded with as soon as possible.”

The reporter, not being accustomed to affairs of honour, now, for the first time, discovered the object for which the card of the poor fellow was given him, and discovering that his intellects were disordered—a fact of which he was until now ignorant, not having seen a paper that morning, nor been in court the previous day—he conciliated him by promising that his wishes should be strictly attended to.

At this moment Lord Brougham made his appearance in court, on which the lunatic observed, “O, I won’t trouble your honour at this

time: I'm only settling a small matter with the reporters;" and bidding his lordship good morning, he quitted the court.

Lord Brougham was never a favourite with the ladies. And this is not to be wondered at; for of all the public men I know, he has the least gallantry. I recollect one day, a short time before his retirement from the office of Lord Chancellor, that a remarkably interesting and very pretty young lady had been in attendance from a little after the opening of the court in the morning till nearly three o'clock. She often cast a wistful look towards his lordship, as if she had something she wished to say to himself; but the same case having lasted all the above time, no opportunity presented itself of making any communication to him. The counsel, as they passed in and out of the court, bestowed many a glance on the unknown beauty; and even Sir Charles Wetherell himself relaxed in the rigidity of his features as he stole a look at her pleasant and handsome countenance. On the case before the court terminating, she ventured with a trembling step and a palpitating heart, in over to the



place where the attornies sit, and thence endeavoured to reach a paper she held in her hand to his lordship. "What's this?" said he, with all that tartness of manner, for which he is distinguished, and without deigning to take the paper from her. "It's a petition, my lord, to your lordship," said the young lady, in a faint and faltering voice, her countenance deeply colouring. "Give it to my secretary—give it to my secretary," said he, in still harsher tones, shaking his hand as if there would have been pollution in the touch. The poor young creature seemed as if she could have dropped on the floor. The secretary took the paper from her, and she quitted the court. Not only the strangers in the court, but all the bar, though lawyers' hearts are not in general remarkable for their softness, felt deeply for the situation of the young lady; and that feeling was strongly expressed in several of their countenances. I have often before seen Sir Charles Wetherell look sulky, but this was the first time I ever saw him look absolutely savage. Neither Lord Eldon nor Lord Lyndhurst would have acted, for worlds, in the same way to so

modest and interesting a young lady. And here I must observe, though myself tinctured with Liberalism, that the Liberals cannot stand a moment's comparison with the Tories, either for politeness to their fellow-men, or for gallantry to the fair sex. I am confident that all the knights errant of old must have been staunch Tories, though I by no means intend to say they were acquainted with the term. No Liberal will ever stir a foot to avenge the insults offered to the sex. Had Lord Brougham lived in the days of chivalry, and there had been no judicial protection thrown around him, he would in this case have had to answer in single combat for his ungallant conduct the moment he quitted the court. A score of chivalrous men would have contested with each other who should have the honour of resenting the outrage offered to the sex. As it was, if there be any truth in the science of physiognomy, Sir Charles Wetherell, "braceless" though he always is, felt as if he could have wished to make the matter the ground of a personal quarrel with his lordship.

Lord Brougham, after a temporary absence

from public life, caused by serious indisposition, has again made his appearance in the House of Peers, where he takes as active a part in politics as ever. I am sure that, however much some men may differ from his lordship in political feeling or opinion, or whatever may be their impressions as to his conduct as a statesman, every one will rejoice at his restoration to health. He now looks as well as ever, and at no former period did he enjoy better health, or appear to possess better spirits.

Lord LYNDHURST having succeeded Lord Brougham in the Court of Chancery, comes next to be considered as a judge. Though classed at present among the "late" judges, there is a strong probability that amidst the ever-recurring changes which are now taking place in the political world, he will have to be numbered among the "present" judges before any lengthened period has elapsed.

Lord Lyndhurst, as I have mentioned in my "Random Recollections of the House of Lords," is an American by birth, but came over to this country at a very early age, with his father, Mr.

Copley, who was a portrait painter. He soon afterwards applied himself to the study of divinity, with the view of taking holy orders; but after several years' preparation for the pulpit, he turned his attention to the bar. Mr. Copley entered the Temple in the year 1794. For some time after being called to the bar, his prospects were not bright; but they gradually became better and better, as opportunities were afforded him of displaying his talents. His business, in the course of some years, though by no means extensive, was sufficiently lucrative to enable him to maintain that position in society to which both his talents and profession justified him in aspiring. In 1816 he was appointed to the office of Solicitor General. His knighthood accompanied his elevation. Among the earliest duties Sir John Copley was called to perform as Solicitor General, was that of supporting the prosecution of the late Queen Caroline, it having been instituted by the government of which he was a member. He had before this time acquired for himself a distinguished reputation at the bar; but now his talents appeared to much greater advantage than they had yet done. The

extent and accuracy of his legal knowledge—the ingenuity he evinced in bringing forward everything he thought calculated to prejudice the case of the queen—and his acuteness in replying to the counsel on the opposite side, were the admiration of everybody, both within and without the walls of Parliament.

As an advocate, Mr. Copley was always admired by his brethren at the bar for the soundness of his views on all questions of civil jurisprudence, and for the remarkable clearness and conciseness with which he, on all occasions, however intricate the subject, expressed himself. The faculty of putting his client's case in the plainest possible light, was perhaps his chief excellency as a barrister. No judge or jury could ever complain of not understanding him. The most common capacity might have followed him with ease from the commencement to the close of his speech. If his client had law or justice on his side, it was impossible that his case could be put in a clearer light than that in which Mr. Copley was sure to put it. If the opposite party had the law or equity on his side, then Mr.

Copley's great object was to throw a veil over the points which were most favourable to the case of the opposing party, and, by that consummate sophistry which makes "the worse appear the better reason," whitewash the darkest features in his own client's case. Nature intended Mr. Copley for a lawyer; for of all the men that I have seen at the English, or at any other bar, he was the most dexterous and most successful sophist I ever heard address a judge or jury. His matter was at all times specious in the highest degree; and this speciousness of his matter was made to tell with double effect from the extreme plausibility of his manner. A perpetual smile played on his countenance while he gazed on the faces of the court or the jury; and there was something so winning in the tones of his voice, that he must have been a man possessing a remarkably lively perception of the real facts of a case, of a vigorous intellect, and of a great energy of character, who was not carried away by Mr. Copley's address. His diction was always smooth, yet forcible: he never interred his arguments amidst a load of verbiage.



Nothing could be more simple, yet nothing more correct than his language. Every word was in its proper place : and sentence succeeded sentence without any apparent effort. His manner and language could not have been more unpretending had he been addressing himself to a number of children. His voice was clear and pleasant in its tones. His articulation was always distinct, though sometimes, from his uncommon facility at extemporaneous composition, coupled with zeal for his client, his utterance was somewhat rapid. Sir Egerton Brydges mentions, either in his printed Autobiography or in some part of one of his unpublished manuscripts which was lately in my possession, that this was the only fault he could discover in Mr. Copley, as an advocate. Sir Egerton happened to hear him in some of his earliest forensic efforts, and then confidently predicted in his own mind, if indeed he did not mention it to some of his friends, that he would eventually attain to the highest honours of his profession. Mr. Copley never had recourse to declamation when practising at the bar. He



trusted, for his success, to the qualities I have mentioned, and the event showed that he formed an accurate judgment as to where his strength lay. He never raised his voice to a high pitch : he never practised theatrical gesticulation ; nor had recourse to any clap-trap expedients. He did not, in other words, according to the sense in which the term is generally used, play the actor. That he left to others, who did not possess his distinguished intellectual or legal resources.

The Tories saw that a man of Mr. Copley's talents must be an invaluable acquisition to any party ; and, therefore, Lord Liverpool, then at the head of the administration, procured his return to Parliament for some nomination borough. This was in 1819. In the House of Commons Mr. Copley also distinguished himself ; and thus showed that Lord Liverpool's opinion of the service he could render to the government was not unfounded.

I have already intimated that great as was Mr. Copley's reputation at the English bar before his appointment to the office of Solicitor

General, it became still greater after that appointment had taken place. In 1823 he was made Attorney General. He had not filled the latter office two years before it was pretty generally understood by the bar that his elevation to the bench was all but a moral certainty; and that, too, at no distant period. In 1826 he was raised to the dignity of Master of the Rolls. Nor did his promotion long rest there. In 1829 he was raised to the very highest station a subject can fill: on the resignation of the great seal by Lord Eldon in that year, Sir John was made Lord Chancellor, and raised to the dignity of a peer of the realm, under the title of Baron Lyndhurst. He did not, however, long retain the seals. The dissolution of the Tory government in 1830 ejected him, as a matter of course, from the woolsack and the Court of Chancery. He was obliged to retire on a pension of £4,000 a year. Finding this sum insufficient to meet the expenses incurred by the appearance he was obliged to keep up in society, he applied to Earl Grey, in 1831, for the situation of Chief Baron of the Court of Ex-

chequer. The noble earl complied with his wishes, and he was appointed to the situation, with a salary of £7,000. On the restoration of his party to power in the winter of 1834, Lord Lyndhurst was replaced on the woolsack and in the Court of Chancery; but his retention of these situations was not of long duration. He was obliged to quit both on the dissolution of Sir Robert Peel's government in April 1835.

As a judge, Lord Lyndhurst has given the greatest satisfaction. Those who knew him well expected great things from him in the administration of justice. They have not been disappointed: their most sanguine expectations, on the contrary, have been far surpassed. I question if ever a better judge presided either in a court of law or a court of equity. His knowledge of the law, as before stated, is extensive and correct; and his judgment is remarkably sound in the application of that knowledge to the cases which come before him.\* He has a

\* I am here speaking of Lord Lyndhurst, for the reason I have already mentioned, as if he were at this moment presiding in one of our courts.

quickness of perception almost amounting to intuition, of the real merits of the case under consideration. Though himself so dexterous at mystifying others by his sophistry, when an advocate, no man could be more expert than he is at detecting the sophistry, however fine-spun, of counsel. He keeps his mind, indeed, as steadily fixed on the real points at issue, as if the counsel on either side had never sought to divert his attention from them. He examines the case in all its bearings, in his own mind; and masters its details, however complicated, with singular facility, and as completely as if the particular case before the court had been the study of his whole life. His summings up are models of composition, and of judicial statements. He presents the whole merits of the case as clearly to the mind's eye of the jury, as they appear to his own. There is no possibility of misconceiving his meaning. His decisions as an equity judge are no less entitled to praise, than his administration of justice in the courts of law. They are the admiration of the whole bar.

Lord Lyndhurst has always been a great

favourite with the bar. His exceedingly bland and courteous manners, coupled with his legal knowledge and masterly administration of justice, could not, indeed, fail to insure him the esteem, in his judicial capacity, of all who know him. His urbanity, in fact, was shown towards all who had any business to do in either of the courts over which he presided. Though most decided in his political opinions, he never betrayed the slightest symptom of political feeling on the bench. He treated those whose politics were the very antipodes of his, with the same courtesy as those of his own party. In fine, he knew no distinctions either of politics, or rank, or anything else, when he sat on the bench. He regarded all as on precisely the same footing. Mr. Cleave speaks in terms of warm admiration of the urbanity of manner which Lord Lyndhurst showed towards him, when tried a few years since in the Court of Exchequer on a government information. Mr. Cleave, on that occasion, acted as his own counsel, and in order that he might feel as much at his ease as could be expected with a host of the most eminent of the long-

robed gentlemen pitted against him, his lordship indulged in various good-natured familiar jokes in the course of the trial. Several of these jokes were directed against the lawyers, and were decidedly excellent. A very good one was passed at the very commencement of the defendant's speech. Mr. Cleave began by observing, that he was afraid he should, before he sat down, give some rather awkward illustrations of the truth of the old adage—"That he who acted as his own counsel, had a fool for his client." "Ah! Mr. Cleave," said his lordship, in his own peculiarly pleasant manner, "ah! Mr. Cleave; don't you mind that adage: it was framed by the *lawyers*."

A great deal of discussion has taken place as to the early political opinions of his lordship. I have access to some peculiar sources of information on the subject, and can state in the most positive terms, that they were of the most liberal kind. I mention, as presumptive proof of this, what has never, so far as I am aware, before transpired, namely, that on the completion of his studies, he made the tour of a great part of



the continent of America, in company with the celebrated Volney. Mr. Copley was at that time an ardent admirer of the politics of the French Philosopher; and the latter, in return, was captivated with the distinguished talents of which his youthful companion then gave promise, though only, I believe, in his eighteenth year. But even after Mr. Copley had settled in this country, he was in the habit, for a long time, of attending the political meetings got up towards the close of the last century, by the admirers of the French revolution. At one of these meetings, the proceedings of which had been of a most violent kind, he rose to speak, and was in the act of pronouncing the words, "Mr. Chairman," when a friend, a barrister, pulled him down to his seat by the tails of his coat. He again rose, and said, "Mr. Chairman, and gentlemen, allow me, in offering myself —." Here he was again interrupted by the same friend repeating the process of pulling him down to his seat by the same means as before. He had got on his legs a third time, on which his friend gave him another forcible "pull." The



youthful aspiring Liberal turned about, and was in the act of darting some most savage glances at his friend, as if he had meant to prepare him for a vigorous blow, should he again prevent his speaking ; but his countenance assumed a milder expression on his friend rising up and whispering into his ear, “ Copley, what are you about ? They have been speaking treason here to-night, and if you take any part in the proceedings, you will be held equally responsible with the rest.”

This had the desired effect ; Mr. Copley resumed his seat, and did not quit it till he rose to leave the meeting. He thought it much better to bottle up his eloquence on the occasion, than to run the risk of the probable consequences of a government prosecution on a charge of sedition.

But the liberal character of Mr. Copley's politics in the earlier part of his public career, is matter of historical fact. He and Sir Charles, then Mr. Wetherell, were counsel for Watson and others, when tried for high treason in 1818; and his name was toasted at that time by the

Radicals in all parts of the country, in conjunction with their most cherished principles. Nay, even the dead walls of London and all the large towns in the kingdom, were placarded with "Copley and Radical Reform."

It is true, that Lord Lyndhurst's politics have for many years past been those of unqualified Toryism. But how many are there who, like him, have begun their public career as Liberals of the first water, and as they advanced in years and experience have settled down in pure Conservatism? With regard to the circumstances under which his lordship's change in his political opinions has been brought about, it is not for me to say anything. I wish to avoid the expression of all political feeling in these sketches. My object is simply to state facts, and to mix them up with as much amusing matter as I can.

In private life Lord Lyndhurst has performed many generous actions. I will just mention one of these. A year or two ago, one of the most violent Radicals of the present day addressed a long letter to his lordship, detailing the dis-

tressing circumstances in which, through ill health, the infirmities of old age, and the want of even the necessaries of life, he was placed, and soliciting charity. His lordship read the letter with attention, and feeling for the painful situation in which the party was placed, handed it to his secretary, saying, "Make out a check on my banker's for five pounds, to this poor man." The secretary, on looking at the signature, exclaimed, "My Lord, are you aware who this man is?"

"No," said his lordship; "I do not recollect having before seen the name."

"Why this is the notorious Radical, G—— J——, who has for many years been so grossly and virulently abusing your lordship."

Lord Lyndhurst stretched out his hand for the letter, looked again at the contents for a few seconds, and then observed, addressing himself to his secretary, "O, never mind what he has been in the habit of saying about me; the poor man seems to be in a very distressed condition—get the check ready, and send him the money."

Lord Lyndhurst's personal appearance is very

prepossessing. He is somewhat above the middle size, and possesses a figure of great symmetry. His countenance has something exceedingly soft and pleasant in it. It has much of a feminine expression. He seems always on good terms not only with himself, but with everybody and everything around him. There are all the indications of health in his complexion. His features are small and regular. He looks much younger than he is. He is in his sixty-fifth year. He always wears a brown-coloured wig, when not presiding as judge.

Mr. JUSTICE GASELEE, one of the judges of the Court of Common Pleas, lately retired from the bench. My notice of him will be brief. His practice when at the bar was never large; neither did he ever raise himself into special notice as a pleader. He was a bad speaker. His manner wanted animation, and his matter was heavy. As a lawyer, he was looked on as a man of respectable attainments. Perhaps his legal knowledge was more correct than extensive. When raised to the bench he was what the profession call a back-seat man, the meaning

of which was, that he had not attained to that rank at the bar which would entitle him to take his place in the front row of benches. He was little known as a judge. He never did anything to distinguish himself from his brethren of the bench. His views were on the whole sound, and his decisions gave general satisfaction. There was a great deal of pomposity in his manner, when laying down the law of a case. He was perhaps one of the most scrupulously conscientious men that ever occupied the judicial seat. The sense he entertained of his moral responsibility was so great that it proved absolutely painful to himself. He was always so much afraid, in his charges to the jury, lest anything he said should be misunderstood, that he would repeat the same thing over and over again. In many cases, especially when presiding at the Old Bailey, he would take three quarters of an hour in delivering his charge, when everything he said might have been compressed, with the greatest ease, into an address of fifteen minutes' duration. In person he is considerably below the middle size, with a strong inclination to corpulency.

His features are strongly marked. His eyes are large and grey. The advance of years has begun to leave traces on his face, in the form of wrinkles. He is seemingly not far from his seventieth year. A defect in his hearing, with the growing infirmities of old age, were the causes of his determination to close his judicial career, by resigning his seat on the bench.

## CHAPTER IV.

## JUDGES IN THE COURT OF QUEEN'S BENCH.

LORD CHIEF JUSTICE DENMAN—MR. JUSTICE  
LITTLEDALE — MR. JUSTICE PATTISON — MR.  
JUSTICE WILLIAMS—MR. JUSTICE COLERIDGE.

I COME now to speak of the present judges, and in doing so shall follow the order I observed in my first chapter, when treating of the several courts. According to this order, the judges in the Court of Queen's Bench come to be first considered.

LORD DENMAN is the present Lord Chief Justice of the Court of Queen's Bench. He has not filled the office long. He was only appointed to it in 1834, on the death of Lord Chief Jus-



justice Tenterden. The salary of the Chief Justice was formerly 10,000*l.* per annum; but, on the appointment of Lord Denman to the office, it was reduced to 8,000*l.*

The present Lord Chief Justice, when practising at the bar as plain Mr. Thomas Denman, had a very respectable business. It was not so large as Brougham's or Scarlet's, or perhaps one or two others; but it was sufficiently large and lucrative for the last twenty years he practised, to yield him a handsome independency. It is difficult to say with confidence what the average of a barrister's income is, except when the information comes either directly or indirectly from the party himself; but I am satisfied I do not over-estimate the proceeds of Mr. Denman's business when I say that, for many years before his elevation to the Bench, they averaged 5,000*l.* per annum. As a barrister, he was never distinguished for the variety and depth of his legal knowledge: there were many of his contemporary practitioners who could boast of being far superior to him as lawyers, who had not a tenth part of his practice. The

most that could be said of his legal knowledge was, that it was respectable. He owed his success at the bar to other qualities than those of the mere lawyer. In him, in fact, the man always triumphed over the advocate. He made his client's case his own. He was all sincerity and fervour in every case in which he appeared. His manner was popular. His fine musical and powerful voice and easy manner of speaking, were great recommendations to him. He had an admirable command over himself. He was not violent or declamatory where calmness and argument appeared to him most likely to serve the interests of his client. His usual manner exhibited a happy union of coolness with animation; but when it suited his turn, he could work himself into a paroxysm of warmth, if there be propriety in the expression, and address the court and jury with a boldness and energy which, with the single exception of his friend Brougham, were seldom exhibited in the forensic efforts of any of his contemporaries. Few men have possessed greater firmness, or displayed a greater determination

of purpose, than Mr. Denman. Of his decision of character, as a judge, I shall have occasion to speak when I come to view him in that capacity. The same quality shone out with great pre-eminence on all those occasions in which circumstances required its exercise, when practising at the bar. It is said of John Knox, the well-known Scotch reformer, that he never feared the face of man. It might have been added of the sturdy Presbyterian, that neither was he to be deterred from the faithful discharge of what he conceived to be his duty by the face of woman; for on one occasion, he, in the boldest manner, denounced the beautiful Mary Queen of Scots in her own court—graced as it was by the presence of all the female nobility of the land—for what he regarded as her vices. Historians tell us, that Mary profusely shed tears at the severity of the stern reformer's rebuke; but that, unsoftened by those tears and unsubdued by the beauty of his other auditors or the splendor of the scene, he proceeded, until he had fairly unburthened his conscience by a faithful administration of the rebuke,—just as if

he had been preaching to the peasantry on one of the sides of the heath-clad mountains of his native land. Whether Mr. Denman would have exhibited equal firmness in the presence of such an assemblage, is more than I can tell. It is more, I am inclined to think, than he could say himself, never having been placed in circumstances at all similar. But whether or not he would be softened or subdued by the face of woman, certain it is that it may be said of him, as it is of John Knox, that he never feared during his practice at the bar, the face of man. No man knew better than he the respect which was due to the court, and no man was more ready in according that respect to it. But his notions of deference to the bench would never suffer him to compromise one iota of the interests of his client, or of his own independence as an advocate. He never stood in an unbecoming awe of the bench; he never knew what it was to succumb to it, nor to yield it more honour or homage than it had a right to claim. As much cannot be predicated of all counsel—not even of some of those of the first standing at the bar.

There is such a thing as the servility of an advocate to a judge: in such a case the advocate's own professional character suffers, while the interests of his client are, to a certain extent, compromised. And as Mr. Denman feared not the bench, so neither was he overawed by any of his contemporary counsel. There were counsel of greater legal acquirements than himself, and of as great talents, who trembled to be pitted against Mr. Brougham. Not so with Mr. Denman: with him Mr. Brougham was the same as any other man,—with this difference, that he knew the commanding talents of Brougham required much greater exertion on his part to counteract the impression he might produce on the minds of a jury, than would be required in other circumstances.

Mr. Denman gave one extraordinary proof of the fearlessness of manner of which I am speaking, which must still be fresh in the remembrance of the public. I allude to the way in which, when addressing the House of Lords, as counsel for Queen Caroline, he denounced the late king, then Duke of Clarence. Mr.

Denman having, in a speech which occupied five or six hours in the delivery, summed up the evidence which had been adduced in the course of the trial, referred, towards the conclusion, to certain efforts which had been made to prejudice the queen, in the following pointed and uncompromising terms:—"I know," said he, "that rumours are abroad of the most vague, but, at the same time, of the most injurious character. I have heard them even at the very moment we were defending her majesty against charges which, compared with these rumours, are clear, comprehensible, and tangible—we have heard, and hear daily, with alarm, that there are persons—and these not of the lowest condition, and not confined to individuals connected with the public press, not even excluded from your august assemblage—who are industriously circulating the most odious and atrocious calumnies against her majesty. Can this fact be? And yet, can we live an hour in the world at this moment and not know it to be true? We know that if a juryman, upon such an occasion, should be found to possess any knowledge of the



subject of inquiry, we should have a right to call him to the bar as a witness. ‘Come forward,’ we might say, ‘and let us confront you with our evidence; let us see whether no explanation can be given of the fact you assert, and no refutation effectually applied.’ But to any man who could even be suspected of so base a practice as whispering calumnies to judges—distilling leprous venom into the ears of jurors—I would say—‘Come forth, thou slanderer! and let me see thy face! If thou wouldst equal the respectability of even an Italian witness, come forth, and depose in open court! As thou art, thou art worse than an Italian assassin! because, while I am boldly and manfully meeting the accusers of her majesty, thou art planting a dagger unseen in her bosom, and converting thy poisoned stiletto into the semblance of the sword of justice!’ I would fain say, my Lords, that it is utterly impossible this can be true; but I cannot say it, because the fact stares me in the face. I read it even in the public papers; and had I not known of its existence, in the dignity of human nature, I should have held it impos-



sible that any one, with the heart of a man or with the honour of a peer, should so debase his heart and degrade his honour! I would charge him as a judge—I would impeach him as a judge; and if it were possible that the blood-royal of England should be tainted with such a degradation—that it could descend to a course so disgraceful—I should fearlessly tell him that it was far more just that such conduct should deprive him of his right of succession to the throne of these realms, than that all the facts alleged against her majesty, even if true to the last letter of the charge, should warrant your lordships in passing this bill of degradation and divorce.”

Here was a specimen of manly independence of character. It was one worthy the best days and the best men, of ancient Greece or Rome. It is to be borne in mind that this was uttered, not only by a plain advocate before the assembled nobles of the land, but in the very presence and hearing of the royal peer against whom it was directed. The general remark, after Mr. Denman had concluded his speech, was that the

passage in question would prove ruinous to him as a professional man. For a time the prediction seemed as if it would be verified. The straightforward speaker drew down upon himself the implacable enmity of George IV., and consequently, while that monarch lived, an insurmountable barrier was interposed to his professional preferment. Mr. Denman had the mortification to see his juniors in age and inferiors in talent raised over his head, because he had given this most striking exhibition of his innate independence and fearlessness of character. To the infinite honour, however, of the late king be it spoken, no sooner was he raised to the throne than the prospect of professional promotion, according to his merits, opened on Mr. Denman. This was the more to be wondered at, as our late sovereign was the very party denounced by him. William IV., however, could never retain animosities. It is doubtful, indeed, whether he did not merge all personal feeling on the subject, in his admiration of the sterling straightforward integrity and unbending independence of the advocate.

As will presently be seen, Mr. Denman, soon after the accession of his late majesty to the throne, was raised to the office of Attorney-General, and eventually to his present important and dignified situation.

I have already glanced at Mr. Denman's manner in addressing a jury. That manner was always dignified. He was sustained in every case by the feeling of thorough independence, to which I have been alluding. In no instance did either the magnitude of the cause entrusted to him, or any other consideration, discompose him. His perfect composure was, under all circumstances, observable, and was often of great service both to himself professionally and to the client whose interests were committed to his care. In many instances the loss of self-possession is very injurious to an advocate: there are cases on record in which the perfect composure of the counsel would have gained his client's cause. Mr. Denman was not over-liberal of his gesticulation in addressing a jury. His favourite attitude, in the more emphatic parts of his speech, was that of extending both

his arms at once, and looking the jury earnestly in the face. At other times, he moderately moved his right arm, accompanying it now and then with a gentle motion of the left. I have spoken of his fine sonorous voice. His elocution was always good. His utterance was timed with judgment to the ear; and he seldom stut-tered or had to withdraw an unsuitable word. His forensic efforts rarely rose to the higher order of eloquence; but they were always more than respectable. They never degenerated into feebleness or silliness: they were always—I mean on important occasions—what is called good; but they never dazzled by their brilliancy, or hurried away the jury or the audience with the advocate, by the impetuosity of their eloquence. It is worthy of remark, as showing a superior though not first-rate mind, that Mr. Denman always rose with the occasion. Perhaps his happiest and most masterly effort, was the summing up of the evidence on Queen Caroline's trial. The peroration of his speech on that occasion, of which I have already given a specimen, was also of a very high order of merit.

Mr. Denman was long ambitious of the honour of representing Nottingham, his native place, in parliament, and was fortunate enough to obtain it. His decidedly liberal principles were, of course, in those days of Tory domination, a great bar to his election for that place, as they would have been in the case of most other towns. He was beginning to abandon all hope of admission into St. Stephen's Chapel, as the representative of Nottingham; just as those who go into the nameless place referred to by Dante, when he speaks of a certain inscription being written over its doors,\*—abandon all hope of ever getting out again. Mr. Denman had thus been giving up all expectation of ever being returned to parliament by his townsmen, when circumstances occurred which led to his election. Those circumstances were very curious, and afford a fine illustration of Pope's well-known remark,

“What great events from trivial causes spring!”

Upwards of sixteen years since, Mr. Denman

\* “All hope abandon, ye who enter here.”

was, on one occasion, as was then his practice, attending the assizes in Nottingham. This was immediately after a dissolution of parliament, and while the good people of that place, like the good people of all other places in the country, were over head-and-ears in the politics of the coming election. It chanced, as well as I can remember the particulars, that there was a division among the liberal electors of Nottingham, as to the fittest person to represent them in the ensuing parliament, when some one having at one of the public meetings then held on the subject, mentioned the name of Mr. Denman, it was received with very great and general enthusiasm. Encouraged by this favourable circumstance, the gentleman who had named him, and who was also a personal friend of his own, hastened to the court in which the assizes were being held at the time, to communicate to him the gratifying intelligence that so much enthusiasm had been manifested in his favour. He had told the electors previously that he would bring Mr. Denman to them immediately. On reaching the court, he found that Mr. Denman had quit-



ted it, and had stepped into the hotel, there to wait for two or three hours until the next case in which he was engaged should come on. His friend entered the room quite abruptly, and without waiting to give the usual preliminary knock. There he found Mr. Denman, with his wig, and gown, and bands gracing his person, and with a Mont Blanc of briefs and other professional documents piled up on the table before him, in defiance of all the acknowledged laws of architecture. His friend, I forget his name, otherwise I would call him by it; his friend, without waiting to greet him with a "How d'you do?" "Good morning," or any of the usual salutations, had hardly got to the inside, when he exclaimed, half suffocated from the haste with which he had come on his errand, "Holloa! Denman, come away this instant, and you're sure to be elected."

"What, what's the matter?" inquired Mr. Denman, evidently surprised at the abruptness of the entrance, coupled with the as yet unmeaning apostrophe of his friend.

"There's not a moment to be lost—not a sin-



gle moment, I assure you !” said the other, in broken accents, caused by the dispatch he had shown in the business.

“ Where do you want me to go to ?” inquired Mr. Denman, with great coolness but yet marked surprise as to what it could be all about.

“ Over to the Town Hall,” gasped his friend.

“ Well, really, Smith,\* you do astonish me. Come, take a chair, and sit down and tell us all about it.” Mr. Denman motioned to Mr. Smith to sit down on a chair which he handed to him.

“ There’s not a moment to be lost—not a moment to be lost. They’re all met,” said Mr. Smith, without deigning to look at the chair.

“ *Who* are all met ?” said Mr. Denman, still more and more surprised.

“ The people !” was the answer.

“ I’m still as much in the dark as before, Mr. Smith. What have they met for ?”

\* I must suppose some name for convenience sake, and Smith being the most common name in England, I may as well suppose that that was the name of the gentleman.

“ Why, to fix on a gentleman to represent them in the next parliament,” was the answer.

“ O ! indeed ; and who may be the fortunate individual they have in view ?” said Mr. Denman.

“ Why, yourself, to be sure,” answered Mr. Smith.

“ Come, come, Smith, I’ll be quite agreeable to your having a joke at my expense at any other time ; but, you see, I’m too busy now for it,” observed Mr. Denman, resuming his seat, and stretching out his hand for the brief he had put aside on the sudden entrance of Mr. Smith.

“ But, on my honour, it’s *no* joke,” said Mr. Smith, with great energy.

Mr. Denman looked him in the face without uttering a word.

“ I’m perfectly serious, I assure you,” said Mr. Smith.

“ You mean to say you are, Smith ?”

“ I do, by all that’s sacred. Come away this instant.” Mr. Smith as he spoke seized hold of Mr. Denman’s gown for the purpose of persuading him to go.

“ But, come, do tell me, has my name been really mentioned by any of the electors?” inquired Mr. Denman, rising from his chair.

“ It has, upon my honour, and been received with deafening acclamations.”

“ Now, laying all jocularities aside, do you think I should have a chance of being elected, if I were to stand?”

“ I’ll pledge my existence that you have not only a chance, but that your return is certain,” answered Mr. Smith.

“ Then, by ——, I’ll go with you this moment!” exclaimed Mr. Denman, with a most forcible emphasis; at the same time taking off his wig and dashing it down on the floor at his feet with tremendous energy. The gown was also doffed in an instant, and shared the fate of the wig.

Mr. Smith and Mr. Denman proceeded that instant to the hall, where they found the electors all impatient to see the latter. Mr. Smith introduced his friend: the announcement of his name was received with rapturous applause. He then made a flaming speech of up-

wards of an hour's length, which was greeted with plaudits which a person fond of hyperbolic expressions would say, would have drowned the roar of Niagara itself. At the conclusion of the speech, the hall resounded with shouts of "Denman for ever !" and in less than an hour there was not a boy in the streets that did not throw his cap up in the air, and shout the same thing. Mr. Denman's election was now, even to his own satisfaction, secure. The day for nomination arrived. Mr. Denman, according to promise, appeared on the hustings. He was proposed and elected member for Nottingham after a very severe contest.

Mr. Denman was, for a long course of years, as before stated, the intimate friend of Brougham. With the latter, Mr. Denman largely shared that ardent attachment to literature and science, which has always been one of the most marked characteristics of Brougham's public career. It is true, Mr. Denman is not, like his friend, known for any great efforts he has made as an author; but he was always among the foremost to encourage the institution of literary and scientific societies; and he has

proved, times without number, by his speeches, that he is a man of extensive information and of a cultivated literary taste. His speech on his inauguration some years since, at the opening of the theatre of the London Institution, was, of itself, sufficient to prove this. In the conclusion of that speech he thus eloquently refers to the pleasure he had derived from literary pursuits amidst all the labours and anxieties consequent on professional avocations ;—“I trust that my zeal may, in some degree, supply what is wanting in ability ; and I can offer at least my testimony as a witness, speaking from experience and observation, to the value of literary pursuits as a means of happiness. They are, in truth, in the language of that lesson imbibed in my early years—‘the nourishment of youth—the delight of age—the ornament of prosperous life—the refuge and consolation of adversity—the companion of our weary travels—of our rural solitudes—of our sleepless nights.’ These words,” added Mr. Denman, “were uttered nearly two thousand years ago by the great statesman and orator of Rome, who, in those

characters, performed but a fleeting service to his own country; while, as a philosopher and a man of letters, he has conferred benefits on all mankind, which must be felt while the world endures.”

Lord Denman gives much satisfaction as a judge. For some time after his elevation to the bench, the bar thought they observed in some of his decisions an immaturity of judgment. Since then he has greatly improved, and is now regarded as in every respect well qualified for the important office he holds. If on any occasion, which rarely happens, he, in the heat of the moment, makes any remark which he supposes calculated to hurt the feelings of counsel, he shows that he deeply regrets the circumstance, by taking the first opportunity of endeavouring to set himself right with the party so offended. This is an excellent trait in the character of any man, in whatever station of life he chances to be placed: in that of a judge it is peculiarly so. A milder or more gentlemanly man never sat on the bench. He treats every one in court with the greatest respect. Even

the witnesses in any case, however humble their station in life, are treated by him as if on a footing of perfect equality with the court itself. He makes no distinction in this respect between the peer and the peasant. I question if a more happy union of true dignity with urbanity, was ever exhibited on a seat of justice, or in any other situation of life, whether private or public, than is displayed by Lord Denman in his capacity of judge. At the bar, as a member of parliament, and in every situation of life in which he has been placed, he has shown a perfectly unsophisticated nature. The same attractive social quality is equally visible in his conduct as a judge. With the most unbending firmness of purpose, and the greatest decision of character, he blends the simplicity and innocence, if I may here use the expression, of the child. Lord Denman knows not, unless he should have chanced to meet with it in some lexicographical work, the meaning of the word "sycophancy." He never truckled to the great: he never will. To fawn on a fellow being, no matter how exalted his station in life, were to do violence to



his nature: he would suffer martyrdom, in its most awful forms, a thousand times sooner. He holds good conduct to be the only true nobility. To a high-principled man he can do homage, however lowly and despised may be the party's situation in society: to respect, even in appearance, a duke or a prince, if either be a person who tramples on virtuous principles, is a thing his nature could not stoop to. Witness the feelings of contempt with which he regards mere rank, when dissociated from principle, in the severe rebuke he administered in open court, during the late trial of Lord De Roos, to some of the titled aristocrats, who, by their own admission, had been accessory to cheating at cards! Were all our judges in this respect like Lord Chief Justice Denman, then, indeed, might this country be proud of its judicial functionaries.

The fearlessness and independence which Lord Denman manifested when practising at the bar, he has strikingly displayed since his elevation to the bench. His recent decision in the case of Stockdale, in opposition to the pride and power of the House of Commons, proves

that the rights and liberties of the subject would be safe in his hands in the worst of times. That was a display of courage, fearlessness, and integrity, worthy of the best days of England's history, and which never was surpassed in any other country in the world. To see one man thus, single-handed, beard the House of Commons, equally uninfluenced by private considerations, and by the menacing attitude which that assemblage were at one time understood to have assumed, is, indeed, one of the noblest spectacles ever witnessed in the judicial history of the country. The Commons have been taught by Lord Denman, in terms which there is no mistaking, the great constitutional doctrine, that they are not to take away the private character of any one—no matter though the humblest subject in the land—with impunity.

In this respect, Lord Denman is following in the footsteps of the great Lord Chief Justice Holt. On one occasion he delivered a judgment, encroaching on what the House of Commons conceived to be their privileges. They appointed a deputation, headed by their speaker,

to wait on him for the purpose of remonstrating with him on the decision. The deputation proceeded, with that view, to the Court of King's Bench. Lord Chief Justice Holt, on the speaker stating the purpose for which the deputation had waited on him, commanded the whole batch of M.P.'s to quit the Court that instant, adding, that if they did not, he would order every one of them to be taken into custody that moment. The alacrity which the poor affrighted legislators exhibited in making their way to the door, on receiving this intimation, was truly laughable. Had the house been falling about their ears, they could not have used greater expedition.

Lord Denman is in the fifty-seventh year of his age. He possesses a fine figure, with a manly, dignified expression of countenance. There is something very intellectual about his face. His eye is quick and lustrous. His features are regular, and wear a placid aspect. Lavater would have inferred, from the language of his lordship's countenance, that he possessed a calm and untroubled spirit. In this the great

physiognomist would have been right. Lord Denman enjoys an habitual serenity of mind, arising from the consciousness of having, in despite of the numerous and powerful temptations which have beset his path, acted according to his convictions in every situation of life in which he has been placed. A more honourable or upright man never adorned the English bar; a more consistent or honest politician never crossed the threshold of parliament; nor did ever a more independent or purer-minded individual preside on the judicial bench of this country. Lord Denman's complexion is dark. He looks well for one who has been for so long a period engaged in the bustle and business of a laborious profession, as well as in the office of a legislator. He is constitutionally strong, though not of a particularly robust appearance. It is to be hoped that one who so well becomes the important station he fills, may be long spared to occupy it.

MR. JUSTICE LITTLEDALE has now been thirteen years on the bench, having been raised to that dignity in 1824. When practising at the bar he

applied himself so assiduously to the duties of his office, that had not his constitution been unusually good, he must have sunk under the weight of his labours. Few men more plodding or industrious than was Mr. Littledale when at the bar, have appeared in a court of law. He had a large and lucrative business as an advocate. What may have been his yearly income, I am not able to say specifically. His constant application to his professional duties, shut him out, in a great measure, from the world. He seldom saw any one, except two or three immediate relations or intimate friends, at his own house, and scarcely ever went to parties at the houses of others. I have heard some amusing anecdotes, both before and since his elevation to the bench, relative to his ignorance of the world, in consequence of his studious and retired habits; but it would not be right to repeat them in public. As a barrister, Mr. Littledale distinguished himself by his sound and extensive knowledge of the law. He was not a very popular speaker; that is to say, he was not so well calculated to arrest and preserve the attention of a

promiscuous audience, as many of his contemporaries were; but his speeches were always listened to with great interest by the profession. His voice was good; but he spoke rather fast and thick. He has always been distinguished for his great benevolence. When at the bar, as well as since he has been invested with the judicial character, his singularly unsuspecting and confiding disposition has often been taken advantage of by designing persons. It is understood, that from first to last he has been fleeced of large sums by parties pretending to borrow money from him for a short time; to say nothing of other expedients which have been resorted to with a view to effect the same object. He is a good judge. Few of his colleagues on the bench can lay their hands on precedents more readily. His very extensive library of law books, and the constant use he makes of them, give him in this respect advantages over most of the judges. His figure is about the average height, but rather slender. His countenance is plain; and his features are large and marked. His complexion is sallow. With the exception of Mr.



Justice Gazelee, he is the only one of the judges who adheres to the old fashion of wearing a wig out of court, and a hat with a brim of prodigious breadth. He is about his seventieth year, but looks older than he is.

MR. JUSTICE PATTISON has been now seven years on the bench, having been raised to the dignity of a judge in 1830. As an advocate he was always well known to, and much respected by, the profession; but he was not particularly popular with the community generally. He was always considered a good lawyer, and had a very respectable business. As a speaker he did not particularly excel; though he was in this respect certainly rather above than below mediocrity. He was always clear in his statements, and ingenious in his reasonings. He was a favourite when practising at the bar, as he still is, with the profession. He was, I may also add, much esteemed by all who knew him. Even the stranger who casually dropped into the courts in which he practised at Westminster Hall, was sure to be favourably struck with the appearance of his countenance. It is the same still.



No one can look on Mr. Justice Pattison's face, without concluding that he is a man of great benevolence. Such is the fact. The features of the face in his case, are a faithful index of the inner man. His countenance also indicates good-humour. He seems to be, and is in reality, pleased with everything and everybody. All is sunshine with him. He labours, to some extent, under the infirmity of deafness. Hence it is that he is often to be seen sitting with his elbow resting on the bench before him, and his hand placed to his ear. His sight is also partially impaired, and therefore he uses spectacles, which, by the way, very few of the judges do ; a fact the more singular, as they are almost all considerably advanced in life. I know not, indeed, where an equal number of men, of the same ages, could be taken at random, who in so few instances use these auxiliaries to sight. Mr. Justice Pattison's features are very large and striking, but, on the whole, pleasant. His complexion is somewhat florid, and his hair is dark. A considerable portion of his forehead is bald. His figure is rather portly, and has the

appearance of considerable muscular energy. He is among the youngest of our judges. I should take him to be under fifty.

Mr. JUSTICE WILLIAMS was raised to the bench in 1834. The first thing which brought him permanently into notice, when practising as a barrister, was his being one of the counsel for the late Queen Caroline, when she was tried before the House of Lords. He had before that time been well known to the profession, and enjoyed a very respectable share of business as an advocate, but his name was not often before the public till that appointment took place. He distinguished himself by the felicity of his cross-examinations of the adverse witnesses, more than by any oratorical efforts on behalf of his illustrious client. He often elicited important facts from the witnesses for the prosecution, when the other counsel had resumed their seats under the impression there was nothing more to be extracted from them. This was ascribed by many to Mr. Williams's superior knowledge of the Italian language. That may have been partly the cause; but it could not have been the cause

altogether. There must have been superior talents in cross-examining the witnesses, as well as a superior acquaintance with their native language, to render him so successful.

As a barrister, Mr. Williams was allowed on all hands to be better deserving of success than many of his contemporaries who were more fortunate as regarded the amount and profitability of their business. Without being a first-rate lawyer, his legal knowledge was always admitted by the bar to be more than respectable, though he had the mortification of seeing a number of his brethren, who had nothing but their blustering self-confidence to recommend them, receiving a much larger portion of the public patronage. Mr. Williams's business, however, was considerably increased by the prominence with which the part he took on the trial of the queen brought him before the public eye. That prominence he did not suffer to die away with the occasion to which he owed it. The poor queen died in less than twelve months after her trial, and the remembrance of herself and her wrongs, as always has been and always

will be the case, died to a very great extent with her ; but Mr. Williams kept himself before the public by the length, and frequency, and warmth of his speeches against the Court of Chancery during the dynasty of Lord Eldon. I am not sure, however, that he ever availed himself of the power he possessed as a member of parliament, practically to promote those reforms, on the necessity of which he had so often and so forcibly dwelt. His politics as a legislator were liberal. He was in parliament at the time of passing the Reform Bill, but was unable, from indisposition, to be in the House at the passing of the measure.

As a pleader, Mr. Williams evinced considerable dexterity. He was acute in detecting the weak points in the case of the opposite party, and he was happy in placing them before the judge and jury. He spoke with animation and fluency, and was always intelligible ; that is to say, when it suited his purpose to be so. His style was correct and easy. It bore not on it the impress of labour. Indeed his speeches, either as to matter or manner, seldom appeared

to be elaborate efforts. He was not a clap-trap speaker. He was most adapted for addressing with effect an intelligent jury. His greatest triumphs were achieved when the parties addressed possessed the faculty of distinguishing between sense and sound, and when they gave the preference to the former. He was not a man, either as a barrister or as a member of parliament, who had any chance of being popular with the mob. His personal appearance was against him as a declaimer or popular speaker. He is under the middle height, and has no striking quality either about his face or figure. He is thin in the face, and slender in person. His complexion has something of ruddiness about it. He has an aquiline nose, and sharp eyes. The muscles of his face are generally in full play; sometimes they move so rapidly, and in such a way, as to cause an involuntary smile on the part of the beholder. Mr. Williams, indeed, when at the bar, got credit for gaining many, if not most of his cases, by what some of his contemporaries used to call the "power of his face." While the opposing counsel was labour-

ing with all his might and main, to make out a case for his client—exhausting all his intellectual resources and physical powers—while so employed, Mr. Williams was sitting watching the effects of the speech on the minds of the jury. In such cases he generally, to use his own expression, endeavoured to “ogle the jury,” by the singular command he had over the muscles of his face. Sometimes he would wink at them when the opposing counsel was labouring a point, as if all he had been saying were the very essence of absurdity. The jury often construed this into a compliment to themselves, as if Mr. Williams had been intimating to them that he was sure they saw the ridiculousness of the argument as readily and clearly as himself did. At other times he would give a most contemptuous expression of countenance, at what he conveniently pretended to be the supreme silliness of the pleadings of the counsel on the adverse side. Then again, he would shake his head, and laugh at the principal points urged on behalf of the opposing party. By “ogling” the jury in this way, he often had



effectually replied to the counsel on the other side by the time such counsel had resumed his seat. In other words, he often virtually gained his case by the mere "power of face," before he had opened his mouth in favour of his client.

Mr. Williams, when at the bar, was fond of horses, and had the reputation of being skilled in horse-flesh, and of being an amateur on the turf. At any rate, no one ever saw him with an inferior animal of his own. He had a practice of riding out in the vicinity of the town, for two or three hours every fine morning, during term time. This he found to be not only conducive to his health, but improving to his mind, by giving his nerves a firmer tone, and thus fitting him the more for the arduous duties of his profession. An amusing anecdote has been communicated to me, connected with these morning rides. As he was one day returning from his ride, he met, on his way to Westminster Hall, Lord Brougham, then Mr. Brougham, with whom he was on terms of the closest intimacy. Mr. Williams, who, in his younger days, had a great



flow of animal spirits, and was very unceremonious in his mode of accosting his private friends, shouted out as Mr. Brougham was passing along the pavement, "Holloa, Brougham, where are ye going?"

Mr. Brougham looked around him, as if wondering where the voice came from; but seeing no one he knew, he proceeded along the pavement, giving sundry twitches to his nose, as if nettled at his name being thus called aloud in the public streets, while he knew not by whom it had been so uttered.

"Henry!" exclaimed the same voice.

Mr. Brougham again paused, and looked into the middle of the street, as obviously the place whence the voice came; but still recognising no one, he looked most savage, and was about to move onwards, when Mr. Williams burst into a fit of laughter.

Mr. Brougham, after looking for a moment quite astounded at seeing his friend under the circumstances, also burst into a loud laugh at the figure he cut. The materials for Mr. Brougham's risibility, which the appearance of

Mr. Williams afforded, will be in some measure understood, when I mention that he was dressed in what he called his summer's riding wardrobe, consisting of a thin nankeen jacket, a light waistcoat, with a variety of green stripes on it, top boots, and a straw hat, with a brim whose breadth any Quaker would have envied. It was the circumstance of seeing his friend arrayed in this very unusual costume, that prevented Mr. Brougham recognising him sooner.

“ Well, upon my word, Williams, you look the jockey to admiration,” said Brougham.

“ Why I believe I do look something of the sort,” said Mr. Williams, tapping the boot on his right leg with the but-end of his whip.

“ Where have you been at this early hour? I'm only just out of bed,” observed Mr. Brougham.

“ Why, having my usual morning's ride, to be sure,” was the answer.

“ How do you manage to get out of bed so early?” inquired Mr. Brougham. “ It is with difficulty I can get up at nine o'clock.”

“ O, all habit—all habit,” said Mr. Williams, putting his straw hat on one side.

“ Well, I certainly must admit it’s a habit which is very conducive to health. Gives one a good appetite, I should suppose.”

“ Bless your soul, Brougham, it gives one the best appetite in the world. You should get up every morning at six, as I do.”

Mr. Brougham shrugged up his shoulders.

“ Ah, but you should, though,” said Mr. Williams. “ Depend on it, it would do you infinite good. You would eat mountains of toast for breakfast.”

“ It won’t do ; bad habits are not easily got rid of ; I couldn’t get up at that hour though my house were on fire,” said Brougham.

“ Well, well,” observed Mr. Williams, “ every one to his taste.”

“ What sort of a three-leggedger is that you have got ?” inquired Mr. Brougham, gently patting the horse’s neck.

“ A three-leggedger !” exclaimed Mr. Williams ; “ why he’s one of the finest animals in London.”

“ Ay, ay, *you* say so : I suppose he cost

you twenty pounds, or thereabouts," observed Mr. Brougham.

"Come, come, Brougham, none of your nonsense now. He cost me more than five times that sum : he's a hundred-and-ten-pounder."

"Had I given such a price for such an animal, you would have charged me with furnishing another illustration of the old adage—'A fool and his money are soon parted.'"

"There's not a better trotter in town. I will match him against any horse in London this moment. By-the-by," added Mr. Williams, "speaking of trotting matches, I had a curious adventure that way this morning.

"What was it?" inquired Mr. Brougham.

"Why," answered the other, "as I was trotting down the Edgware Road about an hour ago, at an ordinary pace, a little fellow of a butcher's boy went flying past me, with a large basket full of meat under his arm. When he had proceeded some distance, he stopped at the house of one of his master's customers, and on the servant appearing, transferred the contents of the basket to her."

“ I don’t see anything very curious in that,” observed Brougham. “ I should think, on the contrary, it’s an every-day occurrence.”

“ Ah, but stop till you hear out the adventure.”

“ Well, say on ; only be as quick as you can, as it’s time I were down at the court.”

“ Well,” resumed Mr. Williams, “ well, I overtook the little fellow, just as he was coming out from the house. ‘ I say, young man, there’s some mettle in that horse of yours,’ I remarked.

“ ‘ Vy, that ben’t no news. I knows that ere myself, old chap,’ was the answer.

“ ‘ He’s not equal to mine, though.’

“ ‘ I’m blessed if you aint a-mistaken, old jockey. Vy, he’s worth a half-dozen of that ere cob of yourn.’

“ ‘ Allow me, young man, to assure you that you are quite mistaken.’

“ ‘ Vell, you may think so, if so be you please, old chap.’

“ As he made this remark,” said Mr. Williams, “ he put spurs to his horse, and started

off; but suddenly pulling up again, and turning his face towards me, while he rested one of his hands on the animal's back, he apostrophised me thus:

“ ‘I say, jolly old top-boots, I'll wager that my 'os beats that ere clumsy hanimal of yourn at a race up this ere road.’

“ ‘I'll bet you anything you like, he does not,’ said I.

“ ‘Then vat is the bet to be?’

“ ‘Anything you like.’

“ ‘A quartern of gin?—I've not got many browns, but I can stand that ere, any how.’

“ ‘Done,’ says I.

“ ‘How far shall it be?’

“ ‘To the end of the road.’

“ ‘Werry vell. Are you ready, old nankeen-jacket?’

“ ‘Quite ready.’

“ ‘Then here goes.’

“The horses having been previously put abreast, off we set, quite in the John Gilpin style.”

“And who won the race?” interrupted Mr. Brougham.

“ I was going to tell you,” answered Mr. Williams ; “ I won it by a couple of yards.”

“ Ah, *you* say so,” observed Mr. Brougham.

“ I did, upon my honour,” said Mr. Williams.

“ Well, but about the quartern of gin ; that was the best part of the business. How did you manage it ?”

“ O, the little fellow proposed paying it, like a trump.”

“ Capital !” said Mr. Brougham, attempting a laugh. “ There must have been some pluck in him.”

“ There was indeed. Immediately on our reaching the point agreed on, he said, ‘ Vell, I’m blowed if you ain’t a-gained it !’ and then, after fumbling for a few seconds in his trousers’ pocket, he produced some pence which he held out in his hand exclaiming, as he looked complacently at them, ‘ There’s the browns, old ’un ; come, let’s go to that ere public-house over the vay, and have the quartern.’ He again looked at the coppers in his hand, and betraying a slight confusion, observed, ‘ I’m blessed if I



ain't a ha'penny short! Would you lend me one, old fellow?"

"Of course you did so at once," interrupted Mr. Brougham.

"O certainly," answered Mr. Williams.

"And no doubt the gin was ordered and drunk between you," remarked the other.

"Have a minute's patience, and I'll tell you all about it," said Mr. Williams.

"Be as quick as you can then, for I ought to have been in the court before this time."

"Well, I had no sooner given him the half-penny, than he darted over with his horse to the door of an adjoining public-house, and bawled out for a quartern of gin. The article was brought him in an instant, when filling up the glass, he put it to his mouth, and saying, 'Your jolly good health, old chap!' drank off its contents in a moment."

"But what came of your share?" inquired Brougham.

"Why, he immediately filled up the glass, and offered it to me."

"And didn't you take it?"

“ No; I enjoyed the joke, but not wishing to carry it so far as to be seen drinking gin in public, I told him that I could not taste spirits at so early an hour in the morning.”

“ And what did he say?”

“ Why, darting at me a look of mingled indignation and surprise, he said, ‘ Vy, I’m blowed if you ben’t a precious humbug, old nankeen-jacket. But if you von’t drink this ere gin, I will, that’s all.’ And putting first the glass and then the jug to his mouth, he inverted both in a few seconds, on which I bade him good morning.”

“ I wish you the same; you have had a rich adventure,” said Brougham, and away the latter went to Westminster Hall.

Mr. Williams was made a Baron of the Court of Exchequer in February 1834, and in two or three months afterwards was appointed to his present situation. It is worthy of observation, that, on his first circuit as judge, and the first week of that circuit, it was his lot to preside at the trial of the Dorchester labourers, whose case has ever since been kept so prominently

before the public. I may here mention that the sentence of seven years' transportation, passed by Mr. Justice Williams on those men,—convicted, as the reader will remember, of having taken an active part in the formation of the Trades' Unions of that period,—has been commuted by Lord John Russell, and that they are now understood to be on their way home to England.

The shortness of the period Mr. Justice Williams has been on the bench, puts it out of my power to say much of him in his capacity of judge. The sentence referred to was generally allowed to be more severe than the circumstances required. It is probable, however, that the extensive organisation and formidable character of the Trades' Unions of 1834, appeared to his lordship to render it necessary that an example should be made, to deter others from joining such associations. With that single exception, all Mr. Justice Williams's decisions have, I believe, given satisfaction. In pronouncing judgment, or in summing up the evidence which has been laid before a jury, he is

remarkable for the abruptness of his sentences. I cannot speak with certainty as to his age, but, judging from his appearance, I should suppose him to be about sixty.

Mr. JUSTICE COLERIDGE is the remaining judge in the Court of King's Bench. As an advocate, he was not much known by the public, though his talents in that capacity were duly appreciated by the profession. His business never was large; but as he was chiefly retained on behalf of wealthy clients, it was more productive to him than was the more extensive business of many of his brethren of the bar. He was an excellent lawyer. His legal knowledge was at once sound and varied. As a pleader, he did not shine with any particular splendour. The bench and the bar could alone appreciate his talents; a jury or a promiscuous auditory would hardly have deemed him worth listening to. In a very few instances were his speeches calculated to attract attention. He scarcely possessed a single quality which could be expected to render him popular with the million. His mind was not vigorous, in the

more enlarged acceptation of the term. There was nothing brilliant or striking in his speeches. They were elaborate in no ordinary degree. If he ever did indulge in extemporaneous effusions, there was no appearance in his addresses of their being the creations of the moment. He was acute in detecting, and tolerably successful in exposing, the sophistry of the opposing counsel; but the effect of this was in a great measure impaired by his want of animation and energy. His matter was intrinsically good, but it might have been set off to much greater advantage by the admixture of something lively, or even declamatory to a moderate extent. He spoke with tolerable fluency, seldom having occasion to pause for the proper word, or to correct any infelicity of expression. His diction usually displayed good taste. A competent judge could have seen, before he had spoken many minutes, that he was a man addicted to literary pursuits. His voice was not sufficiently strong to produce any impression as a speaker on a popular assemblage. It also either wanted flexibility of intonation, or he that ardour of temperament

which could take advantage of its capabilities, provided it possessed them, in that way.

Mr. Coleridge was well known in the literary world. He was long understood to be a stated contribūtor to the "Quarterly Review;" and though it is not generally known, he edited the three or four numbers, the publication of which intervened between the resignation of Mr. Gifford and the appointment of Mr. Lockhart. The numbers in question were by no means among the happiest which have appeared; but so short an editorial reign could hardly be said to give a man a fair trial. Mr. Coleridge is understood to have continued a regular contributor to the "Quarterly," up to the time of his elevation to the bench, in the end of 1835. Whether he still furnishes an occasional article to it, as Lord Brougham did to the "Edinburgh Review," for years after his appointment to the office of Lord Chancellor, I have not the means of knowing.

Mr. Coleridge used to be confounded with *the* Mr. Coleridge—the late S. T. Coleridge. This was chiefly owing to the circumstance



of its being known that *a* Mr. Coleridge was a contributor to the "Quarterly Review." People naturally leaped to the conclusion, that this was Mr. S. T. Coleridge. But though the Mr. Coleridge, who wrote for the "Quarterly," and the Mr. Coleridge who was so celebrated as a poet and for his singular conversational talents, were different persons, there was a close relationship between the two. Mr. Coleridge was nephew of the late Mr. S. T. Coleridge, and some time since published a work in two volumes, relative to the life and writings of his uncle.

Mr. Justice Coleridge is an excellent judge. Perhaps he is not inferior to any of his brethren on the bench. He makes himself thoroughly master of the details of the cases which come before him; and distinguishes, as if by a sort of intuition, between a sound argument and a mere sophism, however refined the latter may be. His knowledge of law is at once accurate and extensive; he can always lay his finger on the precedents which more particularly apply to the case under the consideration of the court. No appointment to the bench has for many years



past given greater satisfaction, either to the bar or the public; though there was some grumbling on the subject before he had an opportunity of displaying his merits as a judge. In his political opinions he has always identified himself with the Tories; but he has never, so far as I am aware, betrayed anything like the violence of a partisan. It can hardly be necessary to say, that in his judicial capacity, he knows nothing either of Tory, Whig, or Radical.

Mr. Justice Coleridge is a young man for one who occupies a seat on the bench. I should take him to be under forty-five. He is rather above the middle height, and of a well-proportioned figure. His features are not very regular; but his countenance is not deficient in intellectual expression.

## CHAPTER V.

## JUDGES IN THE EXCHEQUER COURT.

LORD ABINGER—MR. BARON PARK—MR. BARON  
BOLLAND—MR. BARON GURNEY—MR. BARON  
ALDERSON.

I NOW come to the Judges in the Court of Exchequer. They are five in number. Lord ABINGER is Lord Chief Baron of this Court. Few men have been more permanently and constantly before the public than his lordship, either when at the bar, or since his elevation to the bench. When practising in the courts of law as plain Mr. Scarlett, he was one of the best known and most extensively employed of his contemporary

counsel. Perhaps he was the most successful lawyer of his time, as regarded the number of cases he gained. Though not possessing a tithe of the talent of Mr. Brougham, he was much more fortunate in gaining cases for his clients than ever his friend and rival was. Various circumstances may be mentioned as accounting for this. His knowledge of law was much more accurate and extensive than that of Brougham, or any of his more popular contemporaries at the bar. This was of infinite service to his own reputation and to the interests of his clients. While his own positions, when he had the right of the case, were laid down in such a manner as to render it impossible for the opposing counsel to overthrow them, he was always ready to detect any legal defect in the view of the matter taken by the adverse party. In this respect he showed great tact. Whenever he discovered any error in point of law in the grounds on which the opposite side based their case, he did not give a merely passing exposure of such error, but dwelt upon it at such length and with such earnestness, that even the court it-

self was sometimes led to magnify its importance.

Another very striking feature in the character of Mr. Scarlett as an advocate, was that of his singling out, with consummate judgment, the leading facts in favour of his client, and then placing them with singular clearness before the court. Matters of minor importance, though in themselves favourable to his client, he either passed over altogether, or else contented himself with a cursory glance at them. He had the wisdom first to ascertain what was most likely to serve his client, and then to make the best of it, by placing it so clearly before the eyes of the court, that both judge and jury—I mean in those cases where there was a jury—were forced to look at it whether they would or no. But this was not all; he not only made them look strictly and with attention to the principal facts in his client's favour, but he would allow them to look at nothing else, except, indeed, what made against the other side. He would not suffer them to give even a passing glance to any other object. He took care to have a monopoly of their men-

tal vision, and of their attention to himself. No man, perhaps, that ever practised at the English bar, displayed the same ingenuity and skill as Mr. Scarlett, in concentrating into a focus the most material facts in favour of his own client, or in arraying before the judges and jury the leading circumstances adverse to the opposite side. Mr. Scarlett was, too, always remarkably clear in his statements and reasonings. There was no possibility of mistaking him. He never wandered from his subject. If he had not, in point of fact, any just grounds on which to rest his case, he occasionally assumed the existence of such grounds, and dwelt upon them with as much confidence and complacency as if they had an actual existence. If, again, the opposite side had the law or the facts of the case in their favour, he affected to laugh at the very idea of the antagonist counsel fancying they could ever make the jury suppose for a moment it was so. In this way, he often bamboozled, to use a homely but significant term, both judge and jury, without either, for one instant, suspecting anything of the kind. Mr. Scarlett always avoided, ex-

cept when he could not help it, matters involving professional technicalities; but when obliged to deal with them, he displayed a remarkable aptitude for so popularising them as to make them intelligible to the plainest and most unsophisticated mind. He stripped them, as if by some magical process, of that repulsiveness which they possess in the eyes of unprofessional men. I am satisfied there never was a man at the English bar who contributed so much as Mr. Scarlett to make jurymen lawyers. A short speech of his, when the nature of the case required that he should adopt the course to which I refer, has often done more to enlighten the minds of the jury and the audience on the principles of the common law of the land, than a score of lectures on the subject by any other man would have done. So singularly great was Mr. Scarlett's talent for simplifying abstruse points, and popularising technicalities, that I am sure he could have made himself perfectly intelligible to a jury of bricklayers' hodmen. The jury never tired of Mr. Scarlett's speeches, though, as will be afterwards seen, there was

nothing in them either of rhetoric or oratory, as these terms are usually understood.

But one attribute in Mr. Scarlett's pleadings at the bar, which contributed more to his success than anything else, was the singular judgment he displayed in singling out, in all *Nisi Prius* cases, the jurymen whom he thought the most intelligent, and the most likely to influence the others when deliberating on the verdict they should return. In such cases the penetration of Mr. Scarlett amounted to a species of intuition. He scarcely ever erred in the selection he made. To the party so singled out in his own mind, the learned gentleman addressed himself almost as exclusively as if there had been no such person as a judge in court, nor any other jurymen in the box. He fixed his eye on him as steadily as if he had been speaking to some friend whom he had invited to dine with him. The jurymen naturally felt proud at his being thus distinguished from the eleven in the jury-box with him, and was consequently in so much the better condition to receive the impressions which the advo-



cate wished to produce on his mind. Whenever Mr. Scarlett saw—and Lavater himself might have envied his practical knowledge of physiognomy—that he had succeeded in seducing over one intelligent and influential juryman to his side, he immediately set to work in the same way with the person whom he supposed the next best for his purpose. If the case of his client was a bad one, and the evidence adverse to his interests, he would, after he had seen by the assenting expression of the second juryman's countenance that he also was proselytised to the view of the case which he wished the jury to take,—fix on a third and repeat the process with him. Whether he contented himself with thus making secure of one, and trusting to that one's influencing the others, assisted by the impression his speech had made; or whether he singled out two or three, and addressed himself particularly to them, depended on the peculiar circumstances of the respective cases. In Mr. Scarlett's manner when so addressing a jury, there was something remarkably winning. He looked the very incarnation

of contentedness and good-nature. A perpetual cheerfulness, amounting to a partial smile, irradiated his sleek countenance. His laughing and seductive eyes did infinitely more, in many instances, for his client, than all the legal knowledge he brought to bear on the question before the court. The very moment he rose to address the jury, he looked at them quite as much in the "How do you do style," as if he had been on terms of particular intimacy with each and all of them all his life. And from the commencement to the close of his address, he spoke with as much familiarity to them as if he and they had formed some "free and easy" club. His manner was altogether colloquial. His speeches never betrayed the least mark of effort. His style was simple in the extreme. So little attention did he pay to the rounding of his periods, that his sentences were often completely out of joint. It would have been in vain to look for eloquence from him. He never, according to the general meaning of the term, uttered anything of the kind. But, as before stated, his exceeding blandness of manner more

than counterbalanced all his other defects as a public speaker. Even the judges themselves were frequently thrown off their guard, and their views and decisions imperceptibly influenced by the extraordinary fascination of his mode of addressing the court. His usual practice was to fold up the sides of his gown in his hands, and then placing his arms on his breast, smile in their faces from the beginning to the end of his address, talking all the while to them as if he were engaged in a mere matter of friendly conversation. It was consequently impossible for them to be on any other than the best terms with the advocate, and hence his clients often reaped the benefits of the conciliatory and seductive character of his speeches.

The triumphs which woman achieves by her smiles are proverbial. History and works of fiction severally abound with records of the trophies which the softer sex have won, by what a lawyer would call their skill in the art of smiling. With women, proficiency in this art verges on a species of absolute omnipotence. Woman's smile has often achieved triumphs

where all the intellectual and physical power in the world would have utterly failed. For a man to gain a series of distinguished moral victories by his smiles, is another matter. It is one of remarkable rarity. Its occurrence in the case of a lawyer, is still more extraordinary. Milton speaks of some orator of antiquity—I forget his name—who by the charms of his eloquence could wield the fierce democracy at his will. We have seen, in our own day, repeated proofs of what may be done in this way. In the case even of lawyers, there are instances of great effects being produced by powerful oratory. Generally speaking, however, the weapon with which they fight, and by means of which they gain their conquests, is the tongue, associated with true eloquence; though the mere gift of the gab, as the common expression has it, often proves the most effective armoury in courts of law conflicts. That is a gift which sometimes proves more than a match for the highest order of intellect and the loftiest eloquence. Hence the most distinguished men, either as orators or philosophers, belonging to the profession, are

not always the most successful pleaders. They are often defeated by men who are as innocent of brains as their own wigs, but who chance to have what is called an abundance of tongue. Mr. Scarlett's splendid triumphs at the bar were not won by his eloquence—for of that, as before stated, he had none—nor by any superior command of words. It was his face that did it all: there was no resisting its seductive aspect. To the cause of many an opposing party, has Mr. Scarlett's smile proved fatal. I have often thought that his making a speech in the usual way, was a mere waste of time, and an unnecessary exertion of his lungs. It would, I am convinced, have been in many cases quite enough, if he had simply told the jury that, everything that was said on the other side was pure nonsense—that it had no relevancy to the case before the court—that the law and justice of the case were in favour of his client, and that he was sure they would not hesitate a moment in returning a verdict to that effect. The resistless logic of his face would have done all the rest; his fascinating smile would have filched the

desired verdict from the jury. I have often wondered that the judges, if "the law allowed it," knowing as they must have done the many triumphs which Mr. Scarlett daily achieved over law and justice, by the mere "power of his face,"—did not order the jury either to be blindfolded, or to sit with their backs to him; so as that they might be placed beyond the seductive influence of his smiles, and consequently be able to decide according to the real merits of the case before the court.

What must have struck every one as very singular in the physiognomical annals, if I may invent an expression, of Mr. Scarlett, as a barrister, was the fact, that in his most bitter denunciations of an opposing party, he still presented the same smiling countenance. He was in appearance like the boys in the fable, who, in their diversion, killed the frogs in the pond without seeming to be aware of what they were about. His face and manner were most playful at the very time he was pounding some opposing party to powder. You would have fancied, to see his soft and smiling countenance, that he was inca-



pable of anything harsh, and that he was quite unconscious of anything but the greatest tenderness to the unhappy wight who was writhing under the excruciating tortures to which he was subjecting him. Mr. Scarlett, on such occasions, has often reminded me of the cat which kills the poor mouse by the lingering process of a protracted playfulness.

I believe that on no occasion did Mr. Scarlett ever give such scope to his powers of inflicting torture, as on one in which poor old Cobbett fell into his clutches. This was thirteen or fourteen years ago. Cobbett had for seven or eight months before, been heaping, in almost every successive "Register," his own unrivalled abuse on Mr. Scarlett. What the character of that abuse was may be at once understood when I mention, that in vituperating Mr. Scarlett, Cobbett even surpassed himself. This abuse of Mr. Scarlett was always poured out in the shape of a letter addressed to Mr. S. himself; and in order that he and the reader might be prepared for what was to follow, the letters invariably began with, "Base Lawyer



Scarlett," instead of with the usual term, "Sir." Mr. Scarlett smarted most sensibly under the castigations which Cobbett thus administered to him, week after week; and therefore very naturally took the opportunity of retaliating when poor Cobbett was brought into a court of law. The ground of action against Cobbett was an alleged libel on a then attorney, whose name I forbear to mention because he is still living. Against old Cobbett were arrayed Messrs. Brougham, Denman, and Scarlett—a formidable trio certainly, for a poor unprofessional man like Cobbett to have pitted against him. Mr. Brougham and Mr. Denman were severe enough in denouncing the alleged libel and its author; but still Cobbett did not fancy he saw in them any effort to gratify individual vindictiveness. With Mr. Scarlett, he thought the case was different. He supposed that with him it was altogether a personal affair, and that what he exclusively aimed at was the gratification of private revenge. Cobbett, however, determined that before he quitted the court he would return the blows which had been so liberally dealt out

to him by Mr. Scarlett. The latter concluded his speech in words to the following effect:—  
“ Gentlemen of the Jury, it is impossible for me to estimate the amount of injury which this malignant and systematic libeller (pointing to Cobbett) has inflicted on my client; and no damages, however great, can afford him compensation for the injury thus done him. Gentlemen, my client is at present an attorney, but had the intention of preparing himself for the bar; and being a young man of great talents, there was no distinction in the profession to which he might not have reasonably expected to attain. Nay, gentlemen, I will say, that even the Wool-sack itself was an elevation to which he would have been justified in aspiring. But, gentlemen, the virulent calumnies which this notorious trader in libels has heaped upon him, have blasted all his fair prospects, and well-nigh broken his heart. It is, therefore, for you, gentlemen, to mark your abhorrence of the atrocious conduct of this person, by giving a corresponding amount of damages.” Cobbett rose immediately on Mr. Scarlett’s resuming his seat, and put-

ting both hands beneath the ample tails of his coat, and eyeing the jury with a bland and humorous expression of countenance, said—"Gentlemen, you are men of the world, and must laugh in your own minds at all the flummery you have just heard. You know, gentlemen, such stuff about injury to character, and blasting one's prospects, and destroying one's peace, is to be heard in this court every hour in the day. The lawyer,"—pronouncing the word in a way which gives it a very emphatic and a very unpleasant meaning,—“the lawyer who has been vilifying me for the last hour and a half, would do the same, gentlemen, in either of your cases if hired for the purpose. You know, gentlemen, that like the girls who walk the street, these persons (pointing to Messrs. Brougham, Denman, and Scarlett) will prostitute themselves to any dirty work for which they may be engaged. They are always, gentlemen, at the service of the highest bidder. The great crime, it seems, gentlemen, which I have committed, is that of having crushed a *lawyer* in the egg.” Here Mr.

Cobbett turned about his ponderous body, pointed to Mr. Scarlett, and looked at him at the same time with an expression of unutterable scorn. The allusion was at once felt, both by the court and jury, in all its force, as applicable to the castigations Cobbett had so often given Mr. Scarlett, and it told with amazing effect. I doubt if Mr. Scarlett ever smarted so severely, either before or since, in the whole course of his professional career. Brougham and Denman looked at each other, as if struck with the singular felicity of the hit. Cobbett proceeded for a couple of hours, raking up and pouring out afresh, on the head of Mr. Scarlett, all the abuse which he had heaped on him in his 'Registers;' so that the learned gentleman, to use a legal phrase, "took nothing by his motion."

It will be inferred from what I have already said, that Mr. Scarlett was never an attractive speaker. He had scarcely any action at all. His voice was clear, but monotonous. He was always cool and collected. No one ever saw him make any great physical exertion for his client.

Sometimes there was an indistinctness in his enunciation, and he occasionally, though not often, stammered a little.

His personal appearance was very prepossessing. He long enjoyed the reputation of being 'the handsome barrister.' The ladies who chanced to visit the courts where he practised, used to envy his fine complexion and regular features. He was a great favourite with the fair sex, and they, in return, on the true principle of reciprocity, were great favourites with him.

The distinction which Mr. Scarlett acquired at the bar, naturally inspired him with the ambition of obtaining a seat in Parliament. In 1816 he became a candidate for the representation of the borough of Lewes, but was defeated. He was soon after returned by the nomination borough of Peterborough, or rather by its proprietor, the Earl of Fitzwilliam. His principles at this time were decidedly Whiggish. His parliamentary efforts did not at all realize the expectations of his friends. He did not acquire much influence or reputation in St. Stephen's. He never spoke much at any time in his capacity

of legislator; latterly he scarcely ever opened his mouth at all. In 1826, he was appointed Attorney-General by Mr. Canning, in the room of Sir Charles Wetherell, who had resigned. On that occasion, Mr. Scarlett was knighted. On the breaking up of the Goderich administration, in the following year, Sir James Scarlett resigned his attorney-generalship. So far there was an appearance of consistency in identifying himself with the fortunes of his party. He was succeeded by Sir Charles Wetherell, the very party whom he himself had succeeded. Sir Charles, however, did not retain the office long. His attachment to his principles, of which I shall have to speak more particularly when I come to give a sketch of himself, induced him to oppose with all his might the measure of Catholic Emancipation introduced into parliament in 1829, by the Wellington government. Having made his memorable speech in the House of Commons against the measure, his high sense of honour led him to throw up his office, and singularly enough, Sir James Scarlett was again appointed his successor. Sir James had



by this time given indications which no one could mistake, of having commenced the process of rattling; and the attorney-generalship under a Tory government completed the process thus begun. His very first act was to institute criminal prosecutions against the then 'Morning Journal' and other papers, for libels on the government. A melancholy commentary this on all the fine speeches which, as a Whig, he had been in the habit of delivering, both in and out of parliament, in favour of the liberty of the press.

He was raised to the bench in December 1834, by the Peel administration. In addition to the Chief Baronship of the Court of Exchequer, he had the honour of a peerage under the title of Baron Abinger, conferred on him. His decisions are marked by an absence of that reference to parallel cases which the Bar expects at the hands of the Bench. Whether this arises from any deficiency in his knowledge of law, we will not pretend to say. There is one attribute, however,



which every one must have observed in the judicial character of Lord Abinger: he betrays too much of the advocate in all his summings-up of the evidence. Of course he is quite unconscious of this himself; but that does not make it less apparent to others. Instead of leaving the points at issue to be decided by the jury, he almost invariably, by his mode of charging them, intimates to them, in terms which cannot be misunderstood, what his own opinion is of the decision to which they ought to come. In other words, there can be no doubt as to the conclusion to which he himself would come, were he in the jury-box.

Lord Abinger's personal appearance is very much in his favour. There is nothing in that appearance which more forcibly strikes the spectator who chances to enter the Court of Exchequer, than his singularly fresh complexion. It is clear and delicate in no ordinary degree, and the effect is not impaired, so far as I could ever observe, by a solitary

wrinkle. Lord Abinger's countenance is redolent of health; it could scarcely be more so were he only just emerging from his teens. His features are small and regular; and they are extremely pleasant. His countenance habitually wears the same good-natured smile on the bench, which it did when he practised at the bar. No one ever saw it darkened by a frown. I, at any rate, never did. His lordship frequently cracks jokes with the counsel: I have known him make some tolerably good ones. Possibly I may give some specimens of these on a future occasion. He is rather above the middle height. In the article of breadth, if that term may be applied with propriety to one's person, Lord Abinger stands alone among his brethren of the bench. None of them can be compared with him in the quality of corpulence. Even off the seat of justice, there are but few persons,—always, of course, excepting the proverbially-fat city functionaries called Aldermen, who can boast of the same Falstaffian proportions. Whether it be owing to his surpassing corpulence, or to a habit which he has insensibly

contracted, I cannot tell ; but the fact is, that he scarcely ever sits in the usual perpendicular position when on the bench, but always either leans back on his comfortable well-cushioned seat, or leans forward on a sort of desk which is placed before him.

Mr. BARON PARKE was well known, especially to the profession, when he practised at the bar. He was perhaps better known in going the northern circuit, than in the courts at Westminster. He always possessed the reputation of being a sound lawyer. His practice was never extensive, but it was generally of a respectable kind, and was consequently more lucrative than was the business of many of his brethren at the bar, whose practice was more extensive, but whose clients were not, in the majority of cases, so wealthy or influential. As a barrister, he had nothing showy about him. His speeches were usually characterised by great clearness, and by an accurate knowledge of law. His language was plain but correct. He never seems to have studied ornament of

style; nor did he appear ambitious of playing the orator. He never seems to have dreamed of soaring into the regions either of fancy or of sublimity: it is certain he never acquired any reputation in either respect. He always appeared as if he had lost sight of himself in the cause he was retained to plead. I am convinced it would have been but a sorry compensation to him for the loss of his cause, to have got credit for having made a fine oratorical display. But though not brilliant, Mr. Parke was seldom dull; he possessed the faculty of keeping up the attention both of the judges and jury. He spoke with some animation of manner, and with considerable ease and fluency. Few counsel could, when it served the purpose of his client, confine himself more strictly to the merits of the case under the consideration of the court. His voice was clear and his articulation distinct: it was naturally powerful, but he seldom allowed himself to become sufficiently impassioned to give it full scope.

Mr. Parke never obtained the distinction of a silk gown. Others, it is but justice to him

to say, have had that honour conferred upon them who did not so well deserve it. He was raised to the bench from the ranks of the junior counsel. He was first made judge in the Court of King's Bench in 1828; but by an arrangement entered into in 1834, he was removed to the Court of Exchequer, and had the distinction of privy councillor conferred on him. As a judge he has always given the greatest satisfaction. His decisions are marked by the soundness of the views he takes, no matter how difficult the question before the court. He possesses in a degree but very rarely attained, the faculty of seizing on every point which bears on the merits of the case, and of discarding or putting aside all the extraneous matter which the counsel on either side may have mixed up with it. I have sometimes thought that the readiness and certainty with which he discovers the points which specially bear on the merits of the case, could only be the result of a species of intuition. Nor is he more happy in stripping, in his own mind, any case which comes before him, of all the extraneous matter with which it may have been mixed up,

than he is in so completely divesting it of all professional technicalities, as to render it clear to the minds of others. Hence he appears to great advantage in presiding on the bench during the trial of *Nisi Prius* cases. The jury are never perplexed, after he has summed up the evidence and laid down the law of the case, by any mere legal technicalities : the only question with them to decide is, in which of the parties' favour did the evidence preponderate.

In delivering his judgments, every one must be struck with their perspicuity, not merely as respects his view of the law of the case, but of his style. It is always plain and in good taste. There is nothing artificial in it. He never strains after eloquence, which I have always thought out of place in judicial decisions. His manner is easy and pleasant. His voice is sonorous and his enunciation distinct. His utterance is well timed : he neither speaks too slowly nor with too much rapidity. He is rather tall and stout. His complexion is dark, and notwithstanding his having attained his sixtieth year, there is not a wrinkle in his face. His face is



round, and his features are regular in no ordinary degree. The expression of his countenance is cheerful, but without the liberal smile, approaching to levity, which marks that of Lord Abinger. It unites dignity with much of benignity.

In fine mornings, Mr. Baron Parke is usually to be seen riding down to court, dressed in a green surtout, accompanied by his two daughters; one on each side of him. He is a man of most agreeable manners, and tells or hears a good story at the convivial board, with infinite zest. He is a great favourite with the bar, as indeed his good-nature and familiar manner with them, could not fail to make him. I may relate a short anecdote which will illustrate this familiarity. A few months since he had the misfortune to fall from his horse, and was for some time after unable to attend the court, through the injury he received by the fall. On his recovery, he went down one day to Westminster Hall, for the purpose of seeing one of the judges of the Court of King's Bench. He was met in the passage leading to that court by Mr. Thessiger, who in the fulness of his surprise and gratifica



tion at seeing his lordship again at Westminster Hall, exclaimed aloud, at the same time extending his hand to him, "Ah, Mr. Parke, I'm glad to see you down here again." "Hush, hush!" said the Baron, holding up his hand as if about to clap it on Mr. Thessiger's mouth, "Hush, hush, and say nothing about it to anybody, for I don't mean to do any work to-day." Mr. Baron Parke is decidedly Conservative in his politics, but he suffers no indications of his political leanings to transpire on the bench.

MR. BARON BOLLAND was first brought into general notice by his appointment, when practising as barrister, to the office of city pleader; an office under the corporation of the city of London, with a considerable yearly salary. There are always four city pleaders at a time, and several counsel who have filled the office, have afterwards risen to distinction. The duty of the city pleaders is to attend the Lord Mayor's Court, the Sheriff's Court, and the Court of Aldermen, and to give their advice and attention in all matters appertaining to the affairs

of the corporation. Mr. Bolland had an extensive and pretty lucrative practice at the Old Bailey; but he was never much employed in the courts at Westminster Hall. It is generally supposed that Mr. Bolland owed his elevation to the seat of justice, to the influence of Lord Lyndhurst. When the latter was Attorney-General, Mr. Bolland was what is technically called "devil"\* to him. He was always celebrated among his brethren of the long robe for the minuteness of his knowledge of acts of parliament,—which is technically called being a black letter lawyer. He was never an attractive speaker. He wanted animation and vivacity in his manner. His voice was deficient in clearness. He occasionally faltered a little: now he does so to a much greater extent than before. He is tall and well-proportioned, but stoops a little when walking. Of late years he has shown

\* This ugly term simply means, in such cases as the present, a lawyer who searches out precedents and cases in point, in the Statute Book, for some one who has the good fortune to have so large a practice as not to have sufficient time to do it himself.

some indications of suffering under nervousness. He is full of good-nature, and is much respected, both by his brethren on the bench and at the bar. He sometimes, especially when presiding at the country assizes, indulges in a humorous observation. About six months ago a rather amusing scene occurred at one of these assizes, between his lordship and a farmer who had been summoned as a juror. The farmer claimed exemption from the duties of a juror on the ground that he was deaf.

“Are you *very* deaf?” inquired his lordship, raising his voice, and addressing himself to the farmer, who stood up at the time in the witness-box.

The farmer was silent.

“He does not hear your lordship,” observed one of the officers of the court.

“Are you *very* deaf?” repeated the judge, shouting as loudly as his lungs would permit.

“*Werry*, please your lordship,” answered the farmer, drily.

“Are you deaf in both ears?” asked the judge.

“Did your lordship speak?” inquired the

farmer, looking at the judge with an irresistibly droll expression of countenance.

“ I asked you whether you were deaf in both ears,” repeated his lordship, again speaking at the full stretch of his voice.

“ I can hear a little with one ear, my lord, when I turns about the side of my head to the person speaking.”

“ O in that case,” said the judge, speaking in a very low tone of voice, “ O in that case we must exempt you; for jurors must have two ears—one for the prosecutor and the other for the prisoner. You may go.”

The farmer nodded thanks to the court, and was in the act of descending from the witness-box, when his lordship observed, again speaking in a low tone of voice, “ O you hear that, do you ?”

“ O yez, my lord, I hears *that*,” answered the farmer, with infinite dryness of manner.

“ With *both* ears, I dare say,” added his lordship.

“ O yez, with both on 'em,” replied the farmer, amidst the most deafening shouts of

laughter, in which his lordship heartily joined.

Mr. Baron Bolland has been eight years on the seat of justice, having been raised to that dignity in 1829. He is now approaching his seventieth year. He looks fully as old as he is. His features are long, and his face has somewhat of a shrivelled appearance. He looks very grave, and is seldom seen to smile except when anything irresistibly ludicrous occurs in court.

MR. BARON GURNEY was well known when practising at the bar. His name was then much more frequently before the public than it has been since his elevation to the judicial bench. He was for many years king's counsel in the court of King's Bench, where he had a very extensive and very lucrative practice. His very intimate acquaintance with the law as it relates to shipping and insurance matters, procured him a retaining fee in almost every case of importance connected with either subject, which came before the court. But his legal know-

ledge was not confined to matters connected with shipping or insurances: it was general. He always had the reputation of being a good lawyer. Many of his speeches displayed very great forensic talent. His voice was commanding and flexible, and he knew how to modulate it so as to produce the best impression on the jury. His utterance was rapid, but not unpleasantly so. He never hesitated, and seldom had to recal a word for the purpose of substituting a better. His matter was characterised by acuteness and bitter sarcasm, as well as by the variety and accuracy of the knowledge of law it displayed. His language had not much of rhetorical ornament in it, but was usually correct and nervous.

Mr. Baron Gurney is a son of the late and brother of the present Mr. Gurney, both celebrated for their stenographic capabilities. The present Mr. Gurney is understood to be in the receipt of a yearly income of from £15,000 to £20,000, from his salary as short-hand writer to the House of Lords, and the sums he receives for private business as a professor of the steno-

graphic art. Mr. Baron Gurney is also a first-rate short-hand writer. When presiding in *Nisi Prius* cases, where all the evidence has to be written down, he takes it in short-hand, and reads it over, when he has occasion to refer to it, with as great ease as if he were reading from a printed copy. He is the only judge, I believe, ever known to take down evidence in a court of law, in short-hand. He thus saves himself a world of trouble; for there can be no task more laborious than that of taking down, as judges often have to do in *Nisi Prius* cases, all the evidence adduced in a trial which perhaps lasts for four or five hours. To take down such evidence in stenography, is, to an experienced short-hand writer, mere amusement, compared to taking it down in the usual mode of writing.

Mr. Baron Gurney was far advanced in life before his elevation to the bench. He was raised to the office of judge in 1832. His decisions have given great satisfaction; indeed, he is equally regarded by the bar and the public as an excellent judge.

He is quite a religious man. He belongs



to the Baptist denomination, and has for a long period been a member of Maze-pond Chapel, in the Borough, now, I believe, under the pastoral care of Mr. Watts. If I am not mistaken, he is a deacon in the church meeting in that place; at all events, I know he takes a lively interest in the affairs of the chapel.

His visage has a striking appearance. His forehead is low and retiring, and his features are large and hard. His nose is the most striking specimen of the peaked class, which I have ever seen. Mr. Baron Gurney's nasal organ, is sure to be the first thing which arrests one's attention, when he enters the Court of Exchequer and turns his eyes towards the judges. The Baron is on excellent terms with it. He "rules" that its peculiar conformation is highly ornamental. He is not singular in the opinion that the peaked nose contributes more to the embellishment of one's face, than the pug, the monkey, and several other kinds of nose which could be named. I know many persons who have always maintained the same opinion. -I lately saw—let not the reader be

startled at the announcement, for it is a sober truth—I lately saw an elaborate treatise on noses, in which the peaked nose, meaning of course the nose which most resembles the beak of certain well-known birds, was held to be most ornamental to the human face. For myself, I express no opinion on the subject. Let the matter therefore pass. Mr. Baron Gurney's features are unusually elongated, considering the size of his face. His countenance wears a demure expression, and I believe there is a certain degree of reserve about him. His complexion is slightly tinged with paleness, and his countenance is partially wrinkled, owing to his advanced age. He is upwards of seventy. He is about the middle height, and somewhat slenderly made. He seldom holds conversation with the other judges on the bench with him, but seems to be frequently lost in thought. Sometimes you would fancy he was sound asleep when he is nothing of the kind. He is a man of excellent private character, as well as of unimpeachable integrity in the public relations of life.

MR. BARON ALDERSON was raised to the bench in 1830. As in the case of Mr. Baron Parke, his elevation took place without his having had the honour of a silk gown conferred on him. He was, in the first instance, appointed to the judicial seat in the Court of Common Pleas; but by some subsequent arrangement was transferred to the Court of Exchequer. As counsel he possessed considerable reputation. His legal knowledge was always admitted by his brethren at the bar to be varied and minute. He displayed great acuteness in detecting the weak points of an opponent, and in seizing on and turning to the best possible account, any accidental circumstance which occurred in the course of the pleadings, in favour of his client. He was not a flashy speaker. He dealt little in declamation, and never seemed to have any wish for producing popular effect. He was noted for the strictness with which he confined himself to the merits of the case before the court. His style was characterised by its perspicuity and good taste. There was much earnestness in his man-

ner, but without anything of that extravagance of gesture in which many of the present barristers in Westminster Hall delight to indulge, and which they seemingly regard as the very perfection of the forensic character. Mr. Baron Alderson spoke with much fluency, and he was always so clear that there was no possibility of misconceiving the drift of his argument. He is undoubtedly the best general scholar on the bench. I question if he have many superiors among the public men of the present day. He was senior wrangler at the University of Cambridge, where his varied and distinguished attainments were the subject of universal admiration.

As a judge he has given great satisfaction. Perhaps as an equity lawyer, in that class of cases which usually come before the equity side of the Court of Exchequer, he is unequalled. Hence he is often singled out from the other judges in his court, to preside at the trial of those equity cases regarding which the law is vague, or the cases themselves are involved in unusual difficulties. He gives his decisions with

great clearness, and always with much manifest ease to himself. There is a sort of nasal twang in his pronunciation, but it is by no means unpleasant. His features wear a striking aspect. His visage is unusually elongated. His cheek bones are high, and the entire expression of his countenance is marked. His eyes are very peculiar; they seem as if the one looked a different way from the other. His complexion has a tendency to a copper colour. In person he is rather tall and slender. He is a very mild and amiable man, and is equally respected as a judge and as a private individual. I should suppose from his appearance, that his age must be about fifty-five.

## CHAPTER VI.

## JUDGES IN THE COURT OF COMMON PLEAS.

MR. CHIEF JUSTICE TINDAL—MR. JUSTICE ALLAN  
PARK—MR. JUSTICE BOSANQUET—MR. JUSTICE  
VAUGHAN—MR. JUSTICE COLTMAN.

MR. CHIEF JUSTICE TINDAL has now occupied a seat on the bench for eight years, having been appointed to his present office in 1829. At the University of Cambridge he greatly distinguished himself, carrying off, amidst hosts of competitors, the highest academical honours; but he practised many years at the bar, to which he was called in 1809, before he acquired any reputation as a lawyer. The only thing for which he was then considered remarkable

among his brethren in the courts of law, was the assiduity with which he applied himself to the study of his profession. For a considerable period his business was but limited; but that did not dishearten him, or damp the zeal with which he prosecuted the study of the law. His rise from comparative obscurity to a distinguished reputation, was accidental and sudden. He chanced, by some means or other, to be retained in a very important case, the name and nature of which I now forget. When it was understood by others of the profession, that Mr. Tindal was employed as counsel in a case which had excited so much attention, and involved results of the highest magnitude, their surprise knew no limits. A decided failure on his part was, as might be expected, confidently looked for by his brethren. The event showed how grievously they had under-estimated Mr. Tindal's legal abilities and acquirements. His extensive and accurate knowledge of black letter law, excited the astonishment of all who witnessed the display he then made of that description of legal lore; and as the case was one which peculiarly admitted



of such a display with advantage to Mr. Tindal's client as well as to himself,—he rose at once to the first rank in that particular department of his profession. From that time briefs poured in on him; and in a year or two afterwards, he could boast of a very large and lucrative practice. As a mere speaker, however, he never ranked high. There was nothing ingenious or attractive in his speeches. It was the solidity or value of the matter itself, and not the way in which it was arranged or delivered, that proved its recommendation. His voice was pleasant enough, but his style was not polished, nor his delivery graceful. His manner was cold and destitute of animation. He was not a popular speaker in any sense of the term. Still the character he had now acquired, for an assiduous application of all the powers of his mind to any case with which he was intrusted, together with his immense legal knowledge and sound judgment, blended as those qualities were with great argumentative powers,—enabled him to maintain a distinguished place in the courts of law.

As a logical reasoner, when to reason logically best answered the purpose of his client, Mr. Tindal had, perhaps, no contemporary equal at the bar. He also possessed the power of stripping a difficult case of all its intricacies, and making it as clear to the minds of others as it appeared to his own. This was, no doubt, in a great measure, the effect of a natural clearness of head: it was also, to some extent, the result of the extraordinary pains he always took to master every case committed to him, in all its ramifications, from its most important down to its most trivial points.

His manner as a lawyer was, as it now is as a judge, extremely mild and gentlemanly. The contrast which he exhibited in his cross-examination of a witness, to Sir William Garrow, Mr. Vaughan, and others of the brow-beating fraternity, was striking in no ordinary degree, and reflected the highest credit on his feelings as a man, and his manners as a gentleman. And yet I am not sure whether the blandness of his manner did not, in the majority of cases, so far win on the adverse witnesses, as

to enable him to extract much more from them favourable to his client, than if he, like others of his professional contemporaries, had played the bully—a character which has always appeared to me peculiarly unfitted for a place which is especially set apart for eliciting the truth and administering justice.

Mr. Tindal, however, though gentlemanly in his manners, suffered not that attribute of his character to trench on the duties he owed to his clients. He was uncompromising in the assertion of what he conceived their rights. Indeed, a more honest or zealous man in the performance of his professional duties, than he was, is seldom to be found in Westminster Hall.

Mr. Tindal's chief defect as an advocate, apart from the mere question of oratory, was, that he dwelt too much, on some occasions, on minute points, while he ought to have worked out the more important ones much more carefully. He was appointed Solicitor General in the year 1826, on which occasion he received the honour of knighthood.

It was well understood among those in the

secrets of the cabinet of Lord Liverpool, that for some time previous to his death, that nobleman had watched with admiration the successful career, as a barrister, which Mr. Tindal had been for several years running. In 1826, Lord Liverpool intimated to Mr. Tindal, that, if agreeable, he would procure his return to the House of Commons, as member for the borough of Harwich. This was an offer, to a man of legitimate ambition, like Mr. Tindal, not to be refused. He was accordingly that year chosen the representative of the borough in question. As a senator, however, he did not particularly distinguish himself; the absence of those oratorical attributes already alluded to, which prevented his proving an attractive speaker at the bar, operated equally against him in the House of Commons. Still, among the more discerning members of the Lower House of Parliament, he was looked up to, as he was at the bar, as a man of superior mind, and of varied and extensive learning. Sir Nicholas Tindal was afterwards chosen the representative of Cambridge University, in opposition to Mr. Bankes.

On the retirement of Sir William Best, now Lord Wynford, from the office of Chief Justice of the Common Pleas, Sir Nicholas Tindal was appointed his successor. Few appointments of late years have given more satisfaction either to the profession or to the public. The only whisper of dissatisfaction ever breathed against it, was in the case of Lord Eldon. His lordship, however, did not ground his objections to Sir Nicholas Tindal's elevation to the judicial seat on any supposed professional or personal unfitness of the latter for the office. On the contrary, while questioning the propriety of the appointment, he made no secret of the fact that he did not think that, in either respect, there was a member of the bar who was better entitled to the elevation. His lordship's sole ground of doubt as to the propriety of selecting Sir Nicholas Tindal as the successor of Sir William Best, rested on the accidental circumstance of Sir Nicholas being then, as he still is, an unmarried man. Lord Eldon's notion was, that in the Court of Common Pleas, more than in any other court, cases often came before a jury.

for decision, which required in the judge sympathies and feelings, in order to the due administration of justice, which could exist only in the breast of a man who had tasted the sweets—an old bachelor would add, the bitters also—of a married life. This was generally regarded, by those who were aware of the fact, as a rather novel ground of objection to a judicial appointment. Whether his lordship was eventually brought to change his opinion, or whether the singular fitness otherwise of Sir Nicholas, overcame his scruples on the particular score of his living in single blessedness, are points which I cannot determine. But whichever way the thing was, Sir Nicholas did at last receive the appointment with Lord Eldon's concurrence.

I have said that never was an appointment to the judicial office more popular with the bar or the public. The event has shown that the general expectations entertained at the time, of his proving an ornament to the bench, were well grounded. A better judge never sat in a court of law. Taken all in all, he is unequalled at the present moment. To the extensive legal



knowledge of which I have already spoken, he unites the greatest possible impartiality, and a remarkably sound judgment. His perceptions of the real merits of a case are singularly quick: in this respect he has seldom been equalled. He throws his whole soul into his judicial character, forgetting for the time everything and everybody, but the case before him and the parties to it. His habits of patient attention are singularly great. Nothing which can contribute in the remotest degree to the elucidation of the truth, appears unworthy of his most careful consideration. It is impossible to tire him even by the most minute details, or the driest conceivable statements, if he perceives that they have the slightest bearing on the merits of the case before the court. His equanimity of temper, which he possesses in an extraordinary degree, never under any possible circumstances forsakes him. You see the mildness of his character clearly indexed by his ever-cheerful, half-smiling countenance. His summings-up are master-pieces in their way. He never invades the province of the jury by obtruding his own view of a case



upon them; and yet there are such a surprising clearness and fulness in his mode of laying the case before them, that it is impossible they can arrive at any other conclusion than the one at which he has arrived. I need hardly add, that the conclusions to which, under his direction, juries come, are, in the great majority of cases, the right ones.

Mr. Chief Justice Tindal is a man who unites in his own person, in a remarkable degree, the oft-times divided attainments of an intimate acquaintance with the philosophy of human nature, and the philosophy of the laws of his country. It is to his very high character as a judge, that the circumstance of his being appointed to try all the important and difficult causes which occur within the province of the Court of Common Pleas, is to be ascribed. It is worthy of mention that in all such cases, either party, thinking himself as a matter of course in the right, is delighted to learn that Mr. Chief Justice Tindal is to preside at the trial. This, I know, was the feeling on both sides, in the late memorable case of the Hon. Mr. Norton versus Lord Melbourne.

Mr. Chief Justice Tindal, in presiding in *Nisi Prius* cases, generally leans forward in an unusual degree, over the bench on which he is taking notes. When he pauses to ask any question of counsel, or of a witness, he seldom raises his head, but looking out from under his brow, which is considerably contracted on such occasions, patiently waits till he receives an answer. His face is, if anything, of the oblong conformation; his features are small and pleasant; and his eye is clear and full of intelligence. He seems to be in excellent health, judging from the complexion of his face. He is about fifty-five years of age.

MR. JUSTICE ALLAN PARK has been a longer time on the judicial seat, than happens, perhaps, in one case out of twenty. He was raised to the bench in 1816, making the present length of his judicial career twenty-one years; and judging from his appearance, there is every reason to expect he will administer the functions of judge for many years to come. As a barrister, Mr. Park never acquired any great reputa-

tion. His attainments as counsel, did not certainly surpass mediocrity. He was a fluent talker, but there were no indications of a comprehensive or masculine mind in any of his forensic efforts. Neither did he ever display any extensive acquaintance with the principles of law. He was, however, attentive to his profession, and that circumstance combined with the aid afforded him by influential Tories, secured to him a fair share of business. Mr. Park was always a great favourite with the leading men of his party; he was in the highest degree an exemplary Tory. It would, therefore, have been ingratitude on the part of those in power, had they not rewarded his devoted attachment to their interests, whenever an opportunity presented itself. It was probably a sense of this, that made them appoint him to a seat on the bench, at a time when the universal impression in Westminster Hall was, that there were scores of counsel who had far higher claims to the vacant office. Mr. Park at that time had been thirty-two years a barrister, and seventeen years king's counsel, having been called to the bar

in 1784, and received the distinction of a silk gown in 1799. I shall, in what follows, incidentally glance at his qualifications for the office of judge, rather than attempt any formal estimate of his character in his judicial capacity. Mr. Justice Park is a religious man. The sincerity of his piety no one who knows him can doubt. Possibly he sometimes obtrudes his religious opinions, when presiding on the judgment seat, with more zeal than discretion. I have seen him, after displaying a very irritable temper towards counsel, take great credit to himself for what he has called his "christian forbearance," in not vindicating the dignity of the court,—outraged, in his view of the case, from a want of respect to himself personally,—by committing the party for a contempt of court. I have also seen him, when presiding at the Old Bailey, address some very serious admonitions to witnesses whom he thought in want of religious advice, but in so sharp and short-tempered a manner, as to be calculated rather to irritate than to soften the parties to whom the remarks were addressed. Advice, to be well

received, must be given in a gentle and friendly tone. A very awkward exemplification of Mr. Justice Park's injudicious way of thrusting forward his religious sentiments in court, occurred some time ago at a trial at one of the county assizes. A little girl about ten years of age was put into the witness-box to give evidence on the trial then proceeding with. The counsel opposed to the party for whom the young creature appeared, maintained that her testimony could not be received on the matter then before the court, because of her extreme youth, adding that he had no doubt it would be ascertained on examination that she did not understand the nature of an oath.

“ We shall soon see what is the extent of her mental capacity,” said his lordship. “ Little girl,” he continued, addressing himself to the youthful witness, “ little girl, attend to me.”

“ Yes, Sir,” said the girl, making at the same time one of her best curtseys.

“ Have your parents given you a religious education ?”

“ Yes, Sir,” lisped the young creature.

“ They have taught you the Church Catechism, I have no doubt?”

“ Yes, Sir.”

“ You know the ten commandments, do you?”

“ Yes, Sir.”

“ You could repeat them, I dare say, if you were asked?”

“ Yes, Sir.”

“ You’re a very excellent girl—a very good child indeed. And of course, you have learned the Apostles’ Creed?”

“ Yes, Sir.”

“ I’m very happy to hear it. It’s a great credit to your parents that they have brought you up in this way. No doubt you have also got the Lord’s Prayer by heart?”

“ Yes, Sir.”

“ And could repeat it at any time if asked?”

“ Yes, Sir.”

“ That’s a very good girl. Now, my excellent child, just tell us what you do before going to bed?”

The young innocent was silent.

“Don’t be ashamed, my good girl, to answer the question. Pray do tell us what you do every night, just before going to bed?”

The girl hung down her head and said nothing.

“Pray don’t be afraid or ashamed to answer the question. What *do* you do just before going to bed?”

“Tell his lordship,” whispered her father, who stood beside her.

“Aye, come, do tell us,” said his lordship, who had heard the whisper. “Speak up, and tell us what you do before going to bed.”

“Put off my clothes, and put on my night-cap,” answered the girl, raising up her head and looking Mr. Justice Park with great simplicity in the face. The court was convulsed with roars of laughter at the oddity of the answer, when compared with that which it was manifestly the object of the judge’s questions to elicit. He wished her to say that she was in the habit of regularly attending her devotions before going to bed. And had he put the question direct, whether or not she stately said her prayers be-



fore she lay down on her bed, he would at once have got the answer he wished ; but he thought proper to put the question in a round-about form, which prevented the young simple creature from understanding the drift of his queries.

The irritable disposition on the part of Mr. Justice Park, to which I have alluded, is often exhibited under very ludicrous circumstances. Some years ago, while a Yorkshire butcher was undergoing an examination as witness in a case in the Court of Common Pleas, an undefinable sound was heard in the immediate vicinity of the witness-box. " Silence in the court, there," cried Mr. Justice Park, in his usual sharp and irritable manner.

" Just repeat that answer to my question," said he, addressing himself to the witness. " The noise which that person made prevented my hearing it distinctly."

" I said, my lord, I was not——"

Here the same undefinable sound was again heard.

" If that person again interrupts the court, I will order him to be taken into custody at once.

The court must be respected : there must be no more of these unmannerly noises. Officer, you preserve, at your peril, order in the court."

" Yes, my lord," said the officer, bustling forward and looking eagerly about him, as if determined to detect the party the next time the noise was repeated.

A dead silence prevailed for some seconds after this sharp rebuke was administered to the disorderly party.

" The last question I put to you, witness, was, whether you saw the defendant the night before the transaction was said to have taken place."

" I am not able, my lord, to say positively."

Here the witness was again interrupted by a loud growl from a large mastiff belonging to himself, which flashed conviction on the minds of all present that the author of the two former outrages on the dignity of the court, belonged to the canine, not the human species.

" Whose dog is that?" said Mr. Justice Park, his eyes flashing indignation as he spoke.

" He is mine, my lord," answered the witness.

“ Then, Sir, you ought to have more respect for the court than to bring him here with you.”

“ He followed me against my will, my lord.”

“ Then you must either put him out, or see that he be quiet.”

“ I’ll take care, my lord, that he makes no more noise.”

“ Tiger,” continued the witness, addressing his dog, “Tiger, you be quiet, sir,—you lie down, sir.”

The examination was resumed. When Mr. Justice Park came to the sixth or seventh question, Tiger set up another tremendous undergrowl, which threw the whole court into convulsions of laughter, and which worked up the irritable faculties of his lordship to the highest possible pitch.

Here it may be proper to observe, that the cause of the different growls which Tiger emitted was a small terrier belonging to some one in the court, with which Tiger seemed, for some reason or other best known to himself, to be on very bad terms.

“ Officer,” vociferated Mr. Justice Park, “ officer, do your duty, and take that dog out of court.”

Whether it was that the officer mistook the four-footed author of the disturbance, or that the surly aspect of Tiger frightened him from touching him, I cannot say; but the fact was, that he was proceeding to take the little harmless terrier out of court, and had no intention of disturbing Tiger, when Mr. Justice Park observed, “ Not that dog, officer, but the other. That dog has behaved himself very properly indeed; nothing could be more gentlemanly than his conduct. Leave *him* alone.”

The officer, seeing there was no alternative, was proceeding to the place where Tiger was, in order to expel him, when, in the confusion of the moment, he trod on one of the legs of the little terrier. The latter instantly set up a yowl that lasted for nearly half a minute, and was so loud and harsh in its tones, that it made the ears of all present tingle. “ Take *both* the dogs away,” shouted Mr. Justice Park, as soon as the yelping of the little terrier, which

had before conducted himself with so much propriety and in so "gentlemanly" a manner, would admit of his being heard. The court was cleared of the dogs, and Mr. Justice Park's irritation having in some measure subsided, the trial was proceeded with.

Judges are proverbially sober as well as grave. In the former respect, Mr. Justice Park may challenge a comparison with any of his brethren on the bench. A more sober man was never raised to the judicial seat. The advantages of temperance have been sung by poets, and dwelt on by novelists, from time immemorial: it is to be hoped the virtue will be held in the same estimation by the generality of mankind so long as the world lasts. Still, as there are exceptions to every rule, so there are to that of the advantages of temperance. Mr. Justice Park, if an amusing anecdote which has been privately communicated to me, may be depended on, could furnish an illustration, gathered from his own personal experience, of the disadvantages of sobriety. As the story goes, he had been asked to dine, on one occasion, when going

the northern circuit, at the house of an old bachelor friend, equally celebrated for his hospitable habits, and his love of a little harmless fun. Five of the counsel, then going the same circuit as Mr. Justice Park, were also invited to join the festive board. A most ample repast was provided for the guests; to which repast the gentlemen of the long robe did abundant justice. May I add, that the bottle was kept in constant circulation during the time the lawyers were at table? Not only did it appear, during the time they sat there, as if the grand philosophical discovery of the "perpetual motion," then so much talked of, had been made, but the *rapidity* with which the bottle made the circuit of the table, exceeded anything ever before witnessed in similar circumstances. The frowns of Mr. Justice Park, as he saw bottle after bottle disappear, almost as suddenly as if they had been snatched off the table by some legerdemain trick of a practised conjurer, had no effect on the other long-tongued and long-robed guests. At last he determined that he would no longer be a witness to this astounding absorption of wine,

and therefore retired, about twelve o'clock, to bed, leaving mine host and guests in that jolly half-seas-over state, which some persons, who know no better, represent as being the happiest in which a man can be on this side the grave. "Good night, gentlemen," said Mr. Justice Park, as he rose to withdraw from the table, and to rid himself of the company of such reprobates.

"Good night, Mr. Justice," hiccuped his friends in the best way they could.

It was immediately after proposed by mine host, and agreed to without any demurrer by all present, that he who first broke up the company by retiring to bed—it had been previously arranged that all of them should sleep that night in the house of their host—should be tossed in a blanket. Everything went on most auspiciously for an hour and a half. A more choice set of spirits never graced the festive board. Mine host had met with guests according to his own heart. But the course of the hospitable table, any more than that of true love, never did run smooth. Mr. Gabble begged to be excused for



a few moments. "O certainly," was the unanimous answer.

"Mr. Gabble's good health," was proposed and drank amidst loud acclamations in his absence, after being prefaced with the usual eulogistic observations. He was momentarily expected to return, when every one was ready to apprise him of the honour done him, and when all expected the usual affair of "returning thanks." Half an hour elapsed, and not only was there no prospect of a return of thanks, but there was not the slightest indication of the probable return of the party himself. A general surprise was beginning to be expressed at the circumstance. "Oh, I'll bet you any money, gentlemen," said Mr. Longwind, "that Gabble has given us the slip, and gone to bed."

"You don't mean to say that," said mine host.

"Upon my honour, I do."

"Then we shall punish him," observed mine host.

"Aye, let us have a lark with Gabble. What a shame to sneak away already," shouted the four long-robed gents, at once.

“Come, come,” said mine host, snatching up a candle, “come, let us go up stairs to his bedroom and see.”

In a moment the party all quitted their seats, and staggered up stairs the best way they could. They entered the apartment nearest the landing, dispensing of course with the formality of knocking at the door. “Hear how the rascal snores,” said Mr. Longwind, as he listened to certain sounds evidently emitted through the nasal organs, which emanated from the bed.

“Now, then, for a regular lark, my boys,” said mine host, advancing towards the bed.

“Aye, a jolly one,” shouted the others all at once. In a moment the hands of the whole five were simultaneously stretched out towards the bed-clothes: but the circumstance of their pulling, in their hurry, different ways at once, prevented the clothes being thrown entirely off the bed in the first instance.

“Pull the fellow himself out, then, instead of the clothes,” exclaimed Mr. Brief.

“Aye, out over with the sneaking rascal!” shouted Mr. Bluebag.

“ Hold you the candle,” said mine host, addressing Mr. Fagg, and stretching out his hand as he spoke. “ Hold you the candle, and I’ll have the skulking fellow on the floor in a second.”

“ I’ll do that job myself,” answered Fagg, refusing to touch the proffered candle.

“ Aye, and we shall carry him down stairs in his night dress, and place the speechless fellow once more in his vacant chair,” observed Mr. Brief.

“ You take his feet, Bluebag, and I’ll take his head, and then we’ll——”

Before mine host could finish the sentence, the sleeper awoke in consequence of the noise which prevailed in the room, and raising himself partially up in his bed, and looking wildly about him before he had come to his senses, as if the apprehension that he was surrounded by some desperate banditti had seized his mind, he shouted aloud, in broken accents, “ What, what, what’s all this about ?”

In that eye which now beheld them, and in that voice which now rang in their ears, they recognised Mr. Justice Allan Park ! Every one hurried to the door, without waiting to stammer

out a word of apology for the awkward mistake they had committed in entering his room instead of that of their "brother of the bar." The candle was extinguished in the rush to the door, which only served to confound and alarm his lordship as to the object of the extraordinary proceedings. Mine host, who was not so far "excited" by the Madeira which he had drunk as to be insensible to the ugly and awkward predicament into which the whole party, but especially he, as the master of the house, had been brought,—lighted a candle, and going up stairs to Mr. Justice Park's room, explained the circumstances to his lordship, apologized for the unfortunate blunder, and begged his pardon. His lordship, after reproofing him severely for the indulgences he allowed to others in his house, and exacting a promise from him that no such indulgences should ever be again repeated under his roof, said that he freely forgave him, and the gentlemen of the bar, for the foolish exhibition they had made of themselves. The *morale* of the story—if the word in the present case be not a misnomer, in so far as Mr. Justice

Park is concerned—is this, that had he not, from his habits of decorum and regularity, so soon retired for the night, he would not have been treated this way. Hence, as I said in the outset, it sometimes happens, though very rarely indeed, that temperance is attended with disadvantages.

Mr. Justice Park has a certain set of stories which he invariably repeats on every occasion that offers itself. And if, in the ordinary course of things, no such opportunity occurs, rather than lose the pleasure of telling these stories, he will introduce them quite abruptly. They are generally of a kind which have, if not always directly, by implication, a tendency to glorify himself. He has one little story which is a special favourite with him, and which has gone through innumerable verbal editions without the slightest alteration. No matter what may be the subject of conversation, it is sure to come when he wishes it to be known. I cannot give it in Mr. Justice Park's own words; but the subject is, the admirable arrangements of the post-office for the speedy delivery of the

letters, and for their safely reaching the parties to whom they are severally addressed. The story is invariably illustrated by a detailed reference to cases in which he himself, when practising as a barrister, and when travelling through the country, received his letters with due regularity, notwithstanding the frequent changes of his *locale*,—if I may borrow a term from our French neighbours. But the peculiar phraseology in which he conveys information of the latter fact, is not the least amusing feature in the story. He invariably begs his auditors to observe, that the post-office efficiency of which he speaks, existed “*before* he was of any consequence to the country.” The adroitness with which the compliment to himself, on the implied fact of his *now* being of consequence or importance to the country, is mixed up with the expression of his admiration of the post-office arrangements, is unequalled in its way. Whenever a post-office case is brought under his consideration in court, the same story is sure to be forthcoming. I have heard it said, that, on this account, to try a post-office case is a



positive luxury to him. I do not believe this. I should suppose that he never bestows a thought—I mean in the way of predilection or otherwise—as to what the cases are which come before him.

Though a man of a hot and hasty temperament, I have never heard it imputed to Mr. Justice Park, that he cherishes any unfriendly feelings, either to individuals or to classes of men. He is, on the contrary, if I am not mistaken, a kind-hearted man. I believe that, as the homely phrase has it, all his ill-humours are out at once. Speaking of him as a private individual, and not as a judge, it may be safely said, that he wishes to have as little intercourse with Reformers as possible. Still there must be a distinction made between not liking certain bodies of men, and having a feeling of positive ill-will towards them. It may also, if I am not mistaken, be mentioned with truth, that the Jews never were favourites of his. If they were not so before, it is not likely they have become so within the last two years; for in the winter of 1835, he met with such unpleasant treatment at their



hands, as would have been enough to make the best natured of men turn pale ever after at the very mention of their name. One day in the winter of the year just mentioned, he had occasion to go down in the direction of the city, and, for the sake of a nearer cut, he determined, on reaching St. Mary's church, to go through Holywell Street. The Jews were as usual on the outlook for customers, and seeing Mr. Justice Park advancing at the slow pace which so well becomes the gravity of a judge, they leaped to the conclusion, that he had come to purchase clothes. The conviction was strengthened by his casting a glance of his eye at an extensive display of all sorts of apparel at the corner shop. "Buy any clothes, Sir," said one of the Mosaic tribe, almost thrusting his sallow visage into the breast of Mr. Justice Park, and looking him most earnestly in the face.

Mr. Justice Park made no answer, but cast another glance at the ample supply of clothes displayed on the walls.

This was the worst thing he could have done, if he had wished to escape further annoyance from

his Jewish tormentor. To give a second look at a Jew's "cloes," invariably insures a more rigorous persecution to the hapless passer by.

Let me here pause for a moment, to hint to those who may wish to pass along Holywell Street, or any other street which is the abode of Jew clothesmen, that they ought not on any account to look either to the right hand or to the left, but to keep their eye in a straight-forward direction; and a little experience will teach strangers that it is also advantageous, in passing through the localities inhabited by the Jews, to walk at a brisk pace, and to make a liberal use of one's arms. The Jews offer no interruption to those who move rapidly onward, and who "swing" their arms at a liberal rate as they proceed. The fact is, that in all such cases they are afraid of being knocked down.

Mr. Justice Park was not aware of these important facts. Not dreaming of the consequences, he, as before observed, unhappily emitted a second glance at the exhibition of second-hand apparel. No sooner had he done so, than Moses seized him by the arm, and thrust-

ing himself fairly in the judge's way, to prevent his moving a step, again looked up in his face, and repeated the question of "Buy any clothes, Sir?"

Mr. Justice Park was silent as before.

"Sell them cheap, Sir."

"I don't want any," said Mr. Justice Park, tartly, at the same time giving himself a jerk which disengaged himself from the Jew's grasp.

"I have got some very excellent great-coats, Sir. Would you step inside, Sir?"

"Didn't I tell you I don't want any?" said the judicial functionary, with an increased sharpness of manner.

"Some very cheap trousers, Sir?" said Moses, again taking hold of his Lordship by the breast of his coat, and placing himself before him so as to prevent his moving a step.

"Get away, Sir," said his Lordship, his eyes looking like a couple of basilisks; "get away, Sir, and let me pass along."

"Then any old clothes to *sell*, Sir?" inquired Moses.

Mr. Justice Park was confounded at the question—"Any old clothes to *sell*!" What does the rascal take me for? was a query which suggested itself to his Lordship's mind in an instant; but before he had time to ponder on an answer, the Jew, finding he was not likely to prove a customer, let go his hold of the breast of his Lordship's coat, to besiege, after the same fashion, another stranger he saw coming up.

"Out of the frying-pan into the fire," says the well-known adage. Mr. Justice Park was doomed to *feel* an illustration of it before he achieved the passage of Holywell Street. He had not walked half-a-dozen paces, after escaping from the fangs of the first Jew, when another of "the peoples" stepped in before him, and thrusting his ugly copper-coloured physiognomy into his Lordship's face, simpered out the odious question—"Buy any clothes, Sir?"

The indignation of Mr. Justice Park—and who can wonder at it?—at being no sooner out of the paws of one tormentor than he had fallen into those of another, was too great to admit of his uttering a word.

“Just do step in—cheap and good, Sir!” said Levy, taking hold of Mr. Justice Park’s arm, as if to lead him into the dark\* and ill-ventilated repository of apparel.

His Lordship pulled up, and looked confounded at the fellow’s effrontery.

“Some very excellent frock coats, Sir;—cheap waistcoats, Sir.”

“Don’t want any,” shouted Mr. Justice Park.

“An excellent fear-nought coat, Sir.”

“Go about your business, Sir.”

“Perhaps you have got some cast-off clothes to sell, Sir: give a good price, Sir.”

This was confusion worse confounded. What, he thought within himself, could these fellows see about him, that they all seemed to take him for a dealer in clothes? Mr. Justice Park was not sufficiently conversant with the annals of Holywell Street, to know that the Jews put the same question to every male person, with a toler-

\* All the Jews clothes-shops are dark. They are made purposely so, in order to enable them the more easily to cheat their customers, *alias* their victims.

able coat on his back, who chances to pass that way.

“Don't molest me, Sir,” said Mr. Justice Park, after recovering from his momentary confusion.

Levy, seeing there was no chance of doing business with his Lordship, wheeled about from him to watch and way-lay the next passenger.

Mr. Justice Park now thought that if he crossed over to the other side of the street, he might possibly escape further molestation. He accordingly crossed at a right angle. He had just reached the pavement, when the everlasting “Buy any clothes, Sir?” again fell on his ears, with all the harshness of the tones emitted by a Scotch bagpipe. Just as the sounds grated on his auricular organs, a little sallow-visaged personage presented himself at a shop-door.

Mr. Justice Park, taught by bitter experience, determined on not exchanging words with his new tormentor.

“Some very excellent clothes, Sir; cheap,” said Isaac, taking hold of his Lordship's arm,

and pulling him over in the way of the shop-door, whence he had himself just emerged.

“ How dare you lay hold of me, Sir ?” said his Lordship, in very angry accents ; and as he spoke, he gave his body a violent wrench, to disengage himself from the clutches of the Jew. In the hurry and force of the motion, he slipped his foot on the crib stone, and had he not staggered against some one who chanced to be passing by, he must have fallen in the street,—which is not remarkable for its cleanliness at any time, but which was especially muddy on that particular day, owing to a heavy rain which had fallen a few hours before.

It will very naturally be inferred, that if Mr. Justice Park entertained no peculiar affection for the Jews previous to this adventure with them, it was not calculated to increase his esteem for them. It was generally understood, that Mr. Justice Park complained in the proper quarter, of the molestation offered by the Jews to persons passing Holywell Street ; and it was also said at the time, that the result of his representations would be the ejection of



these people from that part of the town. Whether this be so or not, I have not the means of knowing; but certain it is, there is no greater nuisance in London, than this favourite haunt of the Jews.

Mr. Justice Park, though deficient in general knowledge, and though by no means well versed in many matters pertaining to his own profession, has, on the whole, given great satisfaction as a judge. He is a conscientious man, and his great anxiety to base his decisions on the justice of the case, has led him to right conclusions where other judges of far greater talent might have erred. It will be inferred from what has already been said, that there is a good deal of the mercurial in his temperament. Were a sailor asked his opinion of him, he would say, "he is all alive." A Frenchman, again, would say, he is always on the *qui vive*. No one ever saw him look drowsy on the bench. I doubt if the most soporific case that ever came before a court—and multitudes of sleep-inducing cases are always coming before our courts of law—would cause him to feel even an inclination to

doze. A pair of more lustrous lively eyes, than those of Mr. Justice Park, are not, I will answer for it, to be seen in London; and the general expression of his face is made to match. It is full of life. The fact is, that he attaches infinite importance to every thing in which he is engaged. He throws his whole soul into the case he is called on to decide, no matter of how little interest that case may be. He seems to forget that there is anything else in the world going on at the time, and he acts as if the eyes, not only of the whole court, but of all mankind, were upon him and the decision he is about to give. It is the fault of certain judges, that they look on some of the matters which come before them, through a mental glass of a greatly diminishing power. That is a sin which cannot be laid to the charge of Mr. Justice Park. He looks at everything in which he is himself, as judge, engaged, through a glass of prodigiously magnifying capabilities. I like to see him preside on the bench. As he never gets languid himself, so he will not allow the counsel, or anybody else, if he can help it, to administer to their

slumbering propensities. He is always making some remark, or asking some question, in the course of the proceedings, which admonishes the counsel engaged in the case, that they must be all attention, and which tend to keep up the interest of others. Then he makes those observations, and asks those questions, with his own peculiar animation of manner. He has an unconquerable horror at seeing persons sleeping in court. A snore from any one of the gentlemen of the bar, is a positive calamity to him. He would almost as soon hear the war-whoop of an Indian, always providing he were himself beyond the reach of danger.

Ever since his elevation to the bench, Mr. Justice Park has felt, and on all suitable occasions evinced, an unusual interest in attornies' clerks. His notion is, that much of the future respectability of the legal profession depends on the way in which they are trained up. I could name several instances in which he has performed kind and generous actions to young men in the employ of attornies, who were not in a condition to help themselves. On one occasion,

a good many years ago, he observed an attorney's clerk displaying much levity of conduct while a case was proceeding in court. Mr. Justice Park took no notice of the thing until the case had been concluded, when he intimated to the young man that he wanted to speak to him for a few minutes in his private room. The two were closeted together for some time, when the learned judge took an opportunity of rebuking the other for his indecorous conduct in court, and reasoned with him, with so much good feeling, on the impropriety and unseemliness of such a course, that the young man never afterwards ceased to feel under the deepest obligations to his friendly monitor.

Mr. Justice Park's decisions are generally short, and usually they are sufficiently clear. His sentences are not so highly polished as they used to be: they are innocent of anything and everything in the shape of rhetorical ornament. They are generally short and abrupt, which, indeed, might be expected from his constitutional temperament. There is nothing laboured in his arguments; they are in most

cases short. He does not waste his words; and yet he is sufficiently liberal of them to make his meaning clear. He may be mistaken himself in the conclusions to which he sometimes comes: he doubtless is occasionally so; but no one ever came to a wrong conclusion as to what was the import of the language which he employed to express his thoughts. He is rather happy at summing up evidence: he seizes the leading points with considerable facility, and is successful in placing them clearly and impartially before the minds of the jury. Even in his decisions, you see the self-complacency of the man. He scarcely ever delivers a judgment without some special reference to his "experience on the bench."

In his personal appearance there is nothing striking, beyond the lively irritable expression of countenance he possesses, to which I have already referred. He is a man of the middle size, and seemingly of a sound healthy constitution. His complexion is sallow. As regards the features of his face, I will not say a word. I may be asked why? For this good reason, that

it would be a work of supererogation. It is already done to my hand much better than I could do it. Let my readers only look on any correct portrait of George the Third, and they will there see the very counterpart of Mr. Justice Park's face. Or if they have not access to a portrait, let them look at some penny, or half-penny piece, of a date previous to 1820. That will do just as well. On that small circular piece of copper, they will see Mr. Park's face to the life. Perhaps two men more strongly resembling each other, than George the Third and Mr. Justice Park, were never known. Mr. Justice Park is now, I should think, about his seventieth year.

MR. JUSTICE BOSANQUET was raised to the bench in 1830. As a barrister his name was but little known to the public, for a considerable time after he was called to the bar. It will very naturally be inferred, that while this was the case, his business in the courts at Westminster Hall, was neither large nor lucrative. For many years he was a law reporter; and his



reports have always been deemed authorities of the first class, both by the bench and the bar. As a draftsman, he has not often been surpassed. The notes which he appended to his reports display great legal research and knowledge. In the course of time, he succeeded in bringing himself into general notice, and latterly he possessed a very fair practice. He chiefly devoted his attention to those branches of his business which were immediately connected with commercial matters; and, therefore, as may be supposed, was most successful in cases of a commercial nature. Though a common law lawyer, and confining his practice to the courts of common law, he was known in the latter part of his career as a barrister, to possess a very intimate acquaintance with equity business. With the exception of Sir John Copley, now Lord Lyndhurst, it is doubtful whether any of his professional brethren possessed an equal knowledge of both branches of the legal system of this country. For a number of years before his elevation to the bench, Mr. Bosanquet was standing counsel to the Bank of England. He was called to the bar in



1804, and made King's Serjeant in 1827. As a judge, he is considered respectable, but nothing more. He was chosen one of the Lords Commissioners when the great seals were put into commission during the Wellington interregnum of 1834. The reason why Mr. Justice Bosanquet had this honour conferred on him, while other judicial characters whose names were much better known to the public, were passed over, was the circumstance, as already mentioned, of his blending an extensive knowledge of equity with an intimate acquaintance with matters pertaining to common law.

He never was an accomplished speaker. His voice is good, but he hesitates somewhat in his delivery. His style, too, is defective; it is usually involved. He is sufficiently quick in apprehending the principal points in a case, and the whole matter appears with much distinctness to his own mind; but he has got such a round-about way of addressing the jury, or giving a decision, that it often requires an effort to follow him closely.

In person, Mr. Justice Bosanquet is about the average height and thickness. His face has the impress of advanced age upon it,—as might be expected in one who, in addition to his being upwards of sixty, has been a hard-working man for the last quarter of a century. His complexion is dark, and his features are marked. His face partakes of the oblong form. The expression of his countenance is by no means intellectual; it is heavier than it ought to be, if the system of Lavater be founded in truth.

Mr. JUSTICE VAUGHAN has now been ten years on the bench; having been raised to that dignity in 1827. As an advocate he was very widely known; there were few of his contemporary practitioners who were more so. His business was extensive; but not being of the highest class, he had, compared with others of his brethren at the bar, to which he was called in 1791, “much to do and little for it.” He was always, however, after he was fairly brought into notice, able to realize by hard labour a more than respectable competency. I have

not the means of knowing what his average yearly income, in his more prosperous days as a barrister, may have been; but judging from some facts communicated to me, I should suppose it must have been between 3,000*l.* and 4,000*l.*

As a barrister, Mr. Vaughan was chiefly celebrated—noted, perhaps, would be a more appropriate word—for a certain coarseness of manner, which never suffered him to conceal his ideas, no matter what they were, nor to show any fastidiousness in his use of words. Thoughts which could never have occurred to other men, were perpetually passing in his mind; and out they came—however coarse they might sometimes be,—as if, instead of addressing a court of law, where all are supposed to be gentlemen and persons of refined mind, he had been quarrelling with a mob of hackney-coachmen, and had determined to adapt his ideas and language to their peculiar notions of propriety. Perhaps no man of any distinction at the bar, for the last quarter of a century, was, to use the written language of one of his own contemporaries, so

much addicted as Mr. Vaughan, to the use of "coarse and vulgar terms." It is probably also worthy of remark, that there was a sort of richness, if there be not impropriety in the word, in the coarseness of the terms wherewith Mr. Vaughan was in the habit of expressing himself. I am assured by those who have heard the learned gentleman times without number, that supposing other barristers had been inclined to indulge in the same vulgarity of diction, they could not, for the life of them, have hit on such rare and expressive words, as seemed to occur to his mind, as if by a species of intuition.

Mr. Vaughan never got credit with the bar for being a man of learning. He was but a middling lawyer; and in general information was rather defective. And yet he pretended to superior classical attainments. He was singularly partial to the introduction of Latin phrases, and to such classical quotations as he was master of, in all his addresses. This, of itself, might fairly be regarded as presumptive proof, that he was no scholar; for superior

scholastic attainments will scarcely ever be found where the party is in the habit of making a pompous parade of classical quotations. Of the propriety of using Latin quotations when addressing common juries, the majority of whom, most likely, knew nothing more of Latin than they did of Chinese; of the propriety of this, I say nothing: it is not necessary I should, as every one must at once see that nothing could be in worse taste.

And yet, notwithstanding the defects to which I have alluded, Mr. Vaughan was a very successful advocate. This was owing to a variety of causes. Among these his singular earnestness ought not to be overlooked. Few advocates ever displayed greater zeal for their clients. And in his case, it could hardly be said to be assumed zeal: it was zeal for the time being. He could scarcely have felt more deeply interested in the issue of the trial, had he himself stood in the situation of his client. It seemed as if he had been subjected to some painful physical operation, when he was compelled to give

up a point, however clearly against him, on which he had been dwelling in favour of his client. He never yielded until literally forced to it. Juries were struck with the singular tenacity with which he clung to a point, and were often known to have been led, through that tenacity, to give a verdict in favour of his client, when the verdict should have been in favour of the other side, and would assuredly have been so, but for the circumstance in question. His amazing boldness, too, was much in his favour, especially in *Nisi Prius* cases. Nothing could daunt or disconcert him. He was not to be taken by surprise by any unexpected disclosure in the course of the trial, adverse to the interests of his client. Indeed, it rather seemed as if his confidence and unblushing boldness, had always grown in proportion to the badness of his cause. I am not sure, therefore, whether he did not gain a greater number of bad causes, in proportion, of course, to the relative number in which he was employed, than any other advocate of his time. I believe it has also been a question with some



who practised with him, whether he did not actually gain a greater number of bad causes, than he did of those of an opposite class.

Mr. Vaughan was in his glory in horse-jockey cases, or in any case in which plain country people were the parties. It was to him a positive luxury to get a rogue in the witness-box. There the poor fellow was sure to be so badgered and browbeaten by Mr. Vaughan, that to have been placed in the pillory, and to have been exposed to the pitiless pelting of dead cats and rotten eggs, would have been a comparative elysium to him. Mr. Vaughan always made those rogues who were witnesses adverse to his client, exhibit their own villany as if it had been reflected in a mirror. The only evil was, that his coarse, badgering, browbeating mode of treating adverse witnesses, sometimes so confounded them, that the ends of justice, which it was the object of the court to seek to promote by their examination, were completely defeated.

Mr. Vaughan was fond of playing the wit when at the bar. He often succeeded in that low, vulgar sort of wit, which is always in great



favour with the mob. Men of refined minds, however, could never see anything but a species of buffoonery in the efforts at wit made by the learned gentleman.

He was some time at the bar before he had the distinction of a coif conferred upon him. He received that honour in 1816, in which year he was also appointed, first Solicitor and afterwards Attorney General, to Queen Charlotte. I am not aware whether or not his practice increased much with the bestowment of this honour. In the case of some counsel it has been productive of great benefit in this way: in the case of others it has been productive of none.

Mr. Serjeant Vaughan, as a barrister, occasionally performed some generous actions. I may give one instance out of many which are well known to the profession. Several years ago, while on his way to the Chelmsford assizes, he met with an intelligent and pleasant fellow-passenger on the coach. Mr. Serjeant Vaughan, who was, on such occasions, very fond of what he used to call a little agreeable

chat with any talkative person he chanced to meet, soon drew his travelling companion into a lively conversation with him. Having always had a sprinkling of Yankee curiosity, though never venturing to put such point-blank American questions to any one, as—“Are you married?” “Are you going to be married?” “How much money are you worth?” “Have you got any poor relations dependent on you?” “Have you any children?” “Was your wife a widow or a virgin when you married her?” “How much money do you usually spend a year?”—Mr. Serjeant Vaughan, though never, I repeat, having enough of the Jonathan effrontery to put such questions as these to any fellow-passenger he chanced to encounter in his travels, generally contrived to worm out, by a process imperceptible to the party himself, whatever he wished to learn regarding him. On the occasion to which I allude, Mr. Vaughan was not long in ascertaining from his companion that he also was going to the Chelmsford assizes, which were to be held on the following day. “As a juryman, no doubt?” said Mr. Vaughan, on learning the fact itself.

“ No, Sir, not as a juryman,” said the other.

“ O, as a witness, I should have said.”

“ Not as a witness either: I wish it were as pleasant as that.”

“ O, I see how it is, you are the prosecutor in some case which is painful to your feelings. However, such things will happen; there is no help for them.”

“ You are still wrong in your conjecture, Sir; I am going to pay away money for a relative who has a case at the assizes.”

“ Ah, that’s it! Very unpleasant, certainly, to pay money,” observed the learned Serjeant.

“ It is, indeed, for those who have little to spare,” observed the other.

“ Well, but I hope it’s not to any very serious amount.”

“ Why, the magnitude of the sum, you know, depends on the resources of the party who have to make the payment.”

“ Very true; certainly, very true,” said Mr. Serjeant Vaughan.

“ The sum is 500*l.*, which, to one with my limited means, is a very large sum indeed.”

“ O but, perhaps, you expect to be repaid it in some way or other again ?”

“ That is very uncertain ; it depends entirely on whether my relative, who has just taken a public-house there, succeed in business or not.”

“ Well, it certainly is a hard case,” observed Mr. Serjeant Vaughan, with a serious and emphatic air.

“ Aye, you would say so, if you only knew it all.”

“ Indeed ! Are there any peculiar circumstances in the case ?”

“ There are indeed,” answered the other, with something between a sigh and a groan.

“ Is the matter a secret ?” inquired Mr. Serjeant Vaughan, his curiosity being now wound up to no ordinary pitch.

“ Not in the least,” said the other. “ I’ll tell you the whole affair, if you don’t think it tiresome,” he added.

“ I am all anxiety to hear it,” said the learned gentleman.

“ Well, then,” said the other, “ about six weeks since, a respectable corn-dealer in London, when on his way to Chelmsford, met, on the

coach, with two persons who were perfect strangers to him. The strangers soon entered into conversation with him, and having learned the object of his visit to Chelmsford, said that they also were going there on a precisely similar errand, namely, to make some purchases of corn. After some further conversation together, it was suggested by one of the parties that it would be much better for all three, if they could come to an understanding together, as to what amount of purchases they should make, and under what particular circumstances those purchases should be made;—for if they went into the market ‘slap dash,’ and without any understanding together, the result would be that in so small a place as Chelmsford they would raise the prices; whereas, by operating slowly and in concert, that would be avoided. The second party pretended to approve highly of the suggestion, and further proposed, in order to show that neither had the start of each other, that they should all deposit the amount of money in the hands of the respectable landlord of the principal inn; taking care that they

did so in the presence of witnesses, and that special instructions should be given to the landlord not to give up a farthing to either, until all three returned together to receive the whole; adding that if he did he would be held responsible. The London merchant, knowing the landlord of the inn to be a man of undoubted respectability, at once assented to the proposal, and each of the three parties accordingly placed in his hands, under the circumstances stated, 250*l.*, making 750*l.* in all.

“ Well,” observed Mr. Serjeant Vaughan, “ well, you certainly do interest me in your singular story. And what was the result?”

“ Why this—that scarcely had the three parties left the inn a minute, when one of the two strangers came running back, and said, that on second thoughts they had all come to the conclusion, that it would be better to make their purchases as early in the day as possible, and that consequently the other two had desired him to return and get the money.”

“ And the landlord gave him the whole sum at once?” interposed Mr. Serjeant Vaughan.

“ He did, indeed ; unfortunately for himself and me,” answered the other.

“ And what followed ?” inquired the learned gentleman, eagerly.

“ Why the other stranger, and the London merchant, returned in about an hour after, and demanded their money.”

“ When the landlord, of course, told them he had given it to the other ?”

“ He did.”

“ On which, I suppose, they bring an action against the landlord ?”

“ Precisely so ; and seeing that defence were useless, inasmuch as he delivered up the money to one when his instructions were peremptory not to deliver it until all three were present,— my friend is to allow the action to go undefended. The money must be paid to the sharper— for both strangers, as the event has proved, were sharpers—and also to the London merchant.”

“ And you really have made up your mind to pay it ?”

“ O certainly, because there is no help for it.”



“I am a barrister; I am Mr. Serjeant Vaughan; and I will defend the case for the poor landlord gratuitously.”

The other tendered him a thousand thanks for his intended kindness; but expressed his apprehensions that all efforts at defence would be perfectly useless.

“We shall see,” said the Serjeant, significantly, “we shall see;—you and your friend the landlord will call on me this evening at eight o’clock, to arrange for the defence to-morrow.”

To-morrow came, and the case was duly called in court. The poor innkeeper, acting on the advice of Mr. Vaughan, but not perceiving in what way he could be benefited by it, defended the case. Everything proceeded so favourably for the prosecution for some time, that though every person in court deeply sympathised with the unfortunate landlord, they saw no possibility of any other result than a verdict against him. Mr. Serjeant Vaughan, when the case for the prosecution was closed, rose and said—“Now, gentlemen of the jury, you have heard the evidence adduced. You have seen it proved by

unexceptionable witnesses, that the defendant received the most positive instructions from all three, not to deliver up the money, or any part of it, to either of the parties except in the presence of all. Gentlemen, my client has got the money in his possession, and is ready to give it when all the three parties come to demand it. Let the absent party be brought to his house, in company with the other two, and every one will have his money returned to him." The defence was equally ingenious and complete. The jury looked as amazed at each other, as if some new world had burst on their astonished gaze; so did all the spectators in court. The verdict was of course for the defendant. It is unnecessary to add, that the party who had absconded with the money never returned, and that consequently the poor landlord had never to pay a farthing of the amount.

Mr. Serjeant Vaughan, as before mentioned, was raised to the bench in 1827. His first judicial appointment was to the Court of Exchequer, and hence he is still called Baron Vaughan by many of his friends. From the

Court of Exchequer he was transferred to his present situation a few years since. As a judge he acquits himself in a very creditable manner ; better, perhaps, than was generally expected at the time of his investment with the judicial functions.

Mr. Justice Vaughan is in the habit of attending those meetings of the Royal College of Physicians, held at stated periods during what is called the scientific year, at which papers of general interest are read by the members. One of the most interesting features of these meetings is the *conversazione* which is held in the course of the evening. During these *conversazioni*, the members or visitors are at liberty to put on and off their hats as they please,—just as is done by the legislators in both houses of parliament. About two years since, one of the visitors or members, I am not sure which, belonging to the Society of Friends, and practising as surgeon at the east end of London, chanced to be present. He was a little shrivelled looking man, and his naturally ill-conditioned appearance, was seriously aggravated by a most

shabby wardrobe; a remark which very rarely applies to that respectable body of men. But bad as was the Quaker's apparel, his broad-brimmed hat was particularly so. A more "shocking article in that line," never encircled the cranium of a human being. The hat had originally been white; but, through wear and tear, and exposure to all weathers, had assumed an aspect which the most perfect connoisseur in colours would find it difficult to specify. A whity-brown is the only phrase with which I am acquainted that can convey any idea of its complexion. The wretched appearance of the poor little Quaker's chapeau, was materially heightened by two large patches of mud which had, by some means or other, been affixed to the foremost part of it,—thus imparting to its general aspect something of a light-and-shade effect. Of its broad-brim I will say nothing beyond the fact, that it was in a very dilapidated condition, and was consequently in the strictest keeping with the other parts of the article. This affair, which was dignified with the name of a hat, was deposited during the reading

of a paper, on a bench amidst sundry other hats, including Mr. Justice Vaughan's. On the conclusion of the reading of the paper, and immediately on the commencement of the *conversazione*, the learned judge, in the temporary confusion of the moment caused by a number of gentlemen snatching up their hats at once, took up the chapeau of the Quaker, and putting it on his head, walked away, arm-in-arm with one of the present cabinet ministers, to the other end of the large room. The contrast which the hat exhibited to the judge's green wig, beautifully smoothed and highly polished as it was, by the recent application to it of the surpassing skill of a west-end *perruquier*,—was striking in the highest degree. It attracted all eyes to the wearer's head, and excited the utmost surprise in every person present. Mr. Justice Vaughan continued, in the society of his ministerial friend, his promenade up and down the room, quite astonished at seeing every one staring at him as hard as if he had come in a questionable shape from some other planet. It was clear to all present, on a moment's reflection, that there

must be some mistake in the thing; for no one who knew the wearer could ever suppose, that he rejoiced in the proprietorship of such a hat. Still nobody could muster sufficient courage to apprise him of the ludicrous appearance his upper extremity exhibited. The Quaker in the mean time, was following him up and down the room, with a most rueful expression of countenance, evidently wishing to say, but lacking the resolution, "Friend, thou hast taken by mistake that which is not thine own." At length the extraordinary appearance of Mr. Justice Vaughan's head caught the eye of his brother, Sir Henry Halford, the president of the society. At first Sir Henry burst out into a loud fit of laughter. The judge's amazement was increased at this, and he inquired what was the matter. Sir Henry, on recovering his wonted composure, and perceiving, from the wistful glances of the Quaker towards his hat, how the thing stood, audibly, and with a most expressive smile, thus addressed the judge—" *Brother\**

\* The latter part of Sir Henry's name was originally Vaughan, but he substituted that of Halford for



Vaughan, thou hast unconsciously appropriated an upper covering which is not thine own." The latter put his hand to his head, took off the hat, and looking at it with an expression of unutterable horror, was about to let it fall on the floor, as if recoiling from the mere touch of such a thing—when the Quaker owner of the article held out his hand with a smile of joy to receive it. In a moment afterwards it was seen gracing the head of the rightful proprietor, and the gentlemen present then perceiving how the mistake had occurred, lost all control over their risible faculties for a considerable time after.

In person, Mr. Justice Vaughan is above the average height. He is lame on one foot; but not to such an extent as seriously to affect his walking. His complexion is sallow, and his countenance is slightly wrinkled. His features are strongly marked, his eyes and cheeks being

it, in consequence of some property left him by a relative of that name. The circumstance of Mr. Justice Vaughan being a judge and at the same time Sir Henry's brother, made this witticism tell with peculiar effect.



sunken. His face is of the elongated form. His age cannot be under sixty-five.

Mr. JUSTICE COLTMAN has been so recently raised to the bench, that very little can, as yet, be said of him in his judicial character. He succeeded Mr. Justice Gaselee something more than a year since. As a barrister, Mr. Coltman was scarcely known in the courts at Westminster. Hence it was a general question, among the profession as well as with the public, when he was appointed successor to Mr. Justice Gaselee—"Who is Mr. Coltman?" His practice was very limited in any place: the little he did possess was at one of the country sessions. A great outcry was consequently raised against his elevation to the bench, by the profession generally, but especially by those who conceived, that from their standing at the bar they had preferable claims on the vacant judgeship. It is but justice, however, to Mr. Coltman to say, that by those who knew him intimately, he was not only considered an excellent character in his private capacity, but was regarded as pos-

essed of superior professional attainments. The result of the short trial he has had in his judicial situation goes to justify the soundness of this estimate of Mr. Coltman's professional acquirements; for it cannot be denied, even by those who raised the greatest outcry against his appointment to a seat on the bench, that he has hitherto discharged the functions of judge in a highly creditable manner. He is but little advanced in life for one who presides in one of the leading courts of law. With the exception of Mr. Justice Coleridge, he is, I believe, the youngest judge on the bench. I should take his age to be about fifty.

END OF VOL. I.

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THE  
BENCH AND THE BAR.

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VOL. II.



THE  
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&c. &c.

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# THE BENCH AND THE BAR.

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## CHAPTER VII.

### JUDGES IN THE EQUITY COURTS.

LORD COTTENHAM—SIR LAUNCELOT SHADWELL—  
LORD LANGDALE.

LORD COTTENHAM has now presided in the Court of Chancery, as well as in the House of Lords, for nearly three years. As a member of the Chancery bar, to which he was called in 1804, Mr. Pepys was, for many years prior to his elevation to the judicial bench, regarded as considerably above mediocrity;

but he certainly never was, in the general estimation even of the members of his own profession, looked on as a first-rate man. It is but justice to him, however, to state, that those who knew him most intimately had the highest opinion of his attainments as an equity lawyer. His knowledge was varied and accurate ; but he did not always turn it to that account which a more dexterous pleader would have done. He did not appear to great advantage in addressing the court. He was deficient in that dexterity at tricky expedients, if that be the proper phrase, which constitutes in the case of many others in Westminster Hall, the principal cause of their success ; and without which they would neither have a name, nor, what would be still worse, a remunerative business. Perhaps Mr. Pepys was one of the most honest of his contemporary brethren at the bar. I believe that few men ever rested their cases [so much on their merits in point of equity, as did the learned gentleman. But an excess of honesty—a very rare attribute in lawyers—was not the only thing which militated against his rising higher than he did in his pro-

fession: his defects as a speaker operated in the same direction. His voice was by no means good; and its imperfections were much aggravated by the mumbling sort of way in which he always spoke. His articulation was very indistinct; and he spoke, in most cases, with a rapidity which impaired the efficiency of his addresses. He had nothing showy about him as a speaker: the merit of his speeches always consisted in the matter, and not in their manner. Even in the matter of his addresses, apart from the knowledge of equity they displayed, and the soundness of his arguments, there was nothing to indicate a superior mind. There were no symptoms of the philosopher; no evidences that the speaker was a man who applied himself to the pursuit of objects connected with general literature or with science. The style of Mr. Pepys' speeches was plain; it was not remarkable for its beauty. As for anything deserving the name of eloquence, it would have been a hopeless task to search for it in his speeches. His chief merit as a lawyer, in addition to extensive professional knowledge, was

the assiduity with which he applied himself to the duties of his calling. He was a most steady and industrious man : few men have fagged more at their professional duties than did Mr. Pepys.

He was not long in Westminster Hall before he got into a respectable business. Though his professional qualifications were sufficiently great to have entitled him to a profitable practice, and though they might have eventually gained him one, yet it is generally understood that his rich and influential family connexions were the means of getting him a very considerable proportion of his briefs.

He was raised to the judicial seat in the Rolls Court in September 1834, on which occasion he received the honour of knighthood. For some years previous to this time, he had enjoyed the distinction of being King's counsel. His Honour was considered a good judge when presiding in the Rolls Court ; but he certainly did not rank so high in the estimation of the bar in his judicial capacity there, as he has done since his elevation to the office of Lord Chancellor.\* His

\* Contemporaneously with his elevation to the

decisions in the Court of Chancery are the admiration of the whole bar. They are not more sound in themselves, than they are skilfully arranged and luminously delivered. They not only evince a thorough knowledge of the principles of equity ; but indicate his lordship's possession of the faculty of weighing a case, however intricate, in all its bearings. In fact, Lord Cottenham has, within the last two years, earned for himself the highest possible reputation as a judicial character. And though his judgments thus give the greatest satisfaction to the bar and the public, they are not the result of any unusually lengthened consideration. He is affording, day after day, undoubted proof of the possibility of a judge, when properly qualified for his office, giving just decisions on the cases before him, within such a reasonable time as will prevent the suitors on either side from being ruined by delay,—which was a matter of very frequent occurrence in the former history of the Court of Chancery.

Chancellorship, he was raised to the dignity of a peer, under the title of Baron Cottenham.



Lord Cottenham is much respected in his private capacity, as well as in that of a judge. As a political character, he was scarcely known until his elevation to the woolsack. Even for some time after that elevation, he took no very decided part in politics. Latterly, however, he has come forth with some prominence in this respect. I heard him make some pithy, though usually short speeches, in vindication of the measures of Lord Melbourne's government, in the course of last session of parliament.

Lord Cottenham is drawing towards his sixtieth year. He is tall and stoutly made, with a considerable breadth of shoulders. He inclines to corpulency. There are various wrinkles in his face; but his complexion has a fresh and healthy appearance for one who has spent upwards of thirty years of his life in courts of law. His face is round and large; it has a heavy and somewhat of a demure expression. Lord Cottenham is most attentive to the discharge of his duties, which, between the Court of Chancery and the House of Lords, are neither few nor small. He has the best wishes of his country-

men, that he may be long spared to perform them.

SIR LAUNCELOT SHADWELL has now been Vice-Chancellor precisely ten years. He was called to the bar in 1803. As a barrister, he possessed a very respectable reputation, and a very profitable business. His rise in his profession was steady rather than rapid. With his brethren at the bar, he ranked higher for his knowledge of equity, than as a mere advocate. His opinions, given in his own chambers on points submitted to him, were usually sound; and I believe he derived a considerable part of his professional income from that source. As a barrister addressing the court, he was not showy; he never aimed at effect. His client's cause, and not himself, was always uppermost in his mind. His speeches showed the variety and depth of his equity knowledge, and always had an immediate bearing on the points at issue between his client and the party on the opposite side. He was no wanderer: he was not one of those who stray from the real question, and touch on every

other. He was considered solid rather than brilliant. He spoke with great fluency; sometimes his delivery was too rapid: he scarcely gave the bench breathing time. His voice was never strong; but it was sufficiently clear, and his enunciation was distinct. His voice had little or no variety; but if he did not startle the court, as is sometimes done, by the loudness of his tones, neither did he descend so low in the acoustical scale as to be at times inaudible. His action was moderate; a slight occasional motion of his head, and a more frequent gentle movement of his right arm, might be said to constitute its entire amount. The expression of his face was always that of good-nature and of a cheerful mind. Few of his contemporaries in either of the courts could boast—for I do think it is a legitimate matter for boasting—of having less of the mere lawyer in their faces. He was equally a favourite with the bench and the bar, when himself a member of the latter. On his elevation to the judicial seat in the Vice-Chancellor's Court, he received the honour of knighthood.

As a judge, Sir Launcelot Shadwell has given

much satisfaction. The cases in which his decisions have been reversed in the Court of Chancery have been very few. He is cautious in arriving at conclusions. He examines every case which comes before him in all its bearings; and when giving judgment, he is usually at great pains to satisfy counsel, as he has before satisfied himself, that he has come to a conclusion in accordance with the equity of the case.

Sir Launcelot Shadwell is a remarkably pleasant man, and is much respected by all who know him, whether in his public or private capacity. He is of the middle size, and well made. He is considered a handsome man. His face has more colour than that of any judge, so far as my observation may be relied on, in Westminster Hall. His countenance has not changed its cheerful expression, as I have known some lawyers' countenances do, with his elevation to the judicial seat. It is as cheerful and expressive of good-nature as ever. He is one of those that do not think a smiling countenance incompatible with the functions of a judge. His face is of the oval form; he has a fine,

clear, intelligent eye, and a set of features which many a husbandless lady would give any price to possess. His age I should suppose to be verging on fifty.

LORD LANGDALE, formerly Mr. Bickersteth, has now performed the functions of a judge for upwards of two years, having been raised to the bench in the Rolls' Court on the removal of Sir Christopher Pepys to the Court of Chancery. Mr. Bickersteth is one of the few instances, in the annals of the legal profession, of a man being raised to the peerage without having been previously knighted. The same day which saw him plain Mr. Bickersteth, saw him a peer of the realm, under the title of Baron Langdale. His elevation to the peerage was contemporaneous with his appointment to the judicial seat in the Rolls' Court.

In Mr. Bickersteth's early career, there was much that is out of the beaten track. Notwithstanding the distinguished reputation—as will be afterwards noticed more fully—which he acquired for himself as an equity lawyer, the

profession of the law was not only not that to which he originally applied himself, but he did not turn his attention to its study, until after he had gone through all the studies, and taken all the steps, necessary to qualify himself for the practice of medicine. He received his diploma in due course, and was fully authorised to commence the medical practice wherever he thought proper, when, having gone on a tour on the Continent with the Countess of Oxford's family, he married one of her daughters, and after returning to England bethought himself of abjuring physic, and applying all the energies of his mind to the study of the law.

It can scarcely be necessary to add, that he was much more advanced in life than is usually the case with aspirants after forensic reputation, when called to the bar. This was in 1811; what his precise age at that time was, I have not the means of ascertaining. But the disadvantages under which he made his professional *debüt*, as regards the unusually advanced period of his life in which it took place, were soon counterbalanced by his superior talents.



Very few men, either at the equity or common law bar, have brought themselves more rapidly into notice than did Mr. Bickersteth; and few have been more fortunate in regard to the suddenness with which he got into an extensive and respectable business. To be sure, though his talents contributed much towards this desirable consummation, they did not do all: the influential and aristocratic connexions he formed by his marriage with the daughter of the Countess of Oxford, was one very fortunate circumstance for him in a professional point of view.

Mr. Bickersteth was, for many years prior to his elevation to the bench, admitted on all hands to be one of the first equity lawyers at the bar; perhaps, indeed, I should say he was the first; or if he had any rival, it was only in the person of Mr. Pemberton. Mr. Bickersteth was a skilful advocate, as well as a profound lawyer. There was no pomposity in his manner; nothing artificial or clap-trap about him. He scarcely ever used any action. He rose up, and would often address the court for two or three hours, just as



if he had been speaking to a private friend in his own house. Sometimes he would rest both hands on the bench before him; at other times he would hold his brief in one hand, and let the other hang down by his side, just as if it were a superfluous bodily appurtenance. But whatever way he chose to dispose of his hands, he set himself with a firm and unswerving resolution against sawing the air with them, or turning them to any theatrical purpose whatever. His voice was always good, and he spoke in a distinct and audible manner, without the least seeming effort. From the little exertion, indeed, which addressing the court appeared to cost him, I am satisfied he could have spoken from its meeting to its closing, for days in succession, without feeling exhausted in any sensible degree. He never seemed at a loss either for arguments or words; and his utterance was well-timed to the ear. He usually kept his bright, cheerful, half-smiling eye on his Honour; but ventured an occasional glance at the opposite counsel, to the demolition of whose strong-holds, whether in law, justice, or trickery, he was ap-

plying all the energies of his mind. I have seldom seen a man, in either of the courts in Westminster Hall, unite greater good-nature with so much firmness of purpose and decision of conduct. He always looked pleased: he appeared at all times to be in excellent humour with himself, and with everybody and everything around him. His countenance always presented a most agreeable contrast to the physiognomies of Sir Charles Wetherell, Sir William Horne, and, indeed, to those of the great body of big-wigged gentlemen in the court. It was a positive relief—a luxury of the first magnitude—to turn away one's eyes from their long and demure frontispieces, and to rest them on Mr. Bickersteth's ever cheerful countenance.

Lord Langdale has earned for himself a reputation as judge corresponding with the distinguished rank he occupied at the bar. His decisions have given the greatest satisfaction. A more popular appointment to the vacant seat in the Rolls' Court, could not have been made. He was a great favourite with the bar when a member of that body; he is equally so now that he occupies the judicial seat.

Lord Langdale is not an old man, considering the elevation he has reached in his profession and society solely by his own perseverance, in conjunction with very superior talents. He is only in or about his fifty-fifth year. He is rather above the middle height, and strongly and compactly made. The expression of his countenance is highly intelligent. His face is full, with an inclination to the oval conformation. His nose is rather prominent, though not unpleasantly so. He has a well-developed forehead, and, as before observed, a bright as well as cheerful eye. His complexion is rather dark, but has more of the glow of health upon it than is usual with those who preside in courts of law. In his political opinions Lord Langdale is decidedly liberal; but he scarcely ever speaks in the House of Lords, except on questions connected with the administration of the law of England.

## CHAPTER VIII.

## LATE COUNSEL AT THE BAR.

MR. BELL—MR. BLACKBURNE—MR. AGAR—MR.  
SERJEANT ONSLOW—SIR EDWARD SUGDEN.

MR. BELL, who died in the beginning of the present year, was one of the greatest Chancery lawyers which this country ever produced. For the extent of his information and the soundness of his views, it is admitted on all hands, he has never been equalled. Lord Eldon, when presiding in the Court of Chancery, was proverbial, under any circumstances, for the number and interminable duration of his doubts. But he was doubly doubtful when he knew that his opinion on any important point was in opposi-

tion to the private opinion of Mr. Bell. A gentleman, who was in a condition to speak very positively on this subject, lately mentioned to me, that Lord Eldon, in such a case, was always in a state of the most painful perplexity of mind.

As a mere speaker, Mr. Bell had no pretensions to the name. He had a harsh, husky voice, the unpleasantness of which was, to an English ear, greatly aggravated by his strong Scottish accent, which he retained till the last day of his life. He was not a fluent speaker. He spoke so quick that it was difficult oftentimes to understand him. His style, like his elocution, was deficient in elegance. His manner was not remarkable for animation; but there was an earnestness about him which showed that his client's interests lay near his heart.

Lord Eldon not only looked on Mr. Bell as the first equity lawyer of his day, but always entertained for him the warmest friendship. They were on habits of very close intimacy, and used to consult each other on all important matters individually affecting either. When

Mr. Bell, a good many years ago, resolved on retiring from the profession, the first person to whom he communicated his intention, was Lord Eldon, then the Lord Chancellor. His lordship having no immediate intention of vacating the woolsack, or resigning the great seal himself, endeavoured to dissuade Mr. Bell from retiring from professional life.

“ Really, Mr. Bell, I’m quite surprised to hear you talk of retiring from the bar,”\* said Lord Eldon, on the learned gentleman mentioning the determination to which he had come.

“ My lord,” answered Mr. Bell, “ I am now getting advanced in years.”

“ So am I, Mr. Bell; I am your senior in years, and yet I have no intention of retiring.”

“ I find the duties of my profession to be now very arduous, my lord.”

“ I’m exactly in the same predicament, Mr. Bell; and yet the idea of retiring has never entered into my head.”

\* A version of this anecdote has before appeared, but it is a very incorrect one.

“ But I find my physical strength declining, my lord.”

“ So do I, Mr. Bell ; and yet I do not mean at present to retire. Really, I’m surprised you should for a moment think of such a thing.”

“ I have now worked very hard in this court for a great many years, my lord.”

“ So have I, Mr. Bell ; but nevertheless I mean to remain in it. Come, you must abandon your intention.”

“ My lord, I do assure you I feel very much fatigued, and have much need of rest.”

“ That is just my situation, Mr. Bell ; and yet I have never thought of quitting this court.”

“ But, my lord,” said Mr. Bell, with peculiar emphasis ; “ but, my lord, I have got money enough.”\*

His lordship was struck speechless by this last observation. He was not the man to make a similar admission.

It was said of Mr. Bell, that though the first Chancery lawyer of his day, he was the worst

\* Mr. Bell retired with a fortune of £100,000.



talker, the worst walker, and the worst writer in the profession. I believe this is very near the truth. I have already adverted to him as a speaker. As a walker, he certainly was the worst I have ever seen in a court of law. I recollect seeing him come into the Court of Chancery one day that I chanced to be there, about eighteen months ago, which was, I believe, the last visit he ever paid to it,—and his waddling manner of walking reminded me of a person beginning to learn to swim. He had a singular way of moving his arms, as well as his legs, in all his locomotive exercises. Of course, I speak of him only in his later years, not having known him at a previous period. Whether he was always so odd a walker, is a point which I cannot determine.

In connexion with his writing, a very amusing observation is current. It is said that he wrote three different hands; one which his clerk alone could read; one which nobody could read but himself; and a third which neither his clerk, nor himself, nor anybody else, could read.

Personally, his appearance was very unpre-

possessing. He was a short and thick man, and had quite a plain, if not a clownish, appearance. He had a round face, with rather a stupid expression of countenance. His complexion had a healthy hue even to the last. His countenance had always a smiling aspect. He was much respected by the profession, and by all who knew him. He must have been approaching his seventieth year when he died.

Mr. BLACKBURNE, who died a few months since, was well known both as a member of parliament and as a member of the bar. He was the representative of the electors of Huddersfield, in the House of Commons, at the time of his death. In parliament he was not in the habit of speaking with any frequency, but when he did address the House, he usually acquitted himself in a very creditable manner. The public measure, in which of late years he took the greatest interest, was the Municipal Corporation Reform Bill for England. He was appointed chief commissioner of the inquiry into the State of Corporations in England, which preceded the introduction of that measure into

parliament; and during its progress through the House of Commons, he spoke very often and very ably on the subject. For the way in which he discharged his official duties as Chief Commissioner in the Municipal Corporation Inquiry, he received the repeated acknowledgments of Lord Brougham and other ministers, in the House of Lords.

As a barrister, his practice was never large, but latterly it was of a respectable kind. Until the distinction of a silk gown was conferred upon him, he was but slightly known in his professional capacity. As a lawyer he ranked a little above mediocrity. His general acquirements were respectable. When allowed sufficient time to prepare himself, he appeared to advantage at the bar; but when unexpectedly called on, or only on a short notice, his forensic exhibitions were not of a superior order. He wanted that readiness, and that variety of resources on the spur of the moment, which are so essential to distinguished success at the bar. As a pleader in a court of law, his manner was languid and heavy; and yet, strange as it may

seem, he always spoke in very impassioned tones in the House of Commons. He had a fine sonorous voice, and hit on the happy medium between a too slow and too rapid utterance. His style was plain but accurate; and he was always intelligible, no matter how intricate the subject on which he spoke. He was a man of considerable energy of character. He was unpolished in his manner, as well as in his speeches. Some of his happiest hits as an advocate were made in the course of conflicts with the opposing counsel. What, on such occasions, he wanted in the variety of his resources was made up by the boldness of his manner. Few men in his profession, ever paid less attention to the precepts of Chesterfield. His plainness of manner was visible in his face. It had quite a country expression. His complexion was ruddy, and had all the appearance of good health until within a few days of his death. The learned gentleman's death took place under very affecting circumstances. It was not only sudden and unexpected, but he was on the eve of marriage at the time. I believe the wedding-day was

fixed for the week following that in which he died. He was a man of cheerful temper, which was indicated by the smile that perpetually irradiated his countenance. Few men have been more respected, either as a public or private character, than was Mr. Blackburne. He was of the middle height, with a slight tendency to corpulency. He had turned his fiftieth year when he died.

Mr. AGAR retired from the Chancery bar some years ago. He is the father of the profession. I do not know what is his exact age, but I believe it is not much under eighty. He was always considered a sound equity lawyer; but he never possessed any reputation as a mere speaker. There was a stiffness in his style which left an impression on the mind of the casual hearer, unfavourable to his character in a literary point of view. His manner, too, was much against him: it was heavy in no ordinary degree. He often hesitated, as if he had neither word nor idea of which to deliver himself. At all times he had an unpleasant mumbling sort of way of speaking. A person who chanced to

drop into the Court of Chancery when he was speaking, would have supposed that he was addressing it with a pebble in his mouth;—just as if fancying that he was to become a second Demosthenes. His practice was respectable rather than large. His opinions were always looked up to with much deference by the profession. In person he was above the middle height, and rather corpulent. His face had a ruddy complexion—a very unusual thing with chancery lawyers. He was one of the best-looking men, considering his age, in Westminster Hall. He often laboured to say something smart; but these were generally the occasions on which he was most dull and prosy.

Mr. SERJEANT ONSLOW was for many years a well-known counsel in the Court of Common Pleas. He had a very considerable practice for a long time previous to his retirement, and must, when that event occurred a good many years ago, have possessed a large property. He held the situation of King's Prime Serjeant\* for

\* This office has been since abolished.



a considerable period, which gave him a priority over all the other counsel in the same court. He was a highly respectable lawyer, though by no means one of the first class. As a lawyer, however, he possessed a much greater reputation than as a speaker. His manner was awkward and uninteresting. He had a rather shrill unpleasant voice, which was made more disagreeable by his unnatural way of speaking. He was always remarkable for the regularity of his attendance in court. He was almost invariably the first to enter it in the morning, and the last to quit it on its closing in the afternoon. He never seemed happy except when in court: even when he had no business, he was equally regular in his attendance. The very locality appeared to possess attractions to him of the highest order. Of course the place must have possessed a special interest to him, when tenanted by the judges, the counsel, and strangers; but I doubt not that, so great was his attachment to it, he would willingly have remained for hours in it after all others had left, if he had been allowed. For many years



after he retired from the bar, or, at all events, during which he never held a brief, he was as punctual in his attendance in court as ever. Latterly he became blind, or so nearly so, that he was obliged to be led about; and yet he never missed a day in his attendance in the Common Pleas. He was regularly led into it in the morning, and again out of it in the afternoon, by his clerk. The observation usually made by the other counsel on his making his appearance in the morning, was, "Here comes the poor old blind Serjeant." This strong attachment to the Court of Common Pleas, which continued in all its vigour so long as he was able to quit his own house, had something romantic in it. It afforded a fine illustration of the vigorous existence of the ruling passion under the most adverse conceivable circumstances. Every one has read of affectionate survivors continuing, at short intervals, regularly to re-visit the grave of a departed friend, so long as they were able to quit their houses; but I know of no instance of any person continuing as long as he was physically

able, to re-visit every day, and even after suffering under the calamity of blindness, the place in which he had, in other days, simply attended, in common with many of his acquaintances, in his professional capacity. Mr. Serjeant Onslow died a few years since, after attaining to an advanced age. He was a tall and slender man, and of very gentlemanly if not majestic appearance. His manners and dress were those of the old school.

SIR EDWARD SUGDEN was for many years the most distinguished counsel at the Chancery bar. He affords one of the many instances with which the bar, more perhaps than any other profession, abounds, of the distinction and wealth to which talent, when blended with perseverance, may raise its possessor. Few men have more signally or more rapidly bettered their condition than the learned gentleman. Like the late Lord Tenterden, Sir Edward Sugden is the son of a barber. His father practised in a small and homely way in the neighbourhood of Lincoln's Inn. Sir Edward himself, when a boy, used to

assist his parent in his humble calling. Nothing can be more honourable to any man than to raise himself into distinction and opulence by his own unaided talents; and, next to this, nothing can be more creditable to him, than to look back on his humble origin, without any feeling of mortification. Sir Edward Sugden is a man of this description, and so far differs from Lord Tenterden. The noble lord, as I have mentioned in my sketch of him in the first volume of this work, was exceedingly sensitive to any allusion to the humble circumstances of his early life. So far from feeling wounded when allusion is made to his lowly origin, Sir E. Sugden justly glories in the circumstance. When candidate, a few years since, for the representation of Cambridge, and when in the midst of an animated speech, in reply to a previous oration of Mr. Spring Rice, some one in the crowd sought to disconcert or annoy him by cries of "Soap," "Lather," &c., Sir Edward made a momentary pause, and pointing to the part of the crowd from whence the interruption proceeded, observed—"I am particularly obliged

to that gentleman for so politely reminding me of my humble origin. It is true, that I am a barber's son, and was once a barber myself. If the gentleman who so politely reminds me of the circumstance, had once been a barber, he would have continued one to the end of his life." This exceedingly happy retort was received with deafening applause by all present. It is unnecessary to say that the party who sought to annoy him by the unmannerly interruption, was utterly confounded by the way in which Sir Edward treated the matter.

Mr. Sugden, on being called to the bar, soon gave proofs of his great attainments as a Chancery lawyer; and those who were able to appreciate his professional acquirements, predicted, before his name was generally known, the distinction which eventually awaited him. In the course of time, he had the honour of a silk gown conferred on him. He had now acquired for himself the reputation of one of the first equity lawyers at the bar; and the extent of his business kept pace with his advancing pro-

fessional celebrity. For some years before he quitted the Chancery bar, he had perhaps the largest and most lucrative practice ever known in the equity courts. It is doubtful whether any barrister, even in the courts of law, ever derived from his practice so large a yearly income, as did Sir Edward Sugden. His annual average receipts from his business could not have been less than 15,000*l.*; if, indeed, they were not nearer 18,000*l.* There was not a single Chancery case of any importance, for many years previous to his retirement, in which he was not retained.

Sir Edward's knowledge of equity principles and proceedings was equally distinguished for its depth and variety; but perhaps the most remarkable attribute in his professional character was the extraordinary readiness he evinced in all emergencies. It was impossible to take him by surprise. Unexpected circumstances, adverse to the cause of his clients, which would have overwhelmed other counsel, never in the slightest sensible degree disconcerted him. His resources were always as ready as they seemed

inexhaustible. The promptitude and effect with which he brought these resources to bear on any unexpected adverse occurrence, amounted to a species of intuition. He was also exceedingly acute in detecting flaws on the adverse side, and was very ingenious in creating them where they did not exist. What made Sir Edward's resources in these respects tell with greater effect, was the accidental circumstance of his possessing at the same time a very unusual command of language. He was a fluent speaker. He was never at a loss for suitable phraseology, any more than for ideas. His most extemporaneous effusions—those parts of his speeches which in the very nature of things could not have been premeditated—had all the appearance, from the ease and fluency of their delivery, of being most carefully prepared beforehand. Sir Edward was not only a fluent, but on many occasions a highly eloquent speaker. He invested topics which were naturally dry, with charms of no ordinary kind, even to the minds of those who knew nothing of mere professional matters. His manner, as well as his matter, except when



indulging in some of his snappish propensities, was also attractive. His enunciation was well timed to the ear; which, with a graceful action, had the effect of neutralizing a sort of shrillness which characterised his voice in some of his more impassioned moods.

But while thus speaking in terms of merited praise of Sir Edward Sugden's attainments as a lawyer, and his talents as a speaker, a sense of impartiality requires me to add, that his manner was not always courteous. There was a sort of waspishness about him, which operated very prejudicially to his qualities as a man, in the estimation of the bar. He was in the habit of treating other counsel, when engaged on the opposite side of the same cases as himself, in a manner the reverse of respectful. This trait in his character was generally supposed to arise from an overweening opinion of himself. It is Dr. Johnson, if I remember rightly, who says, that no man can be a genius without knowing it. Sir Edward Sugden was certainly one instance of the justice of the great lexicographer's remark. He was a genius—I mean as a professional man



—and no one knew that he was so, better than himself. In the House of Commons he furnished one notable illustration of the high estimation in which he held his own acquirements as a lawyer. When the Reform Bill was under discussion in Parliament, he, as was to be expected of one whose Tory leanings were so strong, gave it his most strenuous opposition; but when once it had got into committee, he stated, that he would then apply all the powers of his mind to improve its details to such an extent as would insure its practical working. With this view, as he himself stated, he made a great many propositions and suggestions in committee; but these not having been adopted, he became highly offended, and openly stated in the House, that he would interest himself no further in the matter. He kept his word: I believe he never afterwards made a single observation on the measure in its progress through committee.

Sir Edward Sugden quitted the Chancery bar on being appointed, in 1834, by the Wellington and Peel administration, to the office of Lord

Chancellor in Ireland. On that occasion he was offered a peerage, but refused it, owing to circumstances of a family nature, to which I need not particularly allude. In his capacity of judge he gave great satisfaction; and it was the general impression that his judicial reputation would soon be equal to the reputation he so long enjoyed as counsel. But while such were the general expectations, he suddenly resigned his office, owing to what he conceived an unmerited slight, offered by the Lady of the Lord Lieutenant of that country, to Lady Sugden. He immediately afterwards returned to England. The circumstance of his having been once in the judicial seat, deprives him of the right of returning to the bar. He has lately been elected as the representative of the electors of Ripon, and it is understood that, in the event of the Tories returning to power, one of their first acts will be to instal him in the office of Speaker of the House of Commons.

Sir Edward's personal appearance is not much in his favour. He is diminutive in stature. His complexion is sallow. In his countenance

there is something indicative of a hot and hasty temper. His features are regular, but the form of his face is rather sharp. He is now about his sixtieth year.

## CHAPTER IX.

## COUNSEL IN THE COURT OF QUEEN'S BENCH.

SIR JOHN CAMPBELL—SIR ROBERT ROLFE—SIR  
FREDERICK POLLOCK—SIR WILLIAM FOLLETT—  
MR. EARLE—MR. CRESSWELL—MR. ALEXANDER  
—MR. PLATT—MR. SYDNEY TAYLOR—MR.  
RICHARDS—MR. WIGHTMAN.

SIR JOHN CAMPBELL was well known, both by the bar and the public, before he could rejoice in the honorary prefix of "Sir" to his name, and of course before his appointment to the office of Attorney General,—the distinction of knighthood having been conferred upon him contemporaneously with the attorney-generalship. He is a favourable specimen of what an untiring plodding industry, coupled with good

talents, may do for a man at the English bar, as well as in most other professions. Sir John adds an additional illustration to the many before given, of Scotchmen raising themselves to distinction by an undeviating course of steady conduct, joined to an indefatigable application to business. He is the son of a Scotch clergyman, who could give him no other patrimony than a liberal education. Mr. Campbell came in early life to London; and having qualified himself for the English bar, commenced practising at Westminster Hall. For a time his briefs were neither numerous nor important: it needs no special acquaintance with the principles of logic to come to the conclusion, that for a corresponding length of time, the income he derived from his profession was not large. Mr. Campbell, however, had in early life adopted for his motto, the trisyllable "Persevere;" and resolutely embodying in his conduct the important principle expressed by the term, conjoined with the constant practice of a severe economy, he not only contrived, as the proverb has it, to make the day and the journey alike; but soon found the proceeds of his business ex-

ceed the amount of his expenditure. Not more ecstatic was the joy of Sir Isaac Newton when he discovered the great principle which regulates the laws of gravity, than was Mr. John Campbell—or “plain John Campbell,” as he still loves to call himself—when he discovered that his professional income exceeded the expenditure incurred by his mode of living; frugal though that mode unquestionably was. Mr. Campbell plodded and toiled away, and briefs in the course of eight or ten years, began to become tolerably plentiful,—though certainly not quite so abundant as Falstaff’s blackberries. He still, to use his own words, continued his ascent in the professional scale, until he reached the distinction of Attorney General, and began to pocket, as the reward of his forensic efforts, from £8,000 to £10,000 per annum. In fact, with his superior talents, his untiring perseverance could not fail to ensure his success. His habits of perseverance are not to be surpassed. I take it, that the same perseverance which he evinced in his capacity of barrister, would, had he made the at-

tempt, have accomplished the ascent of Mont Blanc,—always assuming that he made no false step, owing to the slipperiness of the icy path. Of this I am certain, that he would not have stuck in the middle of the snowy region, nor for a moment entertained the idea of “going back again,” because of the fatigues of the task. His determination always has been, never to relinquish any undertaking the accomplishment of which does not involve a physical or moral impossibility.

Sir John Campbell, when he found that his status at the bar, and the amount of his income, would justify the step, became a candidate for a seat in the legislature. That object of his ambition he soon gained. Of his character as a representative of the people, I need not here say anything, having spoken of him at some length in that capacity, in my “Random Recollections of the House of Commons.”

Sir John Campbell is by no means a brilliant man at the bar, any more than he is in the legislature. His professional knowledge is accurate as far as it goes, but it is neither so varied nor



minute as that of many of his brethren at the bar. What he does know, he displays considerable tact in turning to the best account. He is one indeed who, on a very limited stock, could carry on a very extensive business. He makes himself master of the principal details of the case, and if his memory supplies him with any precedents or cases in point, he brings them to bear on it at once. And this he does in a very skilful manner. He has the judgment, or dexterity, or whatever else it may be termed, to avoid a great error which is very common even among men of considerable reputation at the bar. I allude to the circumstance of his never encumbering his case by an unnecessary accumulation of arguments, or by introducing into his speeches irrelevant matter. He has the happy knack of knowing when to stop, and what arguments or facts are likely to be serviceable to his case. I doubt indeed whether he does not occasionally run to the other extreme, and omit matter which would strengthen the view of the case he is retained to advocate. Be this as it may, he never over

does the thing. He neither wastes the time of the court, nor exhausts his own strength by long speeches, except in the comparatively few cases in which circumstances render it necessary that he should go into a lengthened detail. He abhors long speeches in others: he gives a practical exemplification of this abhorrence by abstaining from them himself. I am not sure that there is any man at the English bar, whose speeches contain more matter than Sir John's, in proportion to their length. Almost every sentence either expresses an argument or states a fact. He is more happy in bringing forward matter favourable to his client, than in neutralizing by an acute and ingenious reply, the arguments or sophisms of the opposite party. His matter has much more of the merit of solidity than of brilliancy. I never knew him give utterance to anything calculated to strike the mind of the auditor as decidedly clever; but neither, on the other hand, does he ever suffer anything silly or feeble to escape him. He sometimes attempts wit; but the result always proves that nature never intended

him to shine in that way. Nothing could be more signal than his failures on such occasions, though he himself never seems to be aware of the circumstance. Nor has he any pretensions to elegance either of language or of manner. His style is plain and nervous. He seldom perpetrates a figure of speech: to meet with anything strictly rhetorical in his orations would, indeed, be a discovery. It would excite as much surprise among the gentlemen of the long robe, as would the discovery of a north-west passage among ordinary people. In style, as well as in everything else, he is richly entitled to the appellation already referred to, of "plain John Campbell." He is especially entitled to this appellation as regards his manner. It is admitted, on all hands, to be the very perfection of plainness. There is not a particle of ornament about it. The art or science, I do not know which the lawyers call it, of gesture, he has never studied; or if so, has been a most unsuccessful student of it. He does, to be sure, occasionally make a slight motion with his right hand; just about as much as serves

to show that there is an arm concealed under his gown; but surely everybody will allow, that this does not negative my assertion of his singular plainness of manner. It is true, indeed, that when he gets excited, (which, however, is so seldom as to constitute an era in his forensic existence) he makes what an Irishman would call "a trifle of motion;" but still that motion or gesture, if, for the sake of being understood, I must so call it, is not to be considered fatal to my hypothesis touching Sir John's plainness of manner. His manner is not only plain but heavy. There are few men at the bar whose manner has more of specific gravity in it. He looks as if he were asleep, except in those instances where the importance or the peculiar circumstances of the case, could not fail to arouse the most sluggish, and infuse some life into the least animated, of barristers. His voice reminds me in some measure of the sounds caused by a muffled drum. You would sometimes fancy, from the dolorous tones of his voice, that he was giving utterance to the language of a heart overflowing with grief. He would be quite in character in pro-

nouncing a funeral oration. The expression of his countenance is in perfect keeping with the dulness of his manner and the sorrowful character of his voice. He always looks remarkably grave, whatever the occasion on which he speaks. I am not particularly partial to walking, but I would go a good step, as the walkers phrase it, to see Sir John Campbell smile; to say nothing of a regular hearty laugh. But let me here guard against doing him injustice. It is not his fault that he does not laugh. I have often seen him make the attempt, but that attempt has always proved a failure. He does not, however, seem to be aware of this himself. It is fortunate for Sir John that an effective exhibition of his "risibilities" does not constitute one of the indispensable qualifications for the bar. Had that been the case the Attorney General would still have been at the foot of his profession. But though he never succeeds in any effort he makes to smile, he is by no means of a sour or surly disposition. I would rather characterise his temperament by the term "staidness," than by any other I could name. I take him to be a

tolerably good-natured sort of man; one that can, on occasion, do a friendly act from a friendly principle.

Sir John Campbell is proud of his profession. Were it not that the thing would have an odd appearance, I believe he would walk about in the streets, with his well-powdered wig and ample gown adorning his person. At all events, the fact consists with my personal knowledge, that if the House of Commons chances to sit on a Saturday, which it sometimes does, he rarely lets slip an opportunity of quitting Westminster Hall, and going for a few minutes into St. Stephen's, (which, as those acquainted with the localities of London know is hard by,)—with his wig and gown on, just to remind the members, in case they should forget the fact, that he is a lawyer.

Sir John plays sad havoc with certain vowels in his pronunciation of certain words. I have not been able to discover what can be the cause of his antipathy to the vowels *e* and *o*, for I have always thought them quite as harmless as any other letters in the alphabet; but he inva-



riably transforms them into a *u*. The word 'because,' he always pronounces 'bucause,' and the word 'lord,' 'lurd.' I know I may be asked the reason of his partiality for the vowel *u*, so marked, that he metamorphoses the unoffending *e* and *o* into it. I am sorry I cannot answer the question, any more than I can account for his antipathy to the latter letters.

Sir John Campbell has often, in his professional character, denounced the very thing which he once did himself, namely, the "stealing away," as Othello would express it, "a good man's daughter." Sir John eloped with the daughter of Lord Abinger, then Mr. Scarlett. The latter was dissatisfied in the first instance, but matters were, to use a legal phrase, soon compromised, and all parties, as in the *denouement* of a novel, made happy.

Sir John Campbell is a stout athletic man. He rejoices in a pair of good round shoulders: he would certainly have made an able-bodied labourer had fate made him a "working" man. His personal appearance is rather uncouth. In walking you would fancy he was some farmer



measuring distances on his lands, by means of what are called "paces." His head generally droops on his shoulder, as if the neck were tired of the burden; and he usually looks towards the ground on which he walks, as if lost in profound meditation. His complexion is pale: his eyes have little lustre in them. The whole expression of his countenance is that of a care-worn man;—though why he should be so, I cannot exactly understand; for he has no reason to complain of want of success, either as a politician or as a professional man. I have already glanced at the probable amount of his yearly income from his practice: he is understood to have saved a sum, the annual interest of which would enable him to keep up a handsome establishment. He is seemingly about fifty-five years of age.

Sir ROBERT ROLFE, the Solicitor General, has long had a large and respectable business. For many years after his *debüt* in Westminster Hall, the briefs did not drop in so rapidly as he could have wished; but their number gradually

increased as he became better known, until he received a silk gown some years ago. Since then his business, apart from that which is purely official, has been, I believe, nearly stationary. He has never been considered by the bar a first-rate man: all that can be said of him is, that he is above mediocrity. When appointed to the office of Solicitor General, under the Melbourne ministry, in 1834, considerable surprise, not unmixed with much dissatisfaction, was expressed by the profession generally, that he should have been the person fixed on for the situation. It was thought there were others of longer standing in Westminster Hall, whose claims were, to say the least of them, superior to his. This is a point on which I express no opinion; but I may observe that mere professional talent is not always the passport to official appointments. Mr. Rolfe's politics were in accordance with the views of Lord Melbourne's ministry; which was in all probability one very important consideration in the matter. In such cases, more or less of private influence is usually employed. Mr. Rolfe, on being ap-

pointed Solicitor General, had the honour of knighthood conferred on him.

Sir Robert Rolfe is not a man of philosophical mind. He never deals with first principles; nor does he, so far as I have observed, take a comprehensive view of any subject. What he excels in as a lawyer is, in seizing on all the subordinate points of a case, and bringing them with clearness before the court or jury. Little things, which would escape the observation of others accustomed to take a more enlarged view of a case, or to deal chiefly with its more obvious features, are noted by him with great care, and after being properly marshalled, are brought to bear on the question before the court. In this way, Sir Robert Rolfe has gained numerous cases which, but for the tact he has thus displayed, would certainly have gone against his clients. He also possesses considerable tact of another kind. He is quick in perceiving what are the circumstances which have come out in the course of the trial, which either the bench or the jury deem most adverse to the case of his client; and the moment he makes

the discovery, he applies himself with a zeal, and perseverance, and judgment, which deserve all praise, to grapple with the cause of the adverse impression. I recollect witnessing a striking instance of this in the Court of Exchequer in April last. The case before the court was one respecting a large smuggling transaction. The Solicitor General appeared for the crown, and Mr. Jervis and another gentleman, whose name I forget, were counsel for the defence. The whole merits of the case hinged on the credibility of one of the witnesses. He was a sort of king's evidence: he had been himself avowedly engaged in smuggling transactions for upwards of a quarter of a century, and yet he had laid the information on which the action in question was brought against some of his former particular friends. The counsel for the defence laboured hard to prove, that no faith could be placed on the evidence of a man, though on his oath, who had systematically defrauded the revenue for so long a period, and against whose moral character a variety of suspicious circumstances had transpired in the course of

the trial. The representations thus made by the counsel for the defence, had proved completely effectual: it was clear, from some questions which several of the jury put to the witness, that they had made up their minds to return a verdict for the defendants. Sir Robert Rolfe observing this, and perceiving at the same time that they had been guided to the conclusion to which they had, in their own minds come, by the doubts they entertained as to the truth of the statements made by this particular witness,—directed all his energies to convince the jury, that whatever stigmas might attach to the moral character of the witness otherwise, there existed not the slightest ground for impugning his testimony in the present case. He went on to show that, with one exception, every fact—even those facts which were most minute and unimportant—to which the witness had deposed, had been completely proved by the note-book of the captain of the vessel which conveyed the smuggled tobacco from Ireland to this country. “Now,” said the learned gentleman, “I put it to you, as honest and intelligent men, whether, when

you see that every word which the witness has spoken on all other points, has been so completely substantiated, you can doubt his evidence given on oath, on the only remaining point necessary to establish the case against the defence?" The legal dexterity of the Solicitor General succeeded. The jury looked at one another as if quite amazed that they did not view the case in the same light before, and without hesitation returned a verdict for the crown.

The style of Sir Robert Rolfe is deficient in vigour. It has no force or energy, and yet it can hardly be said to be diffuse. Its besetting sin is rather a defective construction of the sentences, than the use of too many words. It would be all the better too, were it a little more polished. I am no advocate for those rounded periods which bear, as Lord Brougham would say, the impress of labour on their very visage; but there is a difference between this and an almost entire want of attention to one's diction. The Solicitor General is never eloquent: he is as innocent of soaring as the greatest lover of the "lower world" could wish. Nor does he ever



make the attempt to ascend to the upper regions of intellectualism. And this, let me remark, in justice to him, is saying a great deal. He only looks ridiculous who, though always aspiring at rising far above his fellow men, is never able to mount an inch above the "grovelling earth." No man ought to be blamed for not succeeding in that which he never attempted. When, therefore, I say that Sir Robert Rolfe never mounts into the higher regions of mind, let me be understood as simply stating a fact, and not wishing to convey a censure.

The Solicitor General has no fancy. He is a plain matter-of-fact man. He cannot, for the life of him, see what connexion anything light or playful has with the dry and heavy matters of the law. Hence his speeches are always, to any but mere professional men, as uninteresting as it is possible to conceive. They are just the things to set one asleep. I have sometimes thought that even the judges themselves have had great difficulty in bearing up against their soporific tendencies.

Nor is the Solicitor General's matter relieved



by any vivacity of manner. He is a heavy speaker. There are few men at Westminster Hall who display less animation in their speeches. He is sparing in the use of his arms, and still less so in that of his head and body. Without being in strict propriety of speech a stock-still gentleman, he pretty nearly approaches to it. His voice, however, is pretty good. It is clear, and his enunciation is by no means amiss. He speaks with some rapidity, but is occasionally at a loss for a word. His principal redeeming quality as a speaker, is his self-complacent, ever-smiling countenance. Nobody ever saw him wear a grave face. No matter what be the subject—no matter though all around him be as grave in their looks as if they were so many undertakers—Sir Robert Rolfe will prove himself proof against the infection. If there were a smiling planet, I should say unhesitatingly that he had been born under it. It would be quite a treat to see some lawyers laugh: it would be a luxury of the first magnitude to see, for the sake of variety, the Solicitor General look grave. I doubt, indeed, if he have sufficient command

over the muscles of his face to assume a demure aspect, even were he to make the effort. In the case of a man who has, like him, worn a smiling countenance all his life, (a period, I should think, verging on half a century,) it will easily be conceived that the transition to an opposite expression of countenance, must be of very difficult if not an impossible achievement.

Sir Robert Rolfe has been several years in parliament, but there he seldom speaks.

Sir Robert Rolfe is rather under the usual height, and is somewhat feebly made. His complexion is pale, as if the atmosphere of Westminster Hall had taken the blood out of his cheeks. His eyes are rather small, and of a light grey colour. He has a prominent nose, partaking a good deal of the angular form. There is, I believe, a strong probability that he will be ultimately raised to the judicial seat.

SIR FREDERICK POLLOCK has long occupied a prominent place at the English bar. His reputation, however, is not the consequence of any of those popular attributes as a speaker,

which have brought the names of so many other barristers into notice ; but is partly the result of the great scholastic fame which preceded his appearance in our courts of law, and partly of his extensive and accurate legal knowledge. Few men have more distinguished themselves at our English universities than did Mr. Pollock. He carried off the first prizes in several of the higher branches of learning, and was altogether regarded as so superior a man, that his *debüt* as a barrister was looked forward to with a more deep and general interest, than ever characterised almost that of any other person. In all the more popular qualities of a barrister, he has disappointed public expectation ; as a mere lawyer, he has in a great measure realized it. He is undoubtedly, as already remarked, an excellent lawyer,—though even in that respect he has not realised all that those who watched his career at the University of Cambridge, expected of him. The fact was, that they expected he would surpass all his contemporaries, and would continue unapproachable by

all who should follow him. The result has shown, that their notions of his talents were much exaggerated. Though a very superior man in so far as mere legal knowledge is concerned, there are at least half a dozen others of his contemporaries who are fully equal to him in this respect; while they exceed him in several others.

The reputation which preceded Mr. Pollock's *debüt* at the bar secured him, in conjunction with private connexions, a good business in the outset. That business, he gradually extended, until it became worth 6,000*l.* or 7,000*l.* a-year; which I suppose is pretty much about the present amount of his professional income. A very considerable portion of his income is derived from the fees he receives for his advice in cases submitted to him in his chambers, and which are never brought into court. There are few men whose opinions thus given are more to be depended on. In the courts at Westminster his business is select rather than extensive.

He is not, as may be inferred from what has

been already stated, an attractive speaker. His language is always correct; but it has nothing in it deserving the name of eloquence. Nor can much be said in favour of his matter. I have never heard him say anything which was calculated to excite the admiration of a popular audience, or to make an impression. He never relieves the dulness of mere professional facts, arguments, and details, by anything of an attractive kind. There are few men at the bar to whom those who casually enter the court would be less disposed to listen; for, in addition to his common-place style, and the heaviness of his matter, he labours under the misfortune of having a very dull, prosy, tiresome sort of manner. His voice wants clearness and variety. It is also disagreeable and monotonous. He drawls it out in slow accents, rendered still more unpleasant by a manifest self-complacency, which would lead one to suppose, that he fancied he was doing the court and his client a favour, by condescending to speak at all. You miss in him that earnestness of manner, and that manifest zeal for his client, which, whatever

may be their other faults, is an attribute in the forensic exhibitions of almost every other man of any note, in our courts of law. The very aspect of the learned gentleman's countenance is sleepy. Anything more calculated to induce what Lord Brougham would call a sound doze, than the speeches of Sir Frederick Pollock, it would be difficult to conceive. I have often, in hearing him speak, pitied the judge and the jury, who are expected not only to keep themselves awake, but to pay a continued attention to what is spoken. The only redeeming quality he has as a speaker, is, that he does not usually extend his speeches to the same length as some others would, were they counsel in the same cases. As a natural consequence of his comparative brevity, in his forensic efforts, he confines himself more strictly to the real question at issue, than do several others I could name, of great distinction at the bar. He is usually sparing of his gesture : he is among the last men in Westminster Hall who are likely, in ordinary circumstances, to be found in a state of bodily fatigue in the service of their clients. During



a considerable part of his speech, he stands stock still, but on occasion, he can wax violent enough. A favourite attitude of his, if attitude it may be called, is that of putting the points of his fingers and thumbs together, as if they were intended to form the joists of some imaginary house. Sometimes he takes out, before he commences his address, all the briefs from his bag, and laying them down on the bench before him, piled up ten or twelve inches high, grasps them in his right hand, while he rests his left on the bench before him. Some people say that Sir Frederick's object in doing this, is to let people see the great extent of his business. Possibly this is an unfounded if not an ill-natured observation.

Sir Frederick received the distinction of a silk gown some years after his professional *debüt*. He has always been a decided Tory in his politics, and on the formation of the Tory government in 1834, he was made Attorney General, receiving at the same time the honour of knighthood. Great things were expected from him by the Tory party in parliament, when appointed



Attorney General. Never was there a greater disappointment. I know of no more decided parliamentary failure for years past.

Sir Frederick Pollock is apparently much on the wrong side of fifty. I should think he is not far from his sixtieth year. His face, which is of the oval form, is shrivelled, and his complexion is sallow. His eyes have no lustre in them, and he has a sort of under eyebrows which give his face a striking appearance. The expression of his countenance is very demure. To see him laugh would form the subject of conversation among the bar. He is of the middle height, and otherwise proportionably formed. His constitution does not appear strong, and yet he keeps his health as well as most of his long-robed brethren.

SIR WILLIAM FOLLET is already well known to the country as a member of parliament, though he has only been two or three years in the House; but he is still better known as a member of the bar. He is at the very head of his profession. There is not at this moment a

single barrister in Westminster Hall, who stands higher in the estimation either of the bench or the bar. And as he has no superior, it may with equal truth be said, that, as a statute lawyer, he has few, if any, equals. Few men have risen more rapidly to distinction. His superior talents as an advocate, and his still greater abilities as a lawyer, brought him into notice by the time he had been a few years in practice. His business, as a natural consequence, rapidly increased: for some years it has been perhaps as respectable and lucrative as that of any of the other counsel in either of the three courts of common law. The distinction of a silk gown was conferred on him some years after he was called to the bar. On the formation of the Peel Government, in 1834, he was appointed Solicitor General. Contemporaneous with this appointment he received the honour of knighthood. Of Peel's Government, during its short-lived existence, he was a most able supporter. He did not speak often in its defence; but the two or three speeches he did make produced a strong impression on the House: they were masterly in point

of argument, and breathed a spirit of sound eloquence.

Those who knew Sir William Follet when he was preparing for the bar, relate some interesting anecdotes, illustrative of the zeal and assiduity with which he applied himself to his professional studies. It is said, among other things, that for a considerable time, while a student in one of the Inns—which of them, I do not now remember—he and Mr. Kelly lived together in the same chambers; and that Mr. Kelly, being impelled by the same determination to force his way to distinction,—both gentlemen were in the habit of going through a regular course of extemporaneous pleadings between themselves, in precisely the same way as if they had been addressing the judges or juries in Westminster Hall. Mr. Follet placed himself in an arm-chair, on an elevation, and was one night addressed with all possible respect by Mr. Kelly; while Mr. Kelly was raised to the imaginary elevation of the judicial seat, and was duly addressed by Mr. Follett as “my Lord,” on the night following. One of the neighbouring chairs

answered very well as a supposed "learned friend on the opposite side," and arguments were put into the said chair's mouth—if, indeed, a chair can be said to have a mouth—just as if that useful article of household furniture had been a *bona fide* gentleman of the long-robe, and had been gifted with the attribute of legal volubility in the highest perfection. Whether, with the view of making the chair thus temporarily invested with the character of a "learned gentleman," look as like as possible to a legal personage, it was arrayed in the professional gown and the band and wig, I have never heard; nor is the matter of much importance either way. On other occasions, they addressed some imaginary judge, as if they had been counsel opposed to each other in court; and I am seriously assured, that, by these means, both gentlemen very materially improved themselves in professional speaking.

Sir William Follet derives a considerable portion of his income from what is called chamber-practice; that is to say, from opinions given on cases which are submitted to him. In this re-

spect, perhaps, he has no competitor at the bar. His knowledge of law is at once extensive and sound; and the result, when the case submitted to him is brought into court, generally proves that the opinions he gives are to be depended on. He always weighs his opinions well: he never pronounces on a case until he has examined it in all its bearings. He has an excellent memory, which enables him to refer at once to those decisions or precedents of a past period, which bear directly on the points on which his advice is asked.

As an advocate he ranks in the first class, in the estimation of the bench and the bar. An unprofessional person would not observe any marked superiority in his manner. The truth is, that he makes no attempt at display. He rather wishes to avoid than to exhibit anything showy. His manner is quiet and unassuming in the extreme: it is so even to a fault, as it appears to me. I have often thought that, in jury cases especially, it would be for the advantage of his clients if he were more bold and animated in his manner. His unpretending mode

of addressing the bench or jury, sometimes degenerates into coldness, if not into something which those unacquainted with him would interpret into indifference. His action is usually moderate. His head or his body he seldom moves: he fixes his eye on one of the judges, or on one or two of the jury, and in that position remains, as if he dare not alter it under some heavy penalty. His hands are now and then put into requisition, but never to any great extent. A slight movement with his right hand constitutes his favourite, if indeed it be not almost his only gesticulation.

His voice has something of a muffled tone in it. He never raises it to a high pitch, but always sufficiently so as to be perfectly audible to every person in the court. His speeches in the House of Commons, however, show that his voice possesses considerable volume. He can also modulate it with much effect, when he wishes to adapt his intonations to particular portions of his speech. In the courts of law, however, no one could have any idea of the capabilities of his voice. There he usually speaks in



the same key. His utterance is somewhat rapid; but he is always so clear that one is scarcely aware of this rapidity. He speaks with great ease: there is no appearance of effort in his addresses. His style is simple yet correct: he always adopts the first word which presents itself, and that word is generally the best he could employ. His speeches have occasionally something of a colloquial appearance about them. Everything is so natural and easy, that it seems as if it were a pastime, not a task to him, to address the court.

With regard to the matter of his speeches, it is excellent in the highest degree. He displays great tact in disencumbering the case before the court of anything extraneous or irrelevant, and of keeping the attention of the bench or jury fixed on its real merits, or rather on the points which are most favourable to his own client. He is remarkably clear: there is no possibility of mistaking the drift of his argument. He who could misunderstand the tenor of Sir William Follett's observations, ought to be set down as one of the incorrigibles—as a



person on whom the labours of a legion of first-rate school-masters would be utterly lost. It is the singular clearness of his statements and reasonings that always insures the attention of the judge and jury to whatever he says. His manner, as may be inferred from what I have already said respecting it, is not well adapted for getting what Shakspeare would have called, "a loan" of the ears of either bench or jury, especially of the latter.

Sir William Follett is a great favourite with both the bench and the bar. He is deservedly so: no man has better claims on the good opinion of his fellow-men. He is strictly honourable in all the relations of professional life; his manners are modest; and his disposition is always kindly towards every one with whom he comes in contact. I have no idea that he entertains any unfriendly or jealous feeling towards any of his competitors in Westminster Hall. I am sure he is a favourite with everybody in the habit of visiting that locality. He is most exemplary in the relations of private life; though in that capacity it is not so much my business to speak of him.

In person he is tall, and somewhat slender. Some time ago he suffered a good deal from ill health, which has left its traces upon him. He looks paler than he used to do. His eye, however, still retains its lustre, and he seems in pretty good spirits. His face is flat and round. His nose has something of what is called a cock-up conformation. His forehead is well developed, and the expression of his countenance is pleasing and intelligent in no ordinary degree. He is but a young man, having but lately passed his fortieth year.

Mr. ERLE is a gentleman who is steadily rising in professional reputation and in professional practice. He first brought himself into notice when he appeared as counsel for Colonel Brereton, when that officer was tried by a court-martial, on a charge of improper conduct relative to the Bristol riots of 1832. The coolness, the legal research, and the great ability he displayed on that occasion, were the admiration of every person in court. There was a strong impression on the minds of all present, that but for the catastrophe

which put an end to the proceedings, those proceedings would have ended in the acquittal of the gallant colonel. The catastrophe to which I refer, was that of the accused shooting himself before the trial had come to a close. Intelligence of the melancholy event reached the court while the witnesses were undergoing examination. The announcement produced a strong sensation; and a messenger was dispatched to the house of the accused, to ascertain whether or not the rumour was correct. When he returned and announced its truth, every officer in court was deeply affected. The scene was altogether a most touching one: for few men were more respected than was Colonel Brereton. He fell a victim to an over-sensitive mind. The very circumstance of being tried proved too much for him: he could not live under the bare idea of his conduct giving rise even to a suspicion with regard to its propriety. But this is a digression.

Mr. Erle possesses an intimate acquaintance with common law, and regulates his knowledge by a sound judgment. He appears to very considerable advantage as an advocate, but I should

say he is more solid than shining. There are many of our counsel who deserve all praise, for the closeness with which they confine themselves to the merits of the case at issue, when they see that such closeness is likely to conduce to the interests of their client; but there are few who keep the court more closely to the real point in dispute, when it appears, from questions put, or remarks made by the bench in the course of the proceedings, that a misconception rests on the subject. I have seen many instances in which Mr. Erle has not only shown that he himself was applying his mind to the real points at issue, but that the court itself was actually misconceiving or wandering from those points; and in every such instance the learned gentleman has taken care to chain down the attention of the bench to the proper topics. He is a man of much self-possession; but he has nothing of that assurance which, in the case of so many of the long-robed gentlemen in Westminster Hall, is but another name for a well-known quality. Nothing disconcerts him; an interruption either from the bench or from the opposite counsel,

never takes him by surprise. He has always his answer, whether it be a right or a wrong one, ready to any observation which may be made on what he is saying, or to any objection which may be taken to his positions; and you would fancy, from the ease and promptitude with which the answer is made, that he must have anticipated the observation or objection, and prepared himself accordingly.

Among many striking instances which have come under my own observation, of Mr. Erle's perfect self-possession, blended with an ingenious readiness of retort, I will just allude to one which occurred in November last, and of which I took a note at the time. The learned gentleman was, on the occasion to which I refer, employed as counsel for several tradesmen who had furnished the Westminster Reform Club (since extinct) with various articles of furniture; but for which, after the breaking up of the club, the committee, Mr. Hector, M.P., Mr. O'Brien, M.P., Mr. Rippon, M.P., and several other members of the House of Commons, refused to pay. One of the plaintiffs, an ironmonger, pro-

ceeded specially in one instance against Mr. Hector, for the price of a number of knives and forks, and other articles, which he had furnished the club on Mr. Hector's order. Mr. Erle contended that in this case, the defendant, Mr. Hector, was liable, according to his own actual admission; for when the plaintiff applied to him for the payment of the knives and forks, &c. he said that he knew he was liable for the amount, but that having already paid a certain sum of money under similar circumstances, he would not pay any more, but would allow an action to be brought in a court of law, in order that the club might be exposed. The present action was accordingly brought before the Barons of the Court of Exchequer. The learned gentleman proceeded to maintain that the committee having been appointed by the members, the members were responsible, in a pecuniary point of view, for the acts of their committee and of the servants of the club. By the time Mr. Erle had proceeded thus far, it must have been visible to all, from the occasional smile which played on the countenances of several of the



judges, that they were privately enjoying this exposure of the disputes among the liberal M.P.'s—no doubt fancying that before all was over they would see a rich illustration of the well known adage—"When rogues fall out, honest people get their own." Mr. Erle proceeded:—"The club, my Lords, was formed for the spread of liberal principles, and ——"

"It surely was not necessary," observed Mr. Baron Bolland, interrupting the learned gentleman; "it surely was not necessary for the spread of liberal principles to get into debt."

Lord Abinger and several Tory counsel laughed heartily at the remark.

"It would have been *more liberal* on the part of the club," added the worthy Baron, "if it had paid ready money for its articles of furniture." Another twitter from the same parties followed the observation.

"It was necessary, my Lord," observed Mr. Erle, "that the club should have a house; and if a house, that they should have a dining-room in it; and if a dining-room, that they should



have a dinner; and if a dinner, that they should have knives and forks wherewith to eat it."

"O! I don't see that at all, Mr. Erle," said Lord Abinger, rubbing his hands and smiling with manifest glee at the circumstance of the liberal M.P.'s being placed in so unenviable a predicament—"O! I don't see that at all: I can't see the necessity of Reformers having knives and forks wherewith to eat their dinners."

A hearty laugh was general throughout the court.

"Why, my Lord, surely knives and forks are indispensable to any persons eating their dinner, no matter what may be their politics."

"Really, Mr. Erle," said Lord Abinger, again smiling most "liberally" as he spoke; "really, Mr. Erle, I don't at all see that. The Romans, you know, used to eat their dinners without knives and forks."

Mr. Erle himself smiled at the observation. "But, my Lord," he continued, "the members of the club also refuse to pay for articles they

have eaten. Now, my Lord, you are aware, that if men will have a dinner it must be ordered, and if ordered, it must be paid for." A general laugh, in which several of the judges joined, followed the remark.

"Allow me, Mr. Erle," said Mr. Baron Parke, "to put a case which would be analogous to the present. Supposing ten gentlemen were to dine together, and nine of the number were to give a guinea each to the tenth, to pay the landlord; and if instead of paying for the dinner he kept the money, would the others be liable?"

"I will, my Lord," replied Mr. Erle, "take the case which you have just put. It would be a *prima facie* case for the tavern-keeper to proceed against the nine gentlemen, until it had been proved that the one individual had ordered the dinner for all, in his own name. I submit, my Lord, that it would be a case which ought to go to a jury."

"In that I differ from you, Mr. Erle," observed Mr. Baron Parke. "A man might order a dinner, and tell the others that he meant to treat them."

“ That would be a matter for proof, my Lord ; and if it were proved, then the others would be exempted from payment.”

“ Ah,” said Mr. Baron Bolland, “ I see there are numerous snares around social life.” The other judges and the counsel joined in a laugh at the observation.

“ In this case, my Lord,” remarked Mr. Erle, “ the articles were ordered for the general benefit of the club.”

Mr. Baron Bolland—The members had subscribed a certain sum of money for the purpose of procuring what was necessary for the club, and the committee had no right to incur debt : if the members had subscribed no money, the case would have been different.

Mr. Erle proceeded to contend that there must of necessity have been an implied authority conferred on the committee to lay in furniture, wine, &c., which was, in such cases, generally done. Besides, they had incurred a debt of £1,000, before half that sum was subscribed.

Mr. Baron Bolland — Then the commit-

tee must have incurred debt without authority.

Mr. Erle—But, my Lord, the members knew this, and therefore became liable.

Lord Abinger—The real state of the case is this. A certain number of gentlemen subscribe a certain sum of money for a given purpose; but have nothing to do with the debts which any other parties may contract for dinners or for any other objects.

Mr. Erle—If the members of the club had distinctly stated this, the case which your Lordship has put would be one in point. But the fact of the members joining, without having made any such statement, implies a concurrence on their part, in the propriety of taking and fitting up the house in a manner suited to receive them, and consequently involves their liability.

The case was eventually decided in favour of the non-liability of the members, and the consequent individual responsibility of the committee. I have referred thus particularly to the case, as being not only one of great interest itself, but as illustrative of Mr. Erle's self-possession and

readiness of reply, when having to contend with no fewer than three judges at once.

Mr. Erle is a man of superior general talents. Judging from some of his speeches, where the question before the court involved literary matters, I should take him to be a man of extensive reading, and of good literary taste. His style is usually close: it is not ornate or laboured; and his matter is always good. There are few counsel the matter of whose speeches is better sustained. He displays judgment in knowing when to stop. I know many barristers whose professional reputation suffers much, as do also in some cases the interests of their clients, from their not knowing when they ought to conclude. They withdraw their arguments to such a length, that they absolutely weaken the very impression which a previous part of their speech may have produced. Mr. Erle very rarely, if ever, falls into this mistake; he resumes his seat at the proper time.

Mr. Erle is not a noisy or showy speaker. There is, perhaps, in most cases, too much quietness in his manner. I have often thought,

especially in *Nisi Prius* cases, that a little more animation, and a little more action, would have been advisable. He is not, however, a heavy or uninteresting speaker. His fine clear voice, distinct articulation, and intelligent countenance, always keep up the attention. His utterance is well-timed, and he can modulate his voice with considerable effect when the subject requires it.

Mr. Erle is exceedingly happy in his cross-examinations of adverse witnesses. If anything which could damage the cause of the opposite party, or subserve that of his client, is to be elicited from a witness, Mr. Erle is sure to bring it out. And yet all his cross-examinations are conducted with the greatest mildness, and the most gentlemanly feeling.

Mr. Erle was called to the bar in 1819. I should take him to have passed his fortieth year within the last two or three years. He has enjoyed the distinction of a silk gown for some time. In politics he is decidedly liberal, and while writing this brief sketch of the learned gentleman, I observe that he has been returned to parliament by the reformers of Oxford.

In his personal appearance there is nothing worthy of special observation. He is about the middle size, and firmly made. His face is short and round. His nose has an inclination to what is called the cock-up form. His complexion is clear, and the expression of his countenance is pleasant as well as intelligent.

Mr. CRESSWELL is looked on in Westminster Hall as one of the rising men. He has risen to his present standing with considerable rapidity. Though only called to the bar in 1819, he already rejoices in the distinction of being a king's counsel, and has a large and profitable business. He is an excellent lawyer. With the contents of the statute-book he possesses an intimate acquaintance; and he has precedents innumerable always at his fingers' ends, when he has occasion for them. His judgment is usually sound; he takes great pains to make himself master of the entire details of any case in regard to which he is consulted, and never gives a final opinion until he has viewed it in all its phases. In pleading before the bench, or addressing a



jury, he always confines himself with much closeness to the point. He never evades the leading arguments of the opposite counsel, but boldly grapples with them. If law or precedent be on his side, he is sure to vanquish his opponent: if they be against him, then he deals in specious sophisms, generally appearing more confident, if not dogmatic, in proportion to the known unsoundness of his positions. I question if there be an advocate in Westminster Hall who gives an equal quantity of argument, or if not always argument, something so very like it that it requires a mind of no ordinary penetration to discriminate between it and sophistry;—I doubt, I say, if there be an advocate in Westminster Hall, who gives a greater quantity of matter in an equally limited time. He never seeks to amuse the court by any attempt at saying fine things: he never deviates from the merits of the case for the sake of displaying his general reading. He makes the matter altogether one of business. His object is to omit nothing that really bears on the merits of the case, and to introduce nothing into his speeches that has no

close connexion with it. His speeches are consequently comparatively short: he will do more justice to his client in a speech of half an hour, than some other counsel I could name—and these of considerable reputation too—would do in a speech of two hours' duration. He takes no pleasure in speaking for the sake of speaking. He has no ambition to be considered an orator; nor has he, as will be afterwards seen, any claims to the character. He speaks with much seeming reluctance. His sentences cannot be said to drop from his lips; they rather appear as if extorted from him by some indescribable process. If I cannot exactly say that his words stick in his throat, like Macbeth's "Amen," I am sure I shall be borne out by all who have heard him addressing the bench or jury, when I state that he often speaks as if it were painful for him to exercise his lungs. Some people think that this peculiarity in his mode of speaking is the result of a notion entertained by himself, that it is a sort of favour conferred by him on the court, to address it at all. I think nothing of the kind. My impres-

sion is, that it is one of those singular habits which are unconsciously contracted by different persons.

Mr. Cresswell commenced his professional career as a law reporter, in which capacity, in conjunction with Mr. Barnwell, he acquired great reputation. "Barnwell's and Cresswell's Reports" are still considered among the best of the kind which have ever appeared.

Mr. Cresswell is one of the most inanimate speakers I ever heard in a court of law. He has no action, nor energy of manner whatever. He sometimes stands as motionless as if he were transfixed; not moving any part of his body, even in the slightest manner. Were it not that there is a little motion in his tongue, you would on such occasions fancy that he was sleeping in a perpendicular position, with his eyes open. At other times he does impart a gentle motion to his right arm; but so very gentle as to be all but imperceptible. One of his attitudes, which seems of late to have grown in favour with him, is that of leaning both hands on the bench before him. He has an unconquerable horror of

anything approaching to gesticulation : he avoids it as he would the commission of a serious crime. It is the same with his voice. He is not the man to injure his lungs by undue exercise. His voice is either naturally feeble, or he purposely makes it appear so, by refusing to give anything like fair play to his lungs. His speaking cannot be said to be much better, if there be not a contradiction in the terms, than a series of loud whispers. His utterance is slow ; and he occasionally pauses as long between the conclusion of one sentence and the beginning of another, as an ordinary speaker would take to deliver one of those brief sentences which were such favourites with Tacitus. In all respects, indeed, he is a cold and languid speaker. It is his matter that forms the redeeming feature in his character as an advocate ; that is, indeed, as before-mentioned, so good, as to cover, in the eyes of the bench, and also in those of any intelligent jury, a multitude of mere adventitious imperfections as a speaker. One would infer, from the lifelessness of his manner, that he is not sufficiently zealous for his clients ; but this would

be a great mistake. He is always most zealous for their interests; and no one, who has ever observed the pertinacity with which, both against the bench and the opposite counsel, he adheres to any position he thinks in their favour, can fail to have been struck with this.

Mr. Cresswell was returned as representative for Liverpool at the last election. He is a strenuous Conservative, and his friends have great hopes that he will make some impression in the House.

In personal appearance Mr. Cresswell is tall and slender. He is exceedingly pale: there is not a particle of colour in his complexion. His face is small, and inclines to the oval form: there is a want of fire in his eye, and of expression in his countenance. He looks as if he were depressed in spirits; which, however, is not, I believe, the case. His features are small and regular. He is above forty years of age.

Mr. ALEXANDER is another of the rising members of the bar. Within the last few years he has increased both his professional reputation

and business to a very considerable extent. He and Mr. Cresswell have taken the lead in the northern circuit, since Brougham and some others of the late more distinguished counsel, were elevated to the bench. Mr. Alexander is related to the late Chief Baron Alexander and, through means of his connexions, in conjunction with his own legal attainments, soon acquired a very respectable business. That business steadily increased until a few years ago, when he was honoured with a seat within the bar,—which is another expression for being made king's counsel. Since then, the number of cases in which he has been retained may have somewhat diminished; but as his briefs have been, technically speaking, more highly marked than before that distinction was conferred on him, I doubt not that, with much less labour, he is in the receipt of a larger annual income than he was while a back-bench man. He ranks high as a lawyer. He is cautious in making up his mind: few men examine a case more carefully in all its bearings before expressing an opinion. To his habits of cautiousness he unites



extensive legal information and a sound judgment; and therefore much confidence is reposed in his opinions. As a speaker, he is rather quiet in his manner. He does not aim at oratorical effect. He has much more dependence on his matter than his manner, though the latter is by no means bad. His voice is clear, and possesses considerable power. He speaks with much apparent ease, and with some rapidity. His language is correct, without any appearance of labour. He is always clear in his statements, and is intelligible even when arguing intricate points of law. He has a very pleasant countenance—a rather rare commodity in Westminster Hall. The expression of his face has something effeminate in it; but he is by no means deficient in energy of mind. His features are small and regular. There is a tendency to sharpness in his face. His complexion is remarkably clear; one who did not know him might sometimes fancy that he resorted to some of the expedients for giving a delicate hue to his complexion, which are said to be in use among many of the fair sex. Mr.



Alexander is rather under the middle size, and slenderly made. He has the appearance of a man who is about his forty-fifth year.

Mr. PLATT has long had a very extensive business. Even when junior counsel, he held more briefs than Sir James Scarlett. Now he is understood to hold a greater number than any other man in Westminster Hall. His business, however, is not so lucrative as that of many of his brethren at the bar whose professional labours are far less arduous; because his clients are not, for the most part, so opulent as theirs, nor the cases in which he is engaged so important. But in this respect there is now a great difference in the business of Mr. Platt, compared with what it was in the earlier part of his professional career. For some years after he first appeared at Westminster Hall, his business was in a great measure confined to clients in a humble sphere of life: consequently, he afforded an illustration in his own person of the well-known adage—"Hard work and little for it." Of late, however, he has been a good deal em-

ployed, and is now increasingly so, in cases where the parties are affluent and influential, and where, as a matter of course, the same amount of labour is three or four times as well paid as before. I have just said that there is no counsel in the law courts who is retained in a greater number of cases than Mr. Platt. Go to Westminster Hall when you will—I mean, of course, when the courts are open—and there you will see Mr. Platt, either engaged in the case then pending, or waiting until it is finished; as it is to be succeeded by a case in which he is to play a prominent part. Mr. Platt is so accustomed to have a hand in most cases, or as the old proverb has it, “a finger in every pie,” that he looks quite uncomfortable, and exhibits a very fidgetty demeanour, when a case in which he is not retained occupies the court for any length of time. It is edifying to see how patiently and philosophically he sits while the counsel for the opposite side of an action in which he is retained, is inflicting a long and dull speech on the court, and to contrast this with the impatient and unphilosophical demeanour he displays even

under the most brilliant and happy forensic efforts, when he himself has no other interest in the case beyond that of wishing it were disposed of one way or the other. In the latter case, you not only see him fidgetting about in his seat, as if he were suffering a species of martyrdom, but you see clearly that the languor and tedium with which he has to contend are, with great difficulty, prevented from assuming the tangible form of a regular yawn.

Mr. Platt is one who always seems to be thinking more of his client than himself. What I mean is, that he would much rather say something that would conduce to the success of his client's case, than anything that would add to his own reputation as a clever man. He does not aspire at oratorical distinction: he never seeks to make any parade of his general learning: he never aims at saying a fine thing. Hence his speeches are characterized by the absence of anything flashy or irrelevant to the case under the consideration of the court. Whether or not Mr. Platt could play the clap-trap orator, is a point which it is not in my power to determine. It is diffi-

cult to say what a man could or could not do when he never tries it. The Irishman did not know whether or not he could play on the fiddle, never having made the attempt.

There are few men who can more closely confine themselves to the merits of the case, provided they see it their interest to do so, than Mr. Platt. I have known him speak for some length of time, as strictly to the merits of the case, as if it had been impossible to touch on irrelevant matter. If, however, he thinks the less that is said touching the real bearings of the case, the better for his client, he will keep at a respectful distance from the actual question at issue, from the moment he rises till he sits down; and with the gravest possible countenance tell you, that he has not uttered an irrelevant word all the while, but that the opposite counsel, who may have been a pattern of "keeping to the point," has been, all the time he was on his legs, occupying the time of the court with nothing but extraneous matter. In this respect Mr. Platt displays considerable

professional dexterity, and, in jury cases, he often does it with advantage to his client.

In Mr. Platt, otherwise, there is nothing deserving of special mention. His legal knowledge is more than respectable; but it is neither so sound nor so extensive as that of many of his brethren at the bar. When to take a common sense view of a case serves his purpose, few men can do it better; and I have often thought it is in such cases he appears to the greatest advantage. He is deficient in the power possessed by several of his fellow-counsel, of manufacturing one specious sophism after another, when hard-pressed for precedents or arguments. If he uses a sophism—which as a matter of course all lawyers often do—you can usually see that it is one: the opposite counsel is sure to detect it, unless, indeed, he be a personage of very blunt mental perception; and, in that case, the thing is certain to be detected by the judge.

Mr. Platt appears to greater advantage when counsel for the plaintiff, than when he is

retained for the defendant : in other words, he is happier in making out a case for himself than in destroying that made out by another. When he appears for the plaintiff he displays considerable tact in anticipating points in the speech of the counsel for the defendant, and by that means impairs, to some extent, the effect which that counsel's speech would otherwise produce. When employed for the defendant, and having, as a matter of course, to reply to the speech of the counsel for the plaintiff, I have sometimes thought I observed a want of that acuteness which might be expected of one of his standing and practice at the bar.

Mr. Platt occasionally hits on a humorous remark. Humour, however, is not his forte. He appears to much greater advantage when in his pathetic moods. It is hinted that he is himself well aware of this. Hence, I suppose it is, that some of his brethren often tease him by representing him as being particularly in his element when he has got a case in which he has for his client a widow with a large family of young children. "Many a true thing," says



the proverb, "is said in joke." This is one of them. I have seen Mr. Platt make, in such cases as those referred to, a very touching speech; so much so that it could not fail to make a deep impression on the minds of any jury.

Mr. Platt is not a fine speaker in manner any more than in matter. He is, however, a pleasant speaker. His manner is well calculated to arrest the attention. He has a clear distinct voice; his enunciation is neither too rapid nor too slow; and he speaks with ease. His forensic efforts seem to partake more of the character of an amusement in his estimation, than of that of a task. His style is plain but perspicuous; sometimes it evinces considerable vigour. His action is moderate; but there is something in his strong clear voice, coupled with his ever open countenance, which could not fail to secure the attention of the judge or jury, though his hand were tied to his back. His face is of great use to him as a barrister: and no one knows better than himself that it is so. I am somewhat inclined to think, strange as the hypothesis may appear to those who have not been much in



courts of law,—that he occasionally gains a cause by the use he makes of his face, when his speech would have failed to insure success. In all *Nisi Prius* cases, which, as before stated, means those cases tried before a jury, he most sedulously watches the arguments of counsel, or the questions put by them to witnesses; and then, if he sees anything coming out, either in argument or evidence, which is likely to prejudice his client's case, he first looks at the counsel, with a sort of sneer, and then at the jury,—as much as if he meant to say, as the countryman did when he saw the Learned Pig point out the hour of the day on the dial of the watch,—“ Well, I'm bless'd if that don't beat everything.” Mr. Platt wishes to make the jury believe, that great as the assurance of lawyers proverbially is, that of the counsel, in the present case, fairly exceeds or beats it. By these facial manœuvres, Mr. Platt often does wonders for his client. His countenance usually wears a smile upon it. It is full and round. His complexion is good: it has more freshness than the countenances of most lawyers. He is about the middle size, in regard

to his height, and rather stoutly made. He has been king's counsel for some years, and is seemingly between forty-five and fifty years of age.

Mr. SYDNEY TAYLOR is a gentleman with whose name every one is acquainted, not merely in its connexion with the legal profession, but in its far higher and holier association with the great cause of humanity. For many years he has distinguished himself as the able and unceasing advocate of an amelioration of our criminal code ; and perhaps to him more than to any other individual that could be named, is the amelioration which has recently taken place in that code, to be ascribed. The articles which have appeared in the "Morning Herald" for several years past on that subject, and which have lately been collected into two volumes,\* were

\* What follows will explain the reasons for publishing these volumes.

At a Committee of the Society for the Diffusion of Information on the subject of Capital Punishments, held on Monday, November 30, 1835, the following Resolution was unanimously adopted:—RESOLVED—  
"That the Articles upon the Criminal Law which

written by him. As, however, I have spoken at some length, in the first series of "The Great Metropolis," of Mr. Taylor's exertions to soften the rigour of the criminal code, it is not necessary I should again particularly advert to the subject.

Mr. Taylor was called to the bar in 1824. He soon afterwards brought himself into notice by his professional talents and the extent of his general acquirements. The Norfolk Circuit was that which he originally selected, and of which he is now one of the senior counsel. On many occasions he has, from motives of pure humanity, gratuitously taken up the cases of have appeared from time to time for several years past, in the columns of the *Morning Herald*, are of a character to especially call for the grateful acknowledgment of this Committee, as having materially contributed to promote the recent Amelioration of the Penal Code ;—and, that this Committee do forthwith cause a Selection of those Articles to be published in a permanent form, in testimony of their value, and in furtherance of the great object of rendering the Criminal Law *more efficient*, by obtaining for it the support of reason, and of enlightened PUBLIC OPINION."

prisoners who were too poor to employ counsel; and I believe there are instances on record in which, through his intervention, innocent men have escaped, who would otherwise have fallen victims to the Draconian system of criminal jurisprudence which, until within the last few years, disgraced this enlightened and christian country.

Mr. Sydney Taylor, some years ago, greatly distinguished himself by a speech delivered before the House of Lords, on the claims made by Mr. Michael James Robert Dillon, to the title and rank of Earl of Roscommon. The speech, which occupied two hours in the delivery, was listened to with the greatest attention by the noble lords who were present; and after its conclusion, Lord Lyndhurst, then the Lord Chancellor, remarked that it was "one of the best speeches to evidence which he had ever heard at the bar of that house." Mr. Taylor's efforts were successful in obtaining for his client the Roscommon peerage.

Mr. Taylor's style is at once elegant and forcible. His published speeches show how fas-

tidious he is in his choice of words, and the taste with which he constructs his sentences. He is happy in seizing on any circumstance that may incidentally arise, and converting it to his immediate purpose. I may give one illustration of this. When it was proposed, some years ago, to pull down certain churches in the city, in order to enable the authorities to make alleged improvements which were then in contemplation, Mr. Taylor, as Counsel for the parish of All Hallows the Great, had on one occasion to speak at the bar of the Common Council against the bad taste which would destroy so many ancient and venerable temples of religion, when, as he contended, the improvements could be accomplished without their destruction. . In the midst of his speech he happened to cast his eye on the well-known historical picture by Opie, where Sir William Walworth is represented as striking to the ground Wat Tyler, at the head of the mob in Smithfield; and instantly starting off from the course of close and continued argument he was pursuing, he appealed to the prejudices of his audience, in the following

terms:—" Among other acts of profanation of the tomb, was the disinterment of the remains of the celebrated Sir William Walworth, that great Lord Mayor of London whose memory (pointing to the picture) you have there illustrated, when, at a moment of great peril to the monarchy, he smote rebellion in its pride, and rescued from the rage of rabble violence, the insulted majesty of England."

Mr. Taylor is a close and logical reasoner. He seldom wanders into irrelevant matter. He confines himself strictly to the merits of the case before the court; unless, indeed, he sees that the law of the case is against his client, and that consequently a different course would be advantageous to him. Some men wander from the real merits of the case, because their minds are incapable of a close and logical application to it: with Mr. Taylor a digression is the result of a conviction that his client would be sure to suffer from a contrary course. He is always clear as well as logical. Some men are strict reasoners; but it requires an effort to follow them: with Mr. Taylor it is otherwise. He is so clear that any



person of ordinary capacity may follow him with ease. He is happy also in making, by the felicity of his classical allusions, a subject which is naturally dry, interesting to the general hearer. Nor ought I to omit to mention that he is exceedingly happy in his examinations. He is quick in discovering any peculiarity in the constitution of the witness's mind, and is no less dexterous in so adapting his questions to that peculiarity as to elicit the desired facts.

As a speaker, Mr. Taylor's manner is natural and easy. He is usually cool, though never heavy; but when he comes to parts of his speech which require more action, he becomes animated in no ordinary degree. His voice is pleasant and varied in its intonations. His utterance is generally slow; but when he warms with his subject it becomes more rapid. In his pronunciation there is much less of the Irish accent, than there is in that of most persons who have come from the sister island. Mr. Taylor, however, it may be right to mention, has been twenty-two years in this country; and must necessarily have lost, in the course of that long



period, much of the Irish accent which he brought over with him.

Mr. Taylor is distinguished for his taste in architecture, and the other branches of the fine arts. To this circumstance we are to ascribe his successful exertions before a committee of parliament, for the preservation, and finally the restoration, of the Ladye Chapel, Southwark, which is a unique specimen of the architecture of a past period; the Abbey Church of St. Alban's; Crossby-Hall; the matchless screen of York Minster, &c. &c.

Mr. Taylor is also imbued with the poetic spirit; though I am not aware that he has affixed his name to any of his poetical effusions. In connexion with this point, I may mention that, in Trinity College, Dublin, he was the early and bosom friend of the Rev. Mr. Wolfe, the author of the celebrated "Monody on the Death of Sir John Moore." He was likewise the first to set at rest the question of the authorship of that beautiful production. This was in 1824, after Mr. Wolfe's decease. Before that time it was ascribed, by different persons, to at least a dozen

of the most popular poets of the day, without the name of the real author being mentioned. Captain Medwin attributed the effusion to the pen of his friend Byron, because he had heard his lordship warmly praise it, while maintaining that it was not the production of any of the poets to whom others ascribed it. Shelley, again, was dogmatically positive in the assertion, that it was an emanation from the pen of Campbell. The testimony of Mr. Sydney Taylor on the subject was of the most conclusive kind that could be given ; for the author had submitted the Monody to him in manuscript immediately on writing it, some years before it had appeared in print. I may here mention, as a proof of the remarkable retentiveness of Mr. Taylor's memory, that though he only heard this touching production read over once, he recollected every word of it for years afterwards.

Mr. Taylor was candidate, some four or five years ago, for the office of city pleader, then vacant ; on which occasion he was powerfully supported ; but there being two other candidates for the situation, one of whom was the son

of a well-known member of the Common Council, it so happened, from some cause which the leading members of that assembly can best explain, that the office was put in abeyance, if it be not abolished.

Mr. Taylor is about the middle size, with a slight stoop in his gait. His complexion is dark, and his features have something of the Roman cast. He appears to be about forty years of age.

Mr. RICHARDS, son of the late Baron Richards, has enjoyed the reputation of being a good lawyer for a number of years, and has, what is still better, a very respectable practice. He was called to the bar in 1819, and practised some time while his father sat on the bench. I should take him to be one of those who are slow but sure in forming their judgments. His opinions may, in most cases, be depended on: at all events he never spares any pains in endeavouring so thoroughly to master any case submitted to him, as will enable him to arrive at a sound conclusion. He is one of the most imperturbable men, in his professional capacity, to be

met with in Westminster Hall. I do not know what others may have witnessed, but it has never fallen to my lot to see anything like excitement in any of the learned gentleman's forensic exhibitions. He is always staid in appearance; and yet he is not a heavy or uninteresting speaker. He is one of the few barristers one meets with, who, with little vehemence or animation of manner, keep up the attention, to the last, of the unprofessional auditor. He excels in anticipating and then demolishing, the principal positions of the adverse counsel. I have repeatedly admired his tact in this way. I do not think him so happy in making out a case of his own, as he is in damaging that of his "learned friend" on the opposite side. He has the merit of being generally clear: he seldom attempts to mystify the case of his client, even when he is conscious that the case is a bad one. He appears to put his greatest faith in a clear statement of whatever is in favour of his client, overlooking the adverse features in it; and bringing all his powers of attack to bear on the most vulnerable parts of his opponent's case. He deals but little in legal

subtleties or nice distinctions. Few men cite unfamiliar authorities less frequently. He seldom stumbles on anything original or profound; but he frequently says a smart thing without being aware of it. I have sometimes contrasted in my own mind one of his happy sallies of this kind, with the undisturbed gravity of his countenance while giving expression to it. His speeches never approach the higher order of eloquence; but they are usually forcible and correct in style. I have no idea that he possesses the faculty of imagination in any great degree: he is a "matter of plain prose man." There is no affectation in his forensic efforts: he seems to be much more mindful of his client's interests than of his own reputation, in a literary sense, in all his addresses to the bench. In this respect he favourably contrasts with several of his professional brethren. They are more concerned about rounding a period, or saying something fine, than about the issue of the trial. Mr. Richards is always zealous for his client; and you see that zeal strikingly displayed in the tenacity with which he clings,

whether against the bench or the opposing counsel, to any point which he conceives to be of importance to that client's cause. He has great self-possession : you never take him by surprise. Talleyrand is said to possess this quality of self-possession in so great a degree, that even though a person were to approach him unconsciously from behind, and whisper into his ear, while pulling him by the tail of his coat, any charge against his character, however atrocious that charge might be,—he would not betray the least embarrassment; nor even change his colour. Of course Mr. Richards would not evince indifference in such a case,—though I need hardly say that no man would venture to try such an experiment with him; but his self-possession is so great, that I cannot conceive of anything occurring, however unexpectedly, in a court of law, which would sensibly disconcert him.

The learned gentleman does not rank high as a mere speaker. His voice is powerful, but wants that sonorous quality which is necessary to its being pleasant. He speaks without any seeming effort; but there is nothing graceful



either in his elocution or his gesture. His speeches are generally short; and sometimes he concludes them very abruptly. I have seen him sit down just when I fancied he was only getting fairly into the subject.

Mr. Richards had the offer of a silk gown some years since; but he declined the honour, because, had he accepted it, he must have lost a large portion of his business; a sort of professional etiquette requiring that the wearer of a silk gown must refuse a certain class of causes. Mr. Richards, like a sensible man of the world, preferred the solid advantages of numerous fees, to the empty distinction of figuring in the first row of benches.

In person, he is about the usual height, and rather thick set. He has a round flat face, with large eyes, and a mouth of more than the average dimensions. From what I have before said it will be inferred that the expression of his countenance is heavy. His complexion may be best described by saying it is something between pale and dark. He is on the shady side of forty.



Mr. WIGHTMAN has one feature in his professional character to which but few of his brethren at the bar can lay claim: he takes a special delight in his business for its own sake. Others take pleasure in it because of the "fees," "retainers," "refreshers," and so forth; but he is the only man in Westminster Hall whom I know at present, as luxuriating in briefs, apart from their golden accompaniments. But let me not be misunderstood. Far be it from me to insinuate that the learned gentleman is indifferent to the "guinea" part of his business. To say that any lawyer is so, were to do the bar an injustice, of which, if I know myself, I will never be guilty. Mr. Wightman, as may be expected from what I have stated, applies himself with great assiduity to his business. He is just as liable to errors of judgment as other men, and has committed a fair number of such errors in his day; but no client ever suffered in his hands through neglect. He has a good business. He is a man of superior natural talents, which have been cultivated to a very fair extent. He is

happy in reasoning and enforcing any particular point to which he attaches more than ordinary importance. As a lawyer, he can hardly have a place assigned him in the first class ; but he is much above mediocrity. When he sees his way clearly on a point of law, there are few of his contemporaries who can argue it better. He is not an attractive speaker. There is something heavy about his manner, which is not redeemed by anything like brilliancy or eloquence in his matter. This dulness in his manner of speaking, does not arise from any difficulty as to the choice of words, nor from any want of ideas ; it is rather the effect of a habit contracted in early life, and never since got rid of. Very possibly Mr. Wightman does not himself see it to be a bad habit, and therefore has never made any effort to correct it. He speaks slightly through his nose. He is of middle age and of middle stature. His eye-brow has a heavy appearance. His nose is rather long, and his complexion is sallow. There is a universal impression in Westminster Hall—on what par-

ticular ground it rests I have not heard—that he is most certainly destined for the bench at no distant day. I may add that the appointment will give much satisfaction; for he is greatly respected.

## CHAPTER X.

## COUNSEL IN THE COURT OF EXCHEQUER.

MR. THESSIGER—MR. KELLY—MR. JERVIS—MR.  
MATTHEW HILL—MR. CURWOOD.

MR. THESSIGER is a remarkably fortunate man for his age. I should not take him to be above forty, and yet he has not only for several years possessed a very excellent practice at Westminster Hall, but he has now been some years king's counsel. Until lately Mr. Thessiger's principal practice was at the Surrey sessions, where he was regularly retained for the parish of Christ Church, to appear in all cases in which the inhabitants were interested; but on receiving a silk gown he relinquished the office. I cannot undertake to speak with confidence as to the yearly

proceeds of his business ; but should suppose they are not under £5,000. His success at the bar is not so much to be ascribed to any superior knowledge of the law, as to a certain popularity of manner, in the absence of which mere legal acquirements seldom insure success to their possessor ; while an attractive manner will often, without such acquirements, command a most lucrative business. Mr. Thessiger, viewed simply as a lawyer, is rather superficial. He cannot boast either of an extensive or an accurate knowledge of the contents of the statute book. His manner, however, is remarkably showy ; and he has the tact to conceal his legal deficiencies by the attractive character of his forensic exhibitions. One does not often hear of his opinion being taken on a very important doubtful case ; but those who would have hesitated to be regulated by his decision, as to whether or not they ought to go to law in particular circumstances, are fain to retain him as their counsel, when once they have determined on bringing their case under the consideration of a judicial tribunal. They know full well that, though not celebrated

for the soundness of his judgment, or distinguished for the extent or accuracy of his legal knowledge, he possesses those properties as an advocate, which are most likely to influence the minds of either judge or jury. Mr. Thessiger is an agreeable speaker. His style is somewhat wordy, but his delivery is so animated and popular, that any deficiency or other defect of style, is either not perceived or overlooked. His enunciation is clear and distinct. He speaks with much ease; his speeches do not seem to cost him an effort. You would sometimes fancy that he was speaking, not because he was paid to pour out a torrent of words, but because he took some special pleasure in hearing himself play the orator, and in affording the same gratification to others. He seldom hesitates; now and then he does so slightly, owing, I have always thought, not to any paucity of terms wherewith to express his ideas, but rather because he is over affluent in them. This may appear rather paradoxical; but it is a fact, and accords with sound philosophy—though I will not enter into the question philosophically at present—that some

of our most distinguished men, both at the bar and in the senate, sometimes stutter and hesitate, because of the abundance of terms which present themselves to their minds as fitted to express the particular sentiments they wish to convey to their hearers. Mr. Thessiger speaks with considerable rapidity. He seems to be hurried on partly by his zeal for his client, and partly by a constitutionally ardent temperament. He is always full of his subject, and always full of anxiety for the interests of his client. His voice is capable of great things; but he seldom turns it to proper account. It cannot with propriety be said to be monotonous; for he sometimes does practically show that it possesses the quality of flexibility; but I am convinced that he not only has never yet shown what its powers are, but that he is not himself even aware of them.

Mr. Thessiger's gesticulation, as may be inferred from what I have said of his constitutional temperament, is sufficiently abundant. Not content with moving his hands and arms in the most liberal manner, he moves, in his more



animated and energetic moods, his whole body. He rejoices in a fine tall person at all times ; but I am confident he occasionally stretches himself at least three or four inches beyond his usual altitude, by way of giving greater effect to particular parts of his speeches. You are struck on such occasions with the superior elasticity of his neck and shoulders,—the parts of his person which chiefly undergo the stretching process. On such occasions, too, he often stands for a few seconds on tip-toe. Altogether he has the appearance of a person of great physical agility. He is, I take it, just the man to leap over any four or five feet hedge, or anything else that might obstruct his path ; and, at the same time, to do it with ease and comfort to himself. If it were customary for barristers to indulge in the pastime of racing with one another, I would bet on Mr. Thessiger against any other man in Westminster Hall. He is a decidedly handsome man. He has a fine open generous expression of face. In fact, he has the most unlawyer-like countenance I have ever seen. He is always smiling, or in that happy state of mind which is the nearest approach to

a perpetual smile. His features are regular and pleasing : the ladies, who are confessedly the best judges in such matters, pronounce them handsome. His face is of the oval form : he has fine bright eyes, and a complexion naturally so clear, as well as indicative of health, that even Rowland's Kalydor, with all its miraculous qualities, could not improve it.

Mr. Thessiger greatly distinguished himself before the committee on the Dublin election of 1835. That committee, it will be recollected, sat daily for several months. The amplitude and readiness of Mr. Thessiger's resources as counsel for Mr. O'Connell, were the subject of general admiration during the lengthened investigation. He never under any circumstances lost confidence in himself. The most astounding facts adverse to the cause of his client, which were ever and anon coming out—often quite unexpectedly—in the course of the inquiry,—never disconcerted him in the slightest degree. With juries, the boldness of his manner, and his entire self-possession, often go a great way ; and I am not sure that they do not sometimes throw

even the bench itself off its guard. He is still a rising man, and is destined, there can be no doubt, to have one of the largest businesses at the English bar.

Mr. KELLY's name has long been well known in connexion with the bar, as well as in connexion with the representation of Ipswich. He brought himself into notice soon after his appearance in Westminster Hall. Though his age is only, judging from appearances, a little above forty, he has for several years enjoyed the distinction of a silk gown. His practice, though large, is not so extensive as that of several of his brethren at the bar; but few of our common law counsel can boast of a more profitable business. Most of his clients are men of considerable wealth: they are persons, in other words, from whom a little blood can be drawn with greater ease, and with a much better grace on the part of the operator, than multitudes of clients for whom so many of the long-robed gentry in Westminster Hall are in the habit, as a sailor would say, of "spinning yarns" of intolerable

longitude. He is a man of superior natural talents, and by intense and unwearied application to the statute-book, has made himself entirely master of his profession. He is acknowledged on all hands to be a sound lawyer: perhaps, indeed, he is more distinguished in this respect than for any qualities he possesses as a mere advocate. He is an easy and pleasant speaker; but he is less showy than several others I could name, who are far inferior to him as lawyers. But though not, in the more enlarged meaning of the words, a popular speaker, he can, nevertheless, address a jury with considerable effect. Not only is his manner natural and easy, but his style is chaste. There are no tropes or figures in it. He usually places more confidence in the matter of his speeches than in any artificial attractions of style. He is always clear: I know few men who can make themselves, in intricate cases, more intelligible to a jury. He displays great judgment in concentrating into one focus the scattered pieces of evidence which have either come out in the course of the trial, in favour of his client, or in opposition to the ad-

verse party. Not less happy is he in dwelling on any material fact in favour of his client, or prejudicial to the cause of his opponent, until he has impressed such fact on the minds of the jury. His utterance is in good taste; it is neither too slow nor too quick. His voice is good, but he rarely pitches it in a loud key. He seldom varies from the tone in which he commences; but he slackens the usual pace at which he speaks, when he comes to such parts of his addresses as he thinks will tell with better effect when more slowly delivered. His gesture is not extravagant: for popular effect, I should say, on the contrary, that he is too sparing of it. His favourite action is to throw out his right hand, and move it gently in the air, and on coming to what he conceives to be a point in his speech, he knocks the table with his clenched fist. When addressing a jury, he usually fixes his eye on one of the number, and suffers it to rest on him, bestowing an occasional transient glance on two or three of the others, until he has concluded his speech.

In personal appearance Mr. Kelly is slightly

under the middle height, but of considerable symmetry of form. He is a good-looking man. His features are regular: they would be more prepossessing if they wore a less reserved expression. There is something, indeed, in the expression of Mr. Kelly's countenance which verges on sternness. It is highly indicative of intelligence. His complexion is dark, and his face is something between the round and oval form.

Mr. JERVIS is more frequently heard of in his capacity of a legislator than in that of a barrister. But though the learned gentleman's name does not appear with much frequency in the public prints, as counsel in important cases in our courts of law, he has a very respectable business. It is chiefly, however, confined to revenue cases, in which he invariably appears as counsel for the defendant. His father was for many years a barrister of considerable reputation and practice. He is a man of solid rather than of shining professional talents. His acquirements as counsel were thought sufficiently



great to entitle him, during the last year, to the offer of a silk gown. The learned gentleman, however, declined to accept the offer, because in that case he would have had to vacate his seat for Chester. He accepted, instead, a royal patent of precedence; which enables him to rank with the queen's counsel; but the honour dies with the sovereign, and in the event of a ministry adverse to his political views coming into power, a renewal of it might be denied him. Before Mr. Jervis received this patent of precedence, he was of course under the necessity of sitting in the seats frequented by the junior counsel; and he had a singular partiality to one part of the second bench. He was usually to be seen, when in court, cooped up in the corner of that bench, on the right-hand side of the court, as you enter it. At least I scarcely ever saw him in any other place. His knowledge of his profession is said to be great, and he gets credit among his brethren of the bar for a sound judgment. His manner is modest. He makes no pretensions which he cannot support: in fact, his merits are much greater than his pre-



tensions. Of how few lawyers can as much be said! He seldom makes long speeches. He is not one of those who measure the value or ability of a forensic exhibition by the length of time it occupies the court. He looks on long speeches as very absurd things. The bench would think it a happy deliverance if certain other counsel in the Exchequer Court, whom I could name, were to come to the same way of thinking, and to reduce their newly-adopted hypothesis to daily practice. That would make the ever-smiling countenance of Lord Abinger look doubly delightful. Nor would the thing be a subject of wonder; for, with the exception of the Court of Chancery, or its chapel of ease the Vice-Chancellor's Court, I know of no place in Westminster Hall where the proceedings are usually so dull, as in the Exchequer Court, owing to the interminably lengthy addresses of certain big-wigged gentlemen. My only surprise always has been, how Lord Abinger has been able, while listening to such prolix orations, to preserve his usual cheerfulness of countenance. I have often seen him clasp his hands and look up to

the ceiling of the court, while some of the counsel to whom I refer have been toiling through their long-winded speeches. Did I not know that his lordship is no believer in heathen mythology, I should have been induced, on more than one occasion, to have come to the conclusion that he was, in his own mind, though his lips were motionless, invoking "the gods" to spare him a prolongation of the infliction, by prevailing on the speaker to cut short his harangue. Mr. Jervis, however, as before hinted, is guiltless of ever having placed Lord Abinger, or any other judicial character, in this very uncomfortable predicament. It seems always with him to be a most desirable object, to make his speeches as brief as is compatible with the interests of his client. And here let me observe, by way of parenthesis, that my own notion is, that lawyers' clients more frequently suffer from the length of their speeches, than from their brevity. Prolix addresses necessarily weary the judges *in Banco*, and both judge and jury in *Nisi Prius* cases. And when in an exhausted state of mind, the case of the client of the counsel who has put

them into such a state, is not likely to receive the most favourable consideration. This, let me again repeat by way of parenthesis, is my opinion ; it may be right or it may be wrong ; but I only speak to a matter of fact when I say, that Mr. Jervis not merely *labours* to make his speeches short, (for it certainly does require more labour to make a short comprehensive speech than a long one,) but he invariably succeeds in the effort. So far as an unprofessional man may be considered competent authority in the matter, I would say he omits nothing of importance to his client's interests ; certain I am, he never says anything more than is necessary.

Mr. Jervis is always clear : there is no mistaking the grounds on which he rests his case, or the points which he wishes to establish. Whether he does always succeed in establishing them is another question. His legal knowledge, as before stated, is great ; and he is evidently at much pains to bring all his resources to bear on the case before the court. He never seems to say anything for the purpose of producing effect. There are few men who rest their case more

entirely on their own naked merits. Clap-traps are things in which he traffics but little, if at all. In fact, he does not *look* like a lawyer, far less speak like one. He has much too honest an expression of countenance for his profession. Many a man enters Westminster Hall with an unsophisticated nature and an honest-looking face; but the cases are indeed few and far between, in which either the unsophisticated nature or the honest countenance is to be found after a ten or twelve years' practice there.

Mr. Jervis is not an attractive speaker. He talks fluently enough, but his voice is weak and monotonous. His enunciation is somewhat rapid, and his articulation is frequently deficient in distinctness. His manner wants animation. You see in every word he utters, and in every glance he directs at the bench or the jury, that he has abundant zeal for his client. Still there is a want of spirit or animation in his manner, which—in common jury cases especially—operates against his client. He has little or no gesture. His arms are sometimes put into slight requisition; but that is the whole amount

of it. He seems sometimes as if he were afraid that, were he to make a liberal use of his arms, the jury would call him theatrical—an attribute of which he has a perfect horror. When certain counsel rise to address the court, any “brother” who chances to be within arms reach of the party, makes it his first work to remove to a reasonable distance; evidently from an apprehension, that were he to remain, a very unpleasant application of the fist of the orator to his head, would be the consequence. Nobody ever moves an inch when Mr. Jervis rises to speak. He always keeps both his voice and his arms under more than sufficient control.

Mr. Jervis is a man of middle height, and rather slenderly made. His complexion is pale: I have sometimes thought that he looked as if not in good health, though his constant attention to his duties, both as barrister and legislator, would happily lead to a different conclusion. His face is of the oblong form. He has, as before stated, an honest expression of countenance: he always looks pleased. He was

called to the bar in 1824, and is now apparently about forty years of age.

Mr. MATTHEW HILL is a gentleman who is well known and highly respected in Westminster Hall; but his name is much more familiar to the public as the late member for Hull, than as a member of the English bar. In the House of Commons he seldom spoke; but was a good business man, and used to sit to a very late hour in the House, after the regular debates had been closed, in amending measures in committee. Mr. Hill, as a member of the legislature, was brought into unusual prominence, in consequence of the celebrated "Irish traitor affair" of 1834. It will be remembered that in a speech which Mr. Hill made, at a dinner given to him by his constituents, he stated, with the view of vindicating the policy of Earl Grey's ministry in reference to the then Coercion Bill for Ireland, that even some of the members for that country, though obliged to vote against it in order to please their constituents, privately approved of it. He instanced the case of one



of the Irish members, as having privately admitted to a friend the necessity of the measure, though compelled, with a view to his own personal safety, as well as to please his constituents, to speak and vote against it. The statement produced a sensation in the country; and the question asked by every one was—"Who is the traitor?" All the liberal members for Ireland, with the exception of Mr. Shiel, having repudiated the imputation, as regarded themselves individually, the conclusion became general, that that gentleman was the member referred to. Mr. Shiel then came forward, and denied that he had ever made use of any expression of the kind. Mr. Hill retorted, in self-defence, that he was the man, and that he had made the remark in the hearing of a friend of Lord Althorp. The matter, as will be recollected, was brought before the House of Commons, and promised, during two or three hours of the discussion which ensued on the subject, to end in a duel between Lord Althorp and Mr. Shiel. It turned out, that though Mr. Shiel had not made use of words which could bear



out the statement of Mr. Hill, yet he had employed expressions which afforded a foundation for the charge; and those expressions, as is usual in such cases, were made much stronger in their passage from Mr. Shiel's mouth, through the medium of other parties, to Mr. Hill's ears.

Mr. Hill's practice, as a barrister, has never been extensive. It is, however, of a very respectable kind. In the Court of Exchequer, and the other courts of law, a large proportion of the cases in which he is retained are of a class which involve the principles of civil liberty. The more profitable part of the learned gentleman's practice, is before committees of the House of Commons sitting on disputed elections. In the courts of law he has acquired for himself the reputation of being a good lawyer and an excellent advocate; but he has perhaps distinguished himself in a special manner before committees of the House of Commons. He was employed as counsel for Messrs. Morrison and Wason, in the memorable Ipswich election of 1835, when that election came before a select

committee of the House; and I do not speak the language of exaggeration when I say, that the manner in which he acquitted himself on that occasion, would have done credit to the most distinguished man at the bar. Towards the conclusion of the proceedings, he spoke for three or four hours at one time, and his speech on that occasion was not only admirable in a legal and intellectual point of view; but the effective manner of its delivery entitled it to the name of a great oratorical effort. I am not sure whether, taken altogether, it was not one of the most masterly forensic exhibitions which had been made in Westminster Hall, or its neighbourhood, for some years previously. There was in that speech a striking union of intellectual and professional attainments of a first-rate order, with a zeal and boldness in the cause of his clients which it were impossible to surpass. Nothing could exceed the triumphant manner in which he demolished the superstructure raised by Mr. Kelly on the adverse side; while his summing up, or recapitulation of the facts which had transpired in the course of

the investigation, was one of the most luminous statements of the kind ever perhaps submitted to a judicial tribunal. Mr. Hill's extraordinary and masterly efforts on the occasion, were crowned with success. The decision of the select committee was in favour of the claims of his clients.

Mr. Hill is liberal in his politics, without adopting ultra-radical principles. In his religious opinions he is a dissenter; and a considerable part of his practice is derived from his connexion and intimacy with the dissenting body. He has raised himself to his present station in his profession and society, entirely by his own talents; having had no advantages, either in respect of birth or of friends in after life. His father was a schoolmaster in a small country town.

Perhaps the most remarkable feature in Mr. Hill's professional character, is the singular zeal he evinces in the cause of his client. With him that zeal is literally a consuming passion. Other lawyers are all zeal while addressing the court; but before and after the conclusion of their speeches, they may be said, in a great measure,

to forget both their clients and their causes. It is quite different with Mr. Hill. His thoughts, when engaged in any important case, are scarcely ever occupied with anything else. His mind is constantly absorbed in the contemplation of the way in which he is most likely to insure the success of his client's cause. He feels thus strongly, apart from any effect which the manner in which he acquits himself may have on his professional reputation, or on his own individual interests. This is a very commendable trait in Mr. Hill's character as a barrister ; but it is certainly a most unlawyer-like one. The extreme interest which the learned gentleman feels in his client's cause, has operated very much against him in a pecuniary point of view. It incapacitates him for going through an equal quantity of business with others of his brethren at the bar. If he were more of the lawyer, and less of the honest-hearted man, he would, to use a homely expression, take the thing more easily, and consequently be able to do twice the quantity of business, with the same amount of labour as he bestows on what he does go through.

Mr. Hill has long been one of Lord Brougham's most intimate friends. With that noble lord he has cordially co-operated in several of his favourite objects. Among these I may mention the abolition of taxes on knowledge. Mr. Hill has laboured for years, with great earnestness and energy, to attain this object, and has contributed in some considerable degree to effect that reduction in the newspaper duty which took place last year.

In personal stature Mr. Hill is stout: of late he has shown a tendency to corpulency. He has a round face, which wears a pleasant and intelligent expression. It is difficult to characterise his complexion. Usually it has something which more closely approximates to paleness than any other colour; but in his more animated moods, when addressing the bench or jury, it assumes a good deal of ruddiness. I cannot state his exact age, but it must be close on fifty, if, indeed, it be not on the wrong side of it.

Mr. CURWOOD is a barrister whose name is

not so familiar to the public eye or ear as that of dozens of the profession who possess not a tithe of his talents. As a professional man he stands high, both with the bench and the bar, as he must necessarily do with all who are capable of appreciating legal attainments and legal talents. He is an excellent lawyer: there are few of the long-robed gentlemen in Westminster Hall on whose judgment, after he has maturely weighed the merits of a case, greater reliance may be placed. I believe he is, on some occasions, more dilatory in making up his mind on a difficult case than many others; but the reason of that is, that he may make himself thoroughly master, in the first instance, of the facts which bear on the question at issue; and that he may, in the second, give to each fact and circumstance its due consideration. If he be in such cases slow, he is sure; a very important matter for the client whose interests are at stake. As a criminal lawyer, Mr. Curwood was for many years admitted on all hands to be among the first, if not the first, in his profession. He practised a considerable time at



the Old Bailey, where he had a rather extensive business. He took a step some years ago, which caused him in some degree to lose caste. I allude to the fact of his having changed his circuit; which, unless in very peculiar circumstances, is considered an unpardonable infringement of professional etiquette.

Mr. Curwood has no pretensions as a mere speaker. Let me not be here misunderstood: he speaks with much ease, even on questions involving many legal difficulties and professional technicalities. What I mean by saying that he is not a speaker is, that there is nothing showy or attractive in him. He is not of the stock-still school as regards action; but his voice is not good, and there is not a particle of variety or energy in his delivery. He commences in a low and languid tone of voice, and continues in a great measure in the same tone to the end. A man of cultivated intellect would hear him out though he were to speak for an hour, because of the knowledge of his subject he displays, and the talent he exhibits on behalf of his client; but I know of few men in Westminster Hall who



would sooner clear the court of a promiscuous assemblage.

As a close pleader there are few men who can be compared to Mr. Curwood. It would be a memorable circumstance in his professional career, to catch him digressing from the real merits of the question before the court,—always of course excepting those cases in which a counsel finds, that the farther he keeps away from the real merits of the case, the better it is for his client. What I mean when speaking of Mr. Curwood's superior powers of close argument, is, that it would be rare indeed to find that he was deviating from the points at issue, when he saw that his client was likely to gain by keeping close to them, and when it is consequently his wish to keep as nearly to those points as possible. In other words, Mr. Curwood is not the man to stray from the real question, by accident or mistake.

He possesses another faculty which is rather a rare one in Westminster Hall: I allude to his powers of condensation. He brings into a remarkably narrow compass the real merits of a

case. I have known him give as much matter ; as much law and argument, in a speech which only occupied half an hour in the delivery, as most other men would do in a speech of four times the duration. I may mention, in illustration of this, a speech I heard him deliver last year in the Equity Exchequer Chamber, before the twelve judges of England. His client on that occasion was the notorious John Minter Hart, who afterwards died on his passage to New South Wales. The point of law which then came under the consideration of the twelve judges, had been referred to their decision by the judge who presided at John Minter Hart's trial at the Old Bailey Central Criminal Court. Mr. Curwood addressed their lordships in favour of his client for about twenty minutes ; and though the case was a very complicated one, involving many points of great difficulty, the learned gentleman simplified it to such an extent, and brought so many authorities, and precedents, and arguments into a speech which only occupied the above short space of time in delivery, that one of the judges—Lord Abinger, if I remember

rightly—complimented him on the circumstance; adding, that while he had thus spoken with so much clearness, closeness, and condensation, he had done every justice to his case and client. If I was not mistaken in the conclusions to which I came from reading the countenances of the other judges, Lord Abinger was also expressing their opinion in giving his own.

Mr. Curwood's practice is not very extensive, but some of his cases are understood to be tolerably productive.

The personal appearance of the learned gentleman is against him. He has a glass eye, which in some degree impairs the agreeable expression of his face. His complexion is very dark, and his face rough. His features are otherwise regular, and his face is round. He is about the middle height and of a firm compact make. His age, I should take to be close upon fifty-five. He is a man of modest unassuming manners.

## CHAPTER XI.

COUNSEL IN THE COURT OF COMMON  
PLEAS.

MR. SERJEANT WILDE—MR. SERJEANT TALFOURD  
— MR. SERJEANT TADDY — MR. SERJEANT  
ATCHERLEY — MR. SERJEANT SPANKIE — MR.  
SERJEANT BOMPAS—MR. SERJEANT STORKS.

MR. SERJEANT WILDE has long possessed an enviable reputation as a barrister; and what is more substantial still, he can boast of a very excellent and lucrative business. With fewer advantages in early life than thousands whose names figure in the law list, but are never heard of elsewhere, and whose hands have never been encumbered by a single brief,—he has raised himself to the first rank in his profession,

whether as regards his reputation or the amount of income he derives from his business. As I have before said, no one can state with confidence, who has not had the fact from the parties themselves, or possessed some very peculiar means of information, what are the exact yearly proceeds which any of the leading counsel derive from their business; but I believe it may be said with safety of Mr. Serjeant Wilde, that while his professional income sometimes exceeds 10,000*l.*, it has been seldom, if at all of late years, under 8,000*l.* It is well known that in the celebrated case, in the year 1835, of *Atwood v. Small*, he received from first to last the princely sum of 15,000 guineas. He received 5,000 guineas with his brief, and got fifty guineas every day he appeared in the case,—which was nearly forty days altogether. He got, in addition, twenty guineas a-day in the shape of consultation fees. The case not being concluded the first session it was brought before the House of Lords, it was re-argued last session, when Mr. Serjeant Wilde got an additional 5,000 guineas, with the before-named fifty guineas every day he appeared

in it, and the twenty guineas per day for consultations. Even yet, though the pleadings are concluded, judgment has not been given in the case; Parliament, owing to the death of the late King, having risen sooner than was expected. I knew a Highland laird in the neighbourhood of Inverness, whose health Mr. Jeffrey, the distinguished Scotch advocate, now Lord Jeffrey, used always to drink immediately after that of the King. On being asked the reason why he did so, he mentioned that the Highland laird had for fifteen years, owing to a love of litigation so ardent as to amount to a disease, enriched his professional coffers to the tune of about 3,000*l.* per annum. Mr. Jeffrey, who used to call the Highland gentleman in question, "The Plaintiff,"\* maintained, that so profitable a client as this was worthy of having his *health* drunk immediately after paying his respects, which as a legal subject he was bound to do, to his sovereign. I am sure that all lawyers will

\* This singular man, from his quarrelsome disposition, was almost invariably the plaintiff, in the cases to which he was a party. He is still living.

concur with me when I say, that Mr. Jeffrey was quite right in drinking so regularly to the health and long life of so very excellent a client. I have no doubt that Mr. Serjeant Wilde entertains a similar feeling towards his clients in the Small and Atwood case. He ought to remember them in his convivial hours, were it only from a grateful sense of past favours, and without any reference to future fees.

It is but right to add, that the Small and Atwood case was not only a peculiar one because of its exceedingly complicated nature, but because, also, of the immense amount of property which at the time was dependent on the decision of the points at issue. It ought also to be stated that the learned gentleman's attention was wholly occupied by it, to the exclusion of other business, for several consecutive months. For six succeeding weeks he shut himself up in solitude, refusing to have intercourse with any one, in order that he might make himself completely master of the intricate details of the case. The mental exertion which this must have cost Mr. Serjeant Wilde may be inferred from the fact that he spoke on



the subject, if I remember rightly, for twelve or fourteen days at the bar of the House of Lords. We often hear the phrase "speaking volumes" made use of; on the occasion in question, Mr. Serjeant Wilde literally did speak volumes; he spoke at least five or six ordinary *tomes* on behalf of his client.

Perhaps there are few men in Westminster Hall who can boast of the twofold reputation which he possesses at the bar. Many counsel are celebrated for the extent and accuracy of their legal knowledge, but are found to be very indifferent advocates. Others are superior advocates, whose professional knowledge is very imperfect and very limited. Mr. Serjeant Wilde is deservedly celebrated in both respects. He is an excellent lawyer and a superior advocate. In the latter respect, however, he is very unequal; he appears on some occasions to far greater advantage than on others. He sometimes breaks down where one would suppose there was most room for display. I have seen him make some very indifferent forensic exhibitions. He stutters and stammers at almost every alternate

sentence, and seems as if some enemy or other had come and stolen the very words out of his mouth. One instance, out of several which have come under my own observation, of breaking down in the delivery of his speech, occurred one day in the beginning of July last. He was at the time one of the counsel for Mr. Lacy, formerly acting manager of Covent Garden Theatre, who had brought an action against Mr. Osbaldiston for a breach of contract. On this occasion Mr. Serjeant Wilde acquitted himself very indifferently. He could hardly have appeared to much greater disadvantage if the brief had not been above two or three hours in his hands. He stammered repeatedly, and after correcting particular sentences three or four times, they stood as much, if not more, in need of correction than ever. His matter, too, was very unworthy the learned Serjeant's distinguished reputation: it wanted force and arrangement. Nor was his manner, apart from his stammering, at all calculated to make up for the deficiency of his matter and style. There was, to be sure, a species of animation in it, but

it had more of boldness than anything else; and that, in the peculiar circumstances, did not serve to heighten any little effect the speech was otherwise likely to produce. I mention this as one case illustrative of my position respecting the inequality of Mr. Serjeant Wilde's forensic efforts. I should, however, say that he usually appears to very great advantage as an advocate. He has an ample command of words, and is never at a loss for ideas. Then he has a boldness and confidence of manner, which is often, especially in jury cases, of very great service to him. He is perhaps more happy in damaging the case of an opponent than in establishing his own. He thus often gains his client's case by a negative sort of process with regard to the case of the opposite side. He is well aware of his talent in this way; hence it is that he deliberately resolves to bestow more pains in destroying the superstructure of the counsel on the adverse side, than in building up a case for his client. He speaks in a loud tone: his voice is very powerful; but a court of law is not sufficiently large to test its

capabilities this way. It is somewhat hard, and in most cases he speaks in the same tone. When, however, a suitable occasion offers, he can moderate it with much effect. If he thinks it advisable to dwell on the wrongs, real or alleged, of his client, then he can speak in a low tone of voice which is touching in no ordinary degree. I have known him achieve some of his greatest triumphs in *Nisi Prius* cases by putting aside nearly altogether the mere legal bearings of the case, and addressing himself in a half mournful sort of tone, to the feelings and sympathies of the jury. I have known him on such occasions so powerfully touch the better nature of the jury, that it was with difficulty they could refrain from even feminine weakness. An instance consists with my own private knowledge, in which a gentleman, who was for many years extensively connected with the publishing trade, was so completely deceived by the excellent acting of Mr. Serjeant Wilde in his pathetic appeals to the sympathies of a jury, that some days after the particular trial was over, he wrote

a letter to the learned gentleman, most warmly thanking him for the intense interest he had manifested in vindicating his character from the attacks of Sir John Campbell, the Attorney General. The fact was, though the gentleman in question would not have been made to believe it by all the arguments in the world; the fact was, that Mr. Serjeant Wilde never wasted a single thought on the party's character; but the Attorney General having gone out of his way to attack it, Mr. Serjeant Wilde seized on the circumstance with the skill of an experienced general, and made one of the most touching appeals to the jury on the subject, ever heard in a court of law. I have every reason to believe that this appeal so influenced the minds of the jury on the gentleman's behalf, as to pave the way for their returning a verdict in his favour. At all events, I can say this with safety, that contrary to the expectations of most of the members of the profession who were present, they did return a verdict in his favour.

I have often observed, or fancied I observed, an

unusual pungency of remark on the part of Mr. Serjeant Wilde towards Sir John Campbell, when the latter chances to be pitted against the learned Serjeant. What the cause of this may be, I do not know. Possibly it may arise from a peculiarly strong feeling of professional rivalry between the parties; or it may be from causes with which no second party is acquainted. Be this as it may, the observations of the learned Serjeant at the expense of the Attorney General are often very pointed. I could give numerous instances, but that I am sure would appear to be in bad taste, to say nothing of the consequent absence of good feeling.

Of Mr. Serjeant Wilde, as a member of the legislature, I have spoken in a former work.\* He has always been the zealous and able advocate of liberal politics, and has, by his electioneering struggles with the Newcastle family, done good service to the interests of reform.

In person he is about the middle height, and rather stoutly made. His frame is robust, and has all the appearance of good health. His face

\* Random Recollections of the House of Commons.



is large, and of the oval form. It possesses powers of expression of the first order, did he choose to exercise them. His features are marked. He has an ample well-developed forehead. His complexion has somewhat of a sallow tinge about it. The expression of his countenance is that of a man of great energy of character, combined with superior intellect. His age is about fifty.

MR. SERJEANT TALFOURD'S name is as well known in Westminster Hall as it is in parliament or the library. He has long possessed an extensive and lucrative practice in the Court of Common Pleas, to which he almost exclusively confines himself. And his business, it is but justice to him to add, is steadily increasing. As a lawyer, Mr. Serjeant Talfourd ranks high, though inferior to several of his professional brethren. His reputation in Westminster Hall is chiefly grounded on his talents as an advocate. He cannot be said to be a fine speaker: his elocution is not good; neither is his manner graceful or imposing. It is the brilliancy of his



matter and the singular fervour of his manner, that have won for him those wreaths of forensic fame which adorn his brow. In these respects Mr. Serjeant Talfourd has no competitor at the bar. He stands quite alone; and is likely to do so, so long as he shall continue to confer a lustre on the profession by practising in Westminster Hall. The annals of our civil jurisprudence furnish but few precedents—to speak in legal phraseology—of the same happy union of law and literature, as is afforded in the case of Mr. Serjeant Talfourd. He never loses sight, in any of his speeches, of those points which have a special relation to the law of the case: these he brings forward with a marked prominence; but then he so intermingles the most dry and uninteresting details of his profession with the tints of his rich imagination, as to give to his speeches a brilliancy which not only dazzles the minds of ordinary persons, but often captivates the most sober and calculating of the judges themselves; and thus, unconsciously on their parts, paves the way for a decision in favour of his client. Mr. Serjeant Talfourd

scarcely ever opens his mouth without giving utterance to some beautiful poetical figures. He cannot, indeed, without an effort, speak in plain prose. Other poets require an effort of no ordinary magnitude either to talk or write poetry; with him it is a sort of necessity of his intellectual nature. He speaks poetry by a species of intuition: he often clothes his ideas in the most beautiful poetic phraseology, without seeming to be aware of it. And yet all the while, let me again repeat, he never loses sight of the legal bearings of the case in which he is engaged. Often have I regretted, when hearing Mr. Serjeant Talfourd speaking in the Court of Common Pleas, that he had not what the author of "Paradise Lost" so eagerly longed to have, namely, a "*fit* audience." I have thought of the infinite — ecstatic is not a sufficiently expressive word—of the infinite delight with which an audience composed of kindred spirits, would listen to the brilliant effusions which proceed from him. You see the impress of a poetic genius in almost every sentence he utters. He throws his

whole soul into his speeches. He literally labours with ideas, arguments, and illustrations. They come upon him much more rapidly than he can either find words to deliver them, or the requisite time to put them into language. Not that he has the slightest hesitation or difficulty as to the employment of an effective and a suitable phraseology; but that his ideas rush upon him so rapidly, that you would suppose there must be a sort of struggle in his mind as to which has the right to a priority of utterance. Even under these circumstances he but seldom hesitates: he scatters his brilliant thoughts and beautiful images about him, as if they were thrown out by a species of mental machinery. A more impetuous or impassioned delivery, I have seldom heard. It is impossible, in his more animated moments, to follow him closely: the most experienced shorthand writers give up the task in despair. But even suppose, so far as the mere mechanical part of stenography is concerned, they could follow him, still, they would occasionally—those of them at least possessed of any portion of intellec-

tual taste—feel themselves so entranced by his eloquence, that the pen would, unconsciously to them, fail to discharge its duty. I have often, as just remarked, regretted to see some of his most beautiful speeches thrown away in a court of law. I have thought it was throwing pearls before swine. The plodding counsel, and the hard-working matter-of-fact men on the bench, and the promiscuous though limited assemblage of strangers present, are not exactly the audience most likely to appreciate the higher efforts of intellect, and the more brilliant and lofty excursions of the imagination. I have had the good fortune to hear the learned Serjeant deliver some of his happier effusions to a “fit” audience—one which could and did appreciate the beauties with which, both as regards sentiment and diction, they abounded. I had this happiness in May last year. The occasion was the anniversary dinner of the Covent Garden Theatrical Fund: the place the Freemason’s Tavern. My difficulty would be, were I now called on to decide the point, in saying whether I was most delighted with the speech or with the circum-

stance of its being delivered to an audience who were capable of duly appreciating its excellence. There were about one hundred and fifty gentlemen present, and among them were some of the most brilliant names which, in modern times, have shed lustre on the histrionic art. There were Betty (the young Roscius of thirty years ago,) Mr. Young, Sheridan Knowles, Mr. Ward, Mr. Bartley, and various others, distinguished for their literary taste, as well as for their professional talents. The speech, though evidently unpremeditated, was not only singularly suitable to the circumstances under which the gentlemen present had assembled, but it was a most happy effort, viewed merely as an exhibition of intellectual power and attainments. I shall not soon forget the breathless attention with which it was listened to; nor the glow of admiration and delight with which the countenance of every person present was lighted up, while the eloquent and admirable sentences of Mr. Talfourd fell on his ears.\* But this may

\* The subjoined extracts from this speech need only to be read to enable the reader to form some concep-

be considered by some of my readers a digression, though I can hardly bring myself to believe that it is so.

tion in his own mind, of what the effect of that speech must have been, delivered to a "fit audience," in a suitable place, and with the learned Serjeant's animation of manner.

The Chairman, Sir George Murray, having compared the theatrical to the military profession, Mr Serjeant Talfourd alluded to the circumstance in the following terms :—"While listening with admiration to the speech of the gallant chairman, in which he had not scrupled to compare the glorious impulses of a soldier to those of the stage, I could not refrain from congratulating myself on such a coincidence with my own thoughts. I have often been proud to claim for my own far humbler profession a like analogy—to conceive a momentous trial like a drama, embracing within a few hours the interests of years, restrained, bounded, and dignified by solemnities and forms which defined it as a thing set apart from the common succession of human affairs—sometimes developing affecting details of generosity or graced by the beauty of suffering, closed by a catastrophe which was anticipated with quivering expectation, with sometimes a back-ground of public interest



One of the most splendid forensic efforts I have ever had the good fortune to listen to, was where the struggle of principles and the fate of parties might be discerned in the intellectual perspective. But the truth is, that the drama is akin to all arts and all professions. It mirrors them all, only in fairer and happier forms than they assume in the light of common day, and while it raises us beyond the petty cares and anxieties of ordinary life, makes us feel our nearer kindred with all that belongs to man." The learned gentleman thus proceeded:—"Of all the fine arts the art of acting most requires and deserves an association like this, because it does not make a cold appeal to posterity, but receives its immediate reward from present affection. It acquires a stability as well as lustre by an incorporation like this, which does not leave one generation of actors to be linked to another only by the most genial of traditions, but which connects them by the memorials of benevolence and affection, which make the successes of the past live in the comforts and the gratitude of the present, to which they have contributed, and give to the actor who has left the stage of life, such a place in the affection of survivors, as has been to-day attributed to the late treasurer by the simple and affecting eloquence of his successor. I have been deputed to propose 'the Drama and its Patrons,' and I do so with pleasure, because I do not



made by Mr. Serjeant Talfourd towards the close of 1834, in the case of the trial of Rich-  
participate in the apprehensions of those who think that the drama is dying among us. From the day when 'Virginius' was produced, when the old forms of Roman austerity were animated with present life, I have felt that this reproach on the age has been wiped away; and only a few weeks since, the example has been followed by a young writer, the riches of whose genius have only begun to gleam upon the world, and whose thought and pathos are struggling into light upon a scene where they will achieve the noblest victories: I allude to the author of 'Paracelsus' and 'Stratford.' And if we have seen many of the great actors who have illustrated their childhood pass away—if we have to deplore the loss even of the last of the family of Kemble, to whom we are indebted for so many images of grandeur and beauty, which will never die while consciousness remains—if Mr. Young, on whom the mantle of Kemble had so gracefully fallen, is now among us only as a friend—although it would be too much to hope that, within the space of one life could be seen another Siddons, I cannot doubt that some mute inglorious Kemble may yet come, to embody all the school-boy's floating notions of Roman greatness; some O'Neil to exhibit all that is beautiful in womanly sorrow; some inspired youth like the

mond *v.* Tait. The case was one of very great interest. The action was brought against Mr. Tait, the proprietor of "Tait's Magazine," by the individual so well-known by the name of "Richmond the Spy," to recover damages for an alleged libel against the latter individual,

Master Betty of our own childhood, to fascinate the town with early elegance and grace. In proposing 'The Patrons of the Drama,' I do not refer only to those whose munificence has excited our gratitude—to the high or even middle rank of society ; but to the honest-hearted frequenters of the pit and the galleries, without the aid of whose sympathy it would, indeed, languish and expire. I trust the day will never arrive when the prevalence of mere scientific pursuits, or even of our literary tastes, will cause our old stores of pleasure to be forsaken ; but that a day will come when the tradesman, the artizan, and the mechanic will learn to appreciate a scene of greatness and of beauty beyond their ordinary sphere, but akin to their natures ; and that then the distinction of rank will shed grace upon the stage, while the noble equality of the human heart will be vindicated in the union of all ranks, and the melting down of all distinctions in one pervading emotion—one convulsive throb of sympathy—one burst of generous pleasure."

arising out of some remarks which Mr. Tait, in his Magazine, made on his conduct, in reference to the trials for sedition which took place in the west of Scotland upwards of twenty years ago. Mr. Serjeant Talfourd was counsel on the occasion for Mr. Tait, and the trial took place in the Exchequer Court in the City of London. The learned gentleman spoke for three hours and a-half, and was listened to with the most breathless attention during all that time by a crowded audience. In some of his peculiarly striking bursts of eloquence he absolutely entranced them, and when he concluded his address,\* forgetting for the moment that they

\* I here give the peroration of the learned gentleman's speech on this occasion, with some of the remarks which preceded it; only it is right to premise, that no idea of the effect it produced in the delivery, can be given by any report:—"But, gentlemen of the jury, if the dark parts of this case remain unproved; if Mr. Richmond's own view of his own conduct be in any measure just, is he the man who, upon his own showing, can ask you damages? He presents himself as a sincere reformer, yet ready to do the secret

were in a court of justice, where demonstrations of public applause are never permitted, work of a government most alienated from the people—to aid it, as, he says, in suppressing a plot, which, above all other things, would quash the demand for reform, and which he who would represent himself as the agent of that government, studies to suppress in secret. He was to organize a body of spies, while he himself remained unseen, the pestilence that walked in darkness; and in fact, the lives of many were put in peril, from which only what men call accident saved them. Can he reflect on these things, and desire damages for any epithets an honest man can apply to him? If, indeed, some lingering regard to the popular cause still survived; if in one of the marvellous turns of the human mind, he ever was betrayed for an instant into a true passion, those remaining traces of honesty found the most dangerous appliances in his fearful work, for they enabled him to excite sympathies, to suggest kindling thoughts, to rouse emotions into arms, which would have lain cold and dead before the words of one who was in all things a calculating traitor. These, and the experience he himself had in suffering, and the reputation he had acquired by his share in the previous strike, became the fibres of that net in which he sought to enmesh his victims. And what description of victims? Not the dissolute and reckless, whom a more

they gave vent to their feelings of admiration by loud plaudits, until interrupted by Mr. Baron wary accomplice might seduce into a particular act of crime ; but honest enthusiasts ; men of high mind, courage, and principle ; men through the gloom of whose dungeons, visions of the future progress of mankind in virtue and happiness had shone ; and who on the scaffold displayed such examples of affecting bravery as drew tears even from the eyes of those whose lives they had endangered, and who were compelled, or thought they were compelled, by hard political necessity, to sacrifice them. I am ready to admit, and the fact has been already admitted, in terms perhaps larger than the facts will justify, that Mr. Richmond did not thirst for the blood of his victims—that he would have preferred their escaping, so that he obtained his reward—that he had once cherished those honourable aspirations which might have raised him above the humble rank in which his course began, and had yielded, under the pressure of the temptation of distress, to sell the eternal jewel of his soul—that his work, while it proved the real relation in which he stood, gave some evidence of relenting, of shame, and of a desire to veil, even from himself, the worst parts of his action and of his designs, which showed rather an extraordinary defect in the moral sense, than the full consciousness of deliberate villany. But the work was

Parke, the presiding judge. The damages in this case were laid at £5,000; but the plaintiff, done—the lives were perilled—the effects were produced—the price was paid. He stands before you revealed—almost confessed—the agent of a system involving the worst, the most deadly of treasons,—treason to all those affections, and charities, and confidences, to protect which we are willing to surrender a portion of our natural freedom—without which the frame of social life becomes a bloodless, heartless machinery of punishment, instead of an entire breathing and sympathising thing—poisoning those sources where its vital current runs, and in which it must either live or bear no life. Rather than endure the polluting tortures, the complicated depravities, the myriad treasons of this engine of corruption, working within the forms of constitutional government, give me an honest despotism, beneath the shade of whose iron fortresses our own circles of friendship may be sacred, and which will not, at least, deprive its slaves of fellowship and of mutual trust amidst their sorrows and their shame! That system, I trust in God, is past for ever. Whatever struggles the spirit of humanity and of freedom may be destined to endure—if it shall yet be exposed to earth-born strength, instead of the common vital and informing principle, tempering and elevating it—the contest will at least be an open, manly, soldier-



after the trial had lasted for two days, consented to be nonsuited; which was practically the same

like battle ; not a series of low treacheries, and slimy frauds, and tormenting violations of all that makes life dear to us. Admitting that the plaintiff was not the worst of those base instruments which power had once wielded—admitting that there might be (and the book of Mr. Richmond's, from which extracts have been read, gives intimation that there were) some self-deception in the course of his proceedings, some lingerings of better hope, and some after-relentings and desires to avert the severest penalties from his victims, which might bring him within the scope of human sympathy—admitting that he was not wholly alien from a nature, never, in its lowest descents and degradations, entirely divorced from the sense and capacity of good ;—seeking not to deprive him of such allowances between his conscience and his God, I call upon you, gentlemen of the jury, to tell him that he, the instigator and betrayer, has no right to complain in a court of justice, when, at his own call, the iniquities of long past years have started up in spectral array, because men have shuddered to behold them ; or to ask damages for the commentaries of history and criticism upon a character, the price of which he has already demanded and received, in those few ' hundred



as if the jury had delivered a verdict for Mr. Tait.

Mr. Serjeant Talfourd's personal appearance is not imposing. He scarcely reaches the middle height, and has nothing muscular about him. His complexion has something of a copper colour; and his face partakes of the oval conformation. His features are regular and agreeable: indeed there is something unusually pleasant, as well as highly intellectual, in his countenance. It is eminently expressive of a kindly nature; and every one acquainted with the learned gentleman knows, that in this instance at least there is truth in the science of physiognomy. In Mr. Serjeant Talfourd's dark lustrous eye, there is something peculiarly expressive. I never knew a case in which the observation of one of the ancients, that the eyes are the windows of the soul, applies more forcibly than in that of the learned gentleman. You see the inner man at once in his eyes; you pounds' paid to him by government for his unhappy six weeks' service, and for which you will not allow him to obtain one farthing more."

cannot look on them and come to an erroneous conclusion as to the moral and intellectual conformation of the learned gentleman. They are eloquence itself. I have sometimes fancied that Mr. Serjeant Talfourd achieves his triumphs as much by his eyes, as by the beauty of his sentiments and the poetry of his diction. They have a soft and touching, I had almost said a bewitching expression, which there is no resisting. His voice is not particularly good: there is often, especially in his more animated moments, a huskiness about it, which is in some measure aggravated by his inability to pronounce the letter *r*. This sometimes gives to several consecutive words a sort of burring sound, if I may use the expression,—which impairs the effect of his public speaking. There is little variety in his voice: he either speaks in a high or low key, according to his subject; but he does not vary the tones of his voice with that rapidity which is essential to graceful speaking. I do not suppose that this arises so much from not having the power of modulating his voice, as from the circumstance that his whole mind is so engrossed

with the subject, that the mere adventitious attributes of public speaking never occupy his thoughts for a moment. His action is not violent: he makes no extravagant use of his hands: his gesticulation consists for the most part of a gentle movement of the right arm. Few of his brethren at the bar can better afford to dispense with anything in the shape of theatrical gesture. His action is in his eyes, and in his singularly earnest and impassioned manner.

It is Mr. Serjeant Talfourd's happiness to be as great a favourite with the bar as he is with the public. There is, indeed, something so very conciliatory in his whole deportment, whether viewed as a private individual or as a professional man, that it were impossible for any one to regard him with any other than a friendly feeling.

He is one of the many instances which the bar of the present day, as well as of a past period, affords of the possibility of uniting the first professional attainments with the cultivation of a refined literary taste. Mr. Serjeant Talfourd's literary reputation is so great and so extended, that I am spared the necessity of

alluding to the subject. I may, however, mention a fact which is not so generally known. That fact is, that the learned gentleman is not only passionately fond of literary pursuits, but is so partial to the representation of the legitimate drama when the leading characters are in proper hands, that he loses no opportunity of being in the theatre on such occasions. Macready is, of all our present actors, his greatest favourite; and when he personates any of Shakspeare's happiest characters, the circumstances must be urgent indeed that prevent Mr. Serjeant Talfourd being present. He always, on such occasions, stretches a point to witness the performance; and the deep and cordial interest he feels in the scenes which are before him—in those especially in which Macready takes a leading part—is evinced in the hearty plaudits with which he greets their representation. It is said of an eminent actor, that when he used to witness Pope clapping his little hands in one of the boxes in testimony of his approbation of the acting of the former, he felt infinitely more gratified with the proof

thus afforded of the approbation of such a judge as Pope, than he did at the deafening applause with which his ears were greeted from the audience as a body. I have sometimes thought that Macready must experience a similar feeling, when he sees the manifestations of the enthusiastic admiration of his acting, which Mr. Serjeant Talfourd is in the habit of affording.

Mr. SERJEANT TADDY is one of the oldest serjeants alive. His age cannot be under sixty-five, if it be not nearer seventy. When in the meridian of his professional life, he had a very extensive practice; but for some years past it has been gradually diminishing, and is now very limited indeed. There is, however, I believe, but little doubt, that he acquired a comfortable independency when his business was large, and can consequently witness the success of others who have risen up and supplanted him, with less jealous feelings. Latterly he has gone to the court chiefly for amusement. He is a man of gentlemanly manners, and still displays very considerable eloquence when he

happens to be retained in an important cause. He was always remarkable for his winning mode of addressing a jury: his forte consisted rather in tender than forcible appeals to them. Hence his greatest triumphs were achieved in cases which afforded him an opportunity of working on the sympathies of the human mind. He has the reputation—deservedly so, I am sure—of being a man of superior education. As a lawyer he has never ranked among the first class; but his legal attainments have always been admitted to be above mediocrity. Before the elevation of Mr. Serjeant Vaughan to the bench, which elevation took place in 1827, Mr. Serjeant Taddy and he were generally opposed to each other: since then his opponent, in almost every case of importance in which he has been engaged, has been Mr. Serjeant Spankie.

It is a very general remark, that there is a lamentable want of real independence of mind at the English bar. It is said, that there is hardly a man in our courts of law who will persist, for any length of time, in maintaining his own conscientious opinion in opposition to the



dictum of the bench. There may be much foundation for the complaint, that there is a too general subserviency to the judicial seat; but there are many honourable exceptions to the observation in question. There are many men at present in Westminster Hall, who, while treating the bench on all occasions with becoming respect, never suffer that respect to trench on their own true independence of character. Mr. Serjeant Taddy was always an instance of this. I may here relate a striking exemplification of the fact, as it appeared in the public journals in 1823. The scene of the exhibition was the Court of Common Pleas, and the cause was one headed *Thurtell v. Beaumont*. Mr. Serjeant Taddy was examining a witness from Norfolk, and having asked him a question about something that had happened after the plaintiff had "disappeared" from that neighbourhood, as the learned gentleman expressed it, Mr. Justice Allan Park, who presided on the occasion, interposed and said, that the question was an improper one, and ought not to be put.



Serjeant Taddy—That is an imputation to which I will not submit. I am incapable of putting an improper question to any witness.

Mr. Justice Park—What imputation, Sir? I desire you will not charge me with casting imputations. I say the question was not properly put, for the expression “disappear,” means “to leave clandestinely.”

Serjeant Taddy—I say it means no such thing.

Mr. Justice Park—I hope I have some understanding left, and so far as that goes, the word certainly bore that interpretation, and was therefore improper.

Serjeant Taddy—I never will submit to a rebuke of this kind.

Mr. Justice Park—This is a very improper manner, Sir, for a counsel to address the bench in.

Serjeant Taddy—And that is a very improper manner for a judge to address counsel in.

Mr. Justice Park (rising with some warmth)—I protest, Sir, you will compel me to do that which is very disagreeable to me.

Serjeant Taddy (with equal warmth)—Do what you like, my Lord.

Mr. Justice Park (resuming his seat)—Well, I hope I shall manifest the indulgence of a christian judge.

Serjeant Taddy—You may exercise your indulgence or your power in any way your Lordship's discretion may suggest; it is a matter of perfect indifference to me.

Mr. Justice Park—I have the functions of a judge to discharge, and in doing so, I must not be reprov'd in this kind of way.

Serjeant Taddy—And I have a duty to discharge as counsel, which I shall discharge as I think proper, without submitting to a rebuke from any quarter.

Here Mr. Serjeant Lens rose to interfere.

Serjeant Taddy—No, brother Lens, I must protest against the interference.

Serjeant Lens—My brother Taddy, my Lord, has been betrayed into some warmth.

Serjeant Taddy (pulling back Serjeant Lens into his place)—I again protest against any in-

terference on my account ; I am quite prepared to answer for my own conduct.

Mr. Justice Park—My brother Lens, Sir, has a right to be heard.

Serjeant Taddy—Not on my account : I am fully capable of answering for myself.

Mr. Justice Park—Has he not a right to address the court on any subject he pleases ?

Serjeant Taddy—Not while I am in possession of it, and am examining a witness.

Here, say the public journals of the period, the dispute ended, and his lordship threw himself back in his chair, and was silent.

In the personal appearance of Mr. Serjeant Taddy, there is nothing particularly striking. He has a bright eye, and an intelligent expression of countenance. His complexion is of a sandy colour. He is of the usual height, and of proportional thickness. Notwithstanding his advanced age, he still possesses considerable physical vigour : a fact which may be inferred from the circumstance of his still being often to be seen in the Court of Common Pleas when he

has nothing in the shape of business to induce him to be there.

MR. SERJEANT ATCHERLEY is another gentleman whose name is now much less frequently heard of than it used to be. When he is retained in an important cause, it is usually in opposition to Mr. Serjeant Bompas. Mr. Serjeant Atcherley's name was originally Jones. I have not heard the particular circumstances under which he changed it to that in which he now rejoices; but there can be no question that he had solid reasons for the change. There must have been money in the matter; for that is the almost invariable cause of such changes. At all events, a lawyer, who will proverbially do nothing without "a consideration," would never entertain for a moment the idea of relinquishing one name to adopt another, without an ample fee in some shape or other. Least of all would any man, without adequate remuneration, give up so short and snug a name as "Jones," to make way for the adoption of the comparatively harsh, incon-

venient one of "Atcherley." Why, in the course of a long professional practice there would be found a very considerable difference in the article of expense, between the two names; for the former being much shorter than the latter, there would necessarily be a saving of time in writing it, and another saving in the quantity of ink which it would consume in the process of being put on paper.

But quitting this matter, as one which concerns Mr. Serjeant Atcherley dividualy and not the public, I may remark, that though he often displays an irritable temperament in the discharge of his professional duties, he is a man of gentlemanly manners. He is bland and civil to every one, without regard to the party's station in society, with whom he comes into contact. He is a respectable lawyer, but nothing more. He is understood to think quite as highly of his own professional attainments as does any one else. In this, however, it is due to the learned gentleman to say, he is by no means singular. The difference, in this respect, between him and many other barristers whose

names I could mention is, that his vanity or exaggerated estimate of his own powers, is more transparent than theirs. He is a tolerable speaker, in so far as voice and gesture are concerned, but he never rises to anything worthy of the name of eloquence. He has great confidence in his gentlemanly appearance and manners, and in many cases he finds his blandness of character more serviceable to his client in the cross-examination of a witness, than if he were to resort to the bullying and brow-beating mode which, to the great discredit of the bar, is, as before remarked, so general in our courts of law.

Mr. Atcherley's practice is not large ; but he holds the comfortable situation of Chancellor of the Duchy of Durham, the duties of which office he is said to discharge in a very efficient manner. In politics he is a Tory, and as such stood unsuccessfully some time since for the representation of the city of York.

He is still a good-looking man, though close upon his sixtieth year ; if indeed he have not already reached it. His countenance partakes

of elongation, but has a sufficiently pleasant expression. His complexion is sallow. He is of the middle size both in height and form.

Mr. SERJEANT SPANKIE was one of the best known barristers in the Court of Common Pleas a few years since. His being then the representative of the Finsbury district of burghs, contributed largely to keep his name before the public. He lost his seat in that burgh in consequence of his veering round from extreme Liberalism to the Tory system of politics. With the loss of his seat for Finsbury, came a necessary diminution of the frequency with which his name had for some time previously appeared in the public journals. For many years he had a large and profitable practice: of late, owing to the rising reputation of Mr. Serjeant Wilde, and Mr. Serjeant Talfourd, it has considerably decreased. Mr. Serjeant Spankie, however, can better afford to lose a portion of his general business than most men at the bar, inasmuch as he receives a handsome yearly salary from the East India Company as their standing counsel. Mr. Ser-



jeant Spankie, who is from the North of the Tweed, commenced his career in the metropolis as reporter and assistant editor of the "Morning Chronicle," then the property and under the management of Mr. Perry. Soon afterwards he went out to India to practise as a barrister. For some years he remained in the East, and during that time regularly appeared professionally in the courts of law. For some reason or other, however, he returned to this country, and commenced practising at Westminster Hall. He is said to afford the only instance on record of a barrister going out to India as a professional man, and returning to England to practise in our courts. As a lawyer he does not rank in the first class; but he has good natural talents, and a readiness in unexpected emergencies, which rarely fails him. Some of his speeches display a vein of happy humour. As regards mere talent, his statements are generally superior to his replies. He is a fluent, and would be an elegant speaker, were it not that his strong Scottish accent, aggravated by a harsh voice, impairs the effect of his elocution.

He speaks with much seeming ease; and very seldom has to recal his words. His manner is animated: he is seldom dull or heavy. He carries his hearer along with him, even when he is manifestly outraging the acknowledged rules of logic in every sentence he utters.

I mentioned, in incidentally alluding to Mr. Serjeant Spankie in another work,\* that when engaged on the "Morning Chronicle," he was the most rapid writer ever known. When I say this I do not mean that he possessed a facility of composition superior to other men; but merely that in point of mechanical dexterity in writing; in other words, in transcribing from notes or writing from memory, he was altogether unequalled. This great rapidity of writing has been of essential service to him through life, inasmuch as it has always enabled him to go through a much larger amount of what is termed the drudgery of business, than he could otherwise have done without an increase of fatigue. He is still a quick writer, though it may be inferred, from the fact of his being now close on

\* The Great Metropolis—First Series.

his sixtieth year, that he is not so rapid in his penmanship as when in the meridian of life.

It is understood that had his knowledge of law been greater than it is, he would before now have been raised to the bench. That the learned gentleman should in this respect be defective, is not a matter of wonder, when it is recollected that he spent several years of the best part of his life in the East, which must have been to him so much time lost, as regarded the study of the English law. The ground for surprise therefore is, that he should as a lawyer acquit himself so creditably as he does.

Mr. Serjeant Spankie is tall and rather athletic. He seems still to possess a good constitution, notwithstanding the combined effects of a residence in an eastern clime, close application to an arduous profession, and advancing years. His complexion is pale. There is a heaviness about his eyebrows; and the general expression of his countenance is that of close reflection. His eye is quick and full of fire. His face is round, and his nose partakes of the cock-up form. He possesses a considerable

flow of spirits, and is evidently, as just hinted, capable of going through much physical fatigue.

Mr. SERJEANT BOMPAS is well known in his professional capacity. For a considerable time he had a very large business, though chiefly of a nature to prove less lucrative than the more limited practice of many of his brethren. Of late, the business of Mr. Serjeant Bompas has declined, though still large enough to bring him in a fair yearly revenue. He originally practised at Bristol, where he had a very extensive business, but not deeming that place sufficiently large to afford full scope to his professional talents and enterprise, he came up to London and entered the Court of Common Pleas. Mr. Serjeant Wilde has been of great service to him in bringing him forward at Westminster Hall. In fact, he is spoken of by his contemporary counsel, as that learned gentleman's fag. I believe there is no question, that many of the briefs he has "bagged," if I may use a sporting term, have been procured through Mr. Serjeant Wilde's instrumentality; the latter recom-

mending him in cases which he could not undertake himself. His practice principally consists in assault and other minor *Nisi Prius* cases. As a lawyer, Mr. Serjeant Bompas never possessed any great reputation. Neither is he considered highly educated. There is a coarseness, in most cases, about his manner of conducting a case, which at once leads to the inference that he labours under the disadvantage of an imperfect education. He is however, a first-rate talker. I am sure no one will understand me to mean by this, that he is an accomplished speaker. I simply mean by the phrase that he is never at a loss for words. He is always ready at a moment's notice to speak, no matter on what professional subject; and then you may warrant him for any length of time he chooses to name. He does not know the meaning of the expression "to break down;" or if he do, it is only speculatively, not in practice. He often repeats himself; but this is not an accidental thing. He does it designedly, in order that the points in his argument which he deems the most important may be made as clear to the minds of the jury

as they are to his own. And impenetrable indeed must be the heads of the jury, if he do not succeed in hammering into them the points to which he attaches the greatest importance. He is a man of great quickness of perception, and often seizes, with much tact, on a circumstance which may arise in the course of the proceedings, and turns that circumstance to good account for the interests of his client. He is of an unyielding disposition; he has no notion of giving up a point when he is convinced he is in the right—a circumstance which accounts satisfactorily enough for his being so frequently in collision with the bench. He has a rather pleasant voice, but its effect is often impaired by an undue animation of manner. In person he is tall and stoutly made. His countenance is of a sandy complexion. In the expression of his features there is nothing particularly striking. His age is under fifty.

Mr. SERJEANT STORKS is not now very often heard of in his professional capacity. It was not always so. Formerly his was among the



best known names in the Court of Common Pleas. He was also for many years, before he confined his business to the latter court, a successful barrister in the Court of King's Bench. Though his practice in Westminster Hall be now much less than it was when in the meridian of life, it still brings him in a considerable yearly sum; being for the most part of a very respectable kind. He also holds the office of Chief Justice of Ely, which is not only a situation of responsibility—possessing as it does a jurisdiction over capital offences—but one to which a handsome salary is attached. Some say the salary is £1,000 a year. I cannot state positively, that this is the sum which the learned gentleman annually receives for his judicial services in Ely, but I believe it is.

As a barrister, Mr. Serjeant Storke possesses a more than respectable reputation. He is not distinguished for any professional depth, but there is a quickness about him which is of great service to his client, especially in addressing a jury. He is often exceedingly happy in his cross-examinations of an adverse witness. He



sometimes treats the witnesses on the opposite side with great severity. One of his favourite expedients in his cross-examinations, is to try to frighten or confound the witnesses; on which occasions he invariably says—"Now, have a care; remember you are on your oath." For a considerable time past he has been the leading counsel on the Norfolk circuit. His voice is shrill, though not, except when pitched on an unusually high key, unpleasantly so. He speaks with much ease and great fluency. The words flow on him much more rapidly than he can use them with effect. Most speakers feel it their chief difficulty in their public addresses, to find a sufficiently ample supply of words wherewith to express their sentiments: Mr. Serjeant Storke is encumbered with too many of them.

Mr. Serjeant Storke is a man of short stature, and of a rather compact make. His features are common-place. His complexion is slightly dark. He has laughing eyes, and there is, as a poet would say, were he describing the learned gentleman's personal appearance, a perennial smile in his countenance altogether. You never

see him but you fancy you can read a "How do you do, Sir?" in his face. I should take Mr. Serjeant Storks to be on the high road to his sixtieth year.

## CHAPTER XII.

## COUNSEL IN THE EQUITY COURTS.

MR. PEMBERTON—SIR CHARLES WETHERELL—  
 SIR WILLIAM HORNE — MR. KNIGHT — MR.  
 JACOB—MR. KENDERSLEY—MR. TEMPLE—MR.  
 WIGRAM—MR. TINNEY—MR. TRESLOVE—MR.  
 BOTELE—MR. SPENCE—MR. WHITMARSH—  
 MR. BURGE—MR. ROMILLY.

MR. PEMBERTON, who was called to the bar in 1816, is admitted by all, to stand first in the first rank of his profession as a Chancery lawyer. His knowledge of equity is at once profound, varied, and minute, and his judgment is of so sound a character, that his views are very rarely erroneous. His practice, as might be expected, is correspondingly large. He has, there can be no question, the most profitable business

in either of the Equity Courts, and I doubt if there be any of his brethren of the bar, in any of the other courts, who have, for the last two years, averaged so great an amount of professional income. Before the elevation of Mr. Bickersteth, now Lord Langdale, to the judicial seat in the Rolls' Court, that gentleman and Mr. Pemberton pretty equally divided the most lucrative part of the business in that court, between them. They were almost invariably opposed to each other in all cases involving property to any great amount. Since then Mr. Pemberton has, in the extent of lucrative business, stood alone; and I am satisfied I speak within bounds when I say he does not average less than 12,000*l.* a year from his professional exertions. He is wealthy, without reference to the proceeds of his business. Between his professional income, and his income from private property, it is said he could afford to live at the rate of 16,000*l.* or 18,000*l.* per annum.

He is one of those who can turn their knowledge of their profession to a proper account. There are some I could name whose knowledge

of law and of equity, is both very accurate and very extensive, and yet when addressing the court they cannot bring their arguments to bear on the question at issue, with any effect. It is quite otherwise with Mr. Pemberton. He turns every thing to practical advantage: his resources are always abundant. There is no taking him by surprise. Whatever is within the compass of his knowledge, he can bring to bear, on the spur of the moment, on the question at issue. His self-possession is not only great, but it is the same in every class of circumstances. Everything comes to him, however much it might take another a-back, as if it were a matter of course. He is singularly cool in his temperament: scarcely anything seems to excite him; and yet it is easy to perceive, from the clearness and closeness of his arguments, and the steadiness with which he keeps in view the point he wishes to establish in view, that his whole energies are directed towards the promotion of the interests of his client. His mode of speaking is, perhaps, with very few exceptions, the most languid I have ever seen in any member of the English

bar. You would often fancy, from his appearance, and the tone of his voice, that he was half asleep. I have sometimes thought it would be no great stretch of the imagination, for a stranger, coming accidentally into the Rolls Court, and hearing Mr. Pemberton addressing His Honour, to suppose that he was dreaming his speech. To be sure, the erroneous impression would not be lasting: a very moderate share of attention to what the learned gentleman was saying, would suffice to satisfy the stranger, that neither lawyers nor anybody else are in the habit of talking so rationally in their waking hours,—far less in their sleeping moments.

Mr. Pemberton has not, except in very rare cases, a particle of action—unless occasionally passing his hand over his brief, which is usually stretched out open before him—be worthy of the name. It is only now and then that he lifts his head to exchange a look with His Honour, whose face is always directed towards him, in proof of the attention with which everything the learned gentleman says is listened to by the court.

Mr. Pemberton might appear, to a superficial observer, an indifferent speaker. It is his matter, and not his manner, that wins him all his triumphs. He speaks as if he did so from compulsion, and not from choice. His words show an evident reluctance to come out of his mouth: they proceed very slowly, and often appear as if they were quite ashamed of themselves; for if you hear, in many instances, one sentence, you will have reason to congratulate yourself on your good fortune, if you hear the one which follows it, and this though within a few yards of him. Occasionally he hesitates a little; not, I have always thought, from any want of terms, but from a difficulty of fixing on that phraseology which will fully express his meaning in the fewest possible words.

Mr. Pemberton's personal appearance is not in his favour. He is of diminutive stature; being considerably below the general height, and slenderly made. He has the appearance of a rather feeble constitution; though, judging from the regularity of his attendance in the Rolls Court, he possesses a fair share of health. His



complexion is pale. He is short-sighted ; which any one would at once perceive who saw his eyes. His face is rather thin. His features are regular, and the general expression of his countenance is intelligent and sufficiently pleasant, but is wanting in decision. I should take him to be about forty-five years of age. He is a staunch Tory in politics ; but though he has been some years in parliament, his Tory zeal has not, above six or seven times, overcome his indolence, or his aversion to public speaking when he can avoid it. There can be no question that were his party again in power, and a vacancy were to occur on the judicial bench in the equity courts, he would be the man who would be raised to it.

Sir CHARLES WETHERELL'S is a name which for many years past has been extensively known throughout the country. The displays made by the learned gentleman in parliament brought him into general notice ; and the reputation, or notoriety, whichever the reader is pleased to call it, which he procured for himself by his exploits on the

floor of St. Stephen's, has been increased by a variety of accidental circumstances out of doors. As it is not my purpose, in any of these sketches, to deal to any extent in biographical details, I will only refer to that one eventful occurrence of his life which took place in 1832, on his official visit to Bristol, as Recorder of that city. It will be remembered that, on that occasion, much serious rioting took place, and that it was with great difficulty that Sir Charles escaped with his life from the violence of an ignorant infuriated populace. If to have his name in everybody's mouth, and to see it fifty or sixty times in several consecutive numbers of every newspaper in the country,—were considered a desirable thing by Sir Charles, he must have enjoyed, on the occasion to which I refer a gratification of no ordinary kind.

Mr. Wetherell had not been long at the bar before he became very generally known to the country, as well as to the profession. He soon acquired for himself the reputation of being an able lawyer; but it was not so much his legal knowledge, or his talents as an advocate, that

brought him into general notice, as the singular eccentricities of his character. There have, from first to last, been many eccentric characters at the English bar; but Mr. Wetherell has always carried off the palm in this respect from all his contemporaries. He is one of those of whom the poet, had he been alive, would have said—“None but himself can be his parallel.” The learned gentleman, from the outset of his professional career up to the present moment, has always been a man by himself. He will continue so, it may be safely affirmed, till the day of his death. He is not only the most perfect legal original I ever witnessed; but I doubt if any of the lawyers of a past period ever afforded, to use their own phraseology, a “precedent” to him. He is quite an original in his dress, in his manner, and in his matter. Those who see him only in the equity courts—and he has so unconquerable a horror of the other courts, that he not only will not on any account undertake to plead a cause in them, but he would not for worlds be seen to cross their threshold—those who see him only in the equity courts,

cannot of course form any idea of the character of his wardrobe : for the ample proportions of his professional gown conceal his ordinary apparel from the rude gaze of the public. It is of a very peculiar kind : it is always, at least on all occasions when I have seen it, of a colour for which I believe there is no name. There can be no doubt that the colour, when the cloth came from the hands of the manufacturer, was what is called black ; but the thing which puzzles one is to decide what the colour is when the cloth first graces the person of Sir Charles. In speaking of him in another work,\* I have said, that no one ever yet saw him sport a new suit. This may have been understood as a joke. I speak in sober seriousness when I say, that I never, so far as I could judge, saw his person graced with apparel which was fresh from the hands of the tailor. Some people would have no objection to hint, that he never purchases his clothes new, but that he deals with some second-hand vendor of apparel. This is not my theory ; neither do I subscribe to the hypothesis, that in

\* Random Recollections of the House of Commons.

early life he laid in a stock sufficient to last him for half a century, and that he wears the fifty suits constituting his stock, by rotation, allowing one week to each at a time. In fact, if the truth must be spoken, I am not only dissatisfied with both these theories, but I have no hypothesis of my own to offer in their place. I may be called a pretty philosopher—that is to say, no philosopher at all—for making this admission. I cannot help it. Better to have no hypothesis at all, than to have an erroneous one. The learned gentleman takes the shine out of his clothes in a double sense. He does ample justice to them in the matter of wear and tear. He acts with his apparel on the principle of not parting with an old acquaintance so long as he can avoid it. He keeps to his clothes till they will no longer keep to him; and even then the separation is, on his part, made with the deepest regret. Whether or not this arises from considerations of economy, I cannot positively say: I am strongly impressed with the notion, that it has its origin in that singular eccentricity of character of which I have been

speaking. It is known all the civilized world over, that Sir Charles never wears braces. It has been said indeed—with what truth it is not for me to determine—that the circumstance of wearing a pair of braces proved an effectual disguise, when the Bristol mob were in pursuit of him. Possibly this is a joke, and nothing else. It is no joke, however, but a sober fact, that Sir Charles has such a mortal abhorrence of braces, or “suspenders” as he calls them, that nothing short of their saving his life could reconcile him to the calamity of wearing them. This abhorrence could not possibly have its origin in mere considerations of economy; for an eighteen-penny pair would last him four or five years, and surely the most rigid economist could not object to this expense. I doubt, indeed, if the celebrated Elwes himself, would have grudged it. To me therefore it is tolerably clear, that as Sir Charles Wetherell’s repugnance to the wearing of suspenders cannot arise from mere considerations of economy, so it is not to such considerations that we are to ascribe the remarkable



tenacity with which he clings to his wardrobe.

But a truce to any further observations touching the wardrobe of Sir Charles. I have said that he is eccentric in his manners as well as in his dress. His manners are peculiarly his own. They belong to no particular school, nor to any class of schools: they have originated with himself. He is the imitator of no man; and no man, though a thousand were to try it, could ever successfully imitate him. His manners are not only inimitable, but they are indescribable: at any rate, I feel myself incompetent to the task of giving anything like a graphic description of them. All that I can do is to point out a few of their more prominent characteristics, and then to beg of the reader to call in the aid of his imagination to supply the deficiencies in the best way he can. When addressing the court, the first thing which attracts the attention of the spectator, is the extraordinary appearance of his face, coupled with the 'uses,' as Hamlet would have said, which he makes of it. It is of the oval form, and of am-



ple dimensions. He rejoices in a double chin, and in a couple of pendant cheeks. His face is abundantly furrowed by wrinkles, while it is "withered" in appearance, and "wild" in its expression. His eyes are large and of a greyish colour, and the singularity of their motions is a good deal heightened by the positions into which he puts his brow. The contortions of his face altogether are extraordinary. He makes the most singular grimaces I ever witnessed in a court of law, or indeed anywhere else, except in theatres and other places purposely devoted to such exhibitions. The pantomimic capabilities of the learned gentleman's countenance are, I am convinced, altogether unequalled. On the stage, he would have made his fortune, had he not, by good luck, turned his attention to the yet more lucrative profession of the law. I recollect, when at school, being often one of many others who were occasionally soundly flogged for what is called "making faces." I should like to have seen Sir Charles's exhibition in this way, when Master Wetherell. He, I am sure, judging from his achievements in his

riper years, would not only have surpassed anything I ever witnessed at any of the schools at which I ever was, but he would have immeasurably distanced the rising generation from one end of the country to the other. In his gesticulation, apart from the uses he makes of his face, there is nothing extraordinary. It is not violent. He occasionally raises both arms in the air, and then lets them gently down again. Sometimes he thinks it enough that he uses one of them. He occasionally moves his head from one side to the other, and sometimes he "wheels" about his body also. In this, however, there is nothing uncommon. Dozens of other lawyers do the same when addressing the court. The singularity of his manner, as before remarked, chiefly consists in the strange aspect he causes his face to assume.

In the article of his matter, Sir Charles stands alone. Here again he is a perfect original. It is a most extraordinary jumble. It is a mixture of extensive legal research—of a sound knowledge of the constitution and of the principles of equity—of elaborate jokes, good,

bad, and indifferent—with something not very unlike nonsense. There is no denying that his speeches abound in the knowledge to which I have referred, mingled with many exceedingly pertinent and happy observations; but the effect of his talents in this respect, is impaired by the numerous jocularities, the frequent digressions, and the endless repetitions in which he indulges. He is the most rambling speaker I ever heard, either at the bar or anywhere else. He will go any distance out of his way to perpetrate a joke. A large proportion of his speeches has little immediate bearing on the case before the court. He is often obscure; it could not be otherwise, considering the infinite variety of matter he introduces into his addresses, and the oftentimes odd manner of its introduction. He has a most tenacious memory, which enables him to lug in all sorts of things into his speeches, with the greatest ease to himself. He is partial to parentheses. It is no uncommon thing to have two of them in one sentence. His speeches are always long: he usually takes three times the quantity of time to deliver his

speech, which any other counsel would take in the same circumstances. Were it not for the witticisms with which they are usually filled, his addresses would be insufferably dull. He seems to take a special pleasure in speaking. Once he has begun, there is no saying when he will end; nor can one judge of the matter that will be introduced into his addresses, beyond the fact, that a large portion of it will be of an eccentric kind.

He has a curious muffled sort of voice, which is aggravated by the fact of his usually pitching it in a low key. He has an imperfect enunciation: there is something of a mumbling tone about his articulation, which, coupled with the little exercise he gives to his lungs, renders him sometimes inaudible to any but those who are close beside him. He speaks with some rapidity, and with much ease. He has always abundance of matter on hand, and is never at a loss for words to give it utterance. He seldom hesitates; when he does so, it is generally from a superabundance of words, rather than from any scarcity of them. His style, I am at a loss to

characterise. There is sometimes a looseness in it which destroys its force; and yet it occasionally rises to eloquence. It is a style which, like his dress, manner, and matter, is peculiarly his own.

Sir Charles Wetherell is a tall man, and rejoices in what a Yankee would call a "pretty considerable" breadth of shoulders, and an athletic general appearance. He always looks melancholy. Though the cause of so much laughter in others, he is altogether guiltless of ever smiling, himself. He is a man of infinite good-nature. He has not, I am convinced, any unfriendly feeling towards any human being in existence; and his appearance and manners are so calculated to disarm personal hostility in others, that I do not believe he has a single enemy in the world. Even at the bar, where so many jealousies exist, Sir Charles is a favourite with everybody.

A more honest politician never lived. His Ultra-Tory principles are dear to him as his own life; and I here repeat what I have said in another work, that I feel the most thorough per-

suasion, that, were things to come to such a pass, as that he must either relinquish his principles or suffer martyrdom, he would without a moment's hesitation choose the latter alternative. The great sacrifices he has made for his political principles are too well known to render it necessary that I should here advert to them in detail.

I have glanced at the extreme length to which the learned gentleman is in the habit of extending his forensic addresses. Some of his speeches are perhaps the longest ever delivered. When counsel for Watson and others, who were tried for high treason in 1816, he actually spoke for eight hours, without the intermission of a minute; and on another occasion, the name of which I now forget, he spoke at the bar of the House of Lords for eighteen consecutive days, Sundays of course excepted! Allowing four hours to have been the average length of time he occupied their lordships' attention each day, and that he spoke at the rate of three columns of a newspaper every hour, this would give, according to my calculation, a speech of



such length as would fill ten of the usual post octavo volumes.

Sir Charles received the honour of knight-hood in 1826, on occasion of his being raised to the office of Solicitor General. He was appointed Attorney General in 1827. He is understood to be immensely rich for a professional man. I have heard it said he is worth about a quarter of a million ; but of course this is only conjecture, though it may be a pretty near approximation to the truth. He has still a large and lucrative practice, and though, I should think, about his sixty-fifth year, seems as active and vigorous in his professional pursuits as ever.

Sir WILLIAM HORNE is one of the oldest practitioners in the Court of Chancery. I cannot say what his age is ; but I am confident it must be upwards of sixty. He was called to the bar in 1798. He soon gave early promise of eventually attaining professional eminence ; though I believe his business did not grow on him so rapidly as his friends expected ; certainly not so rapidly as he himself could have wished.



After, however, he had been some considerable time at the bar, the briefs came in quickly on him, and what was more, they were, in most cases, accompanied by that most gratifying of all things to a lawyer—handsome retainers. I have no doubt that for many years Mr. Horne—he was not knighted until 1832 — netted some 7000*l.* or 8000*l.* per annum by his business. I question whether that business be so extensive or lucrative now. His advancing years, coupled with the circumstance of there being at present so many talented rivals in the equity courts, are much against him. Still, however, he has enough of work on hand to bring him in a very handsome yearly sum.

He was always one of those few men who unite habits of plodding industry with superior talents. He is still a hard-working man, and manifests the intensity of his solicitude for the interests of his clients, by the earnestness of his manner, and the manifest pains he is at to master the details of the case. His legal knowledge is perhaps not equal to that of one or two others who are generally

the opposing counsel in the cases in which he is retained; but, with the exceptions above alluded to, he is equal, in the above respects, to any of his brethren, and superior to most of them. He is a respectable advocate; but that, I fear, is the most I can with safety say of him. I wish it, however, to be understood, that in saying this I include his manner of delivery. Were I speaking of his matter only, I should express myself in terms of decided commendation. If that wants anything of a smart or sprightly kind, it is seldom defective in the quality of strong good sense. He can also reason well, when the equity of the case is on the side of his client. And, to do him justice, he is a rather specious sophist. Many a time have I seen him make the worse appear the better reason. His style is usually strong: it is always clear; but would often be all the better for a little polish. He keeps close to the question before the court: sometimes he does so to a fault. This may appear paradoxical; but it is a quite tenable position. It is possible, in some cases, by pursuing a very close course of argument, to weary

the attention of the judge. That attention—for judges are, after all, like other men, and occasionally need adventitious appliances as all of us do—that attention would be better kept up, if he were now and then to introduce something lively, by way of episode or parenthesis. But besides this, I have sometimes thought that, instead of labouring an important point, and trying to extract argument from it, it would be much better if he would relinquish such point altogether, or only touch lightly on it, and, assuming a sly Joseph Surface sort of countenance, insinuate his sophisms; or, putting on a bold face, literally deal in downright assertion.

Sir William Horne is not a good speaker. His manner is against him; and this fact, as already observed, I had especially in my eye when I said that he is only a respectable advocate. There is a heaviness about his manner when addressing the court, which impairs the effect of his speeches. This might now be in some degree expected, as he is far advanced in life; but it was one of his defects as an advocate in early life, when men are usually of a sprightly

temperament. I learn from one who was in the habit of attending the courts at Westminster twenty years ago, that Sir William, then Mr. Horne, was at that time considered a heavy speaker. His voice cannot be said to be absolutely unpleasant; but it certainly has not much of melody or agreeableness in its tones. It is strong enough; but there is something of a hard undefinable quality about it, which deprives it of anything deserving the name of pleasantness. He often, too, draws out his words in a way which does not add to the taste or effect of his elocution. His voice has also a good deal of monotony in it; and there is a want of suitable gesticulation, in his forensic efforts; which circumstances, taken together, militate much against the effectiveness of his speeches. He makes little use of his arms; his head is the only member of his physical man which he uses in the service of his client. He includes some considerable portion of space in its motions; that is to say, he looks first to one side and then to the other; but these motions

of his head, if they should be made at all, have not the slightest pretensions to gracefulness. You would fancy that, instead of being as they ought to be, the result of sudden impulse, connected with zeal for his client, they were the effect of some merely mechanical agency. And to complete the catalogue of qualities which go to make Sir William Horne a heavy speaker, his countenance has a dull expression.

He is above the middle height, and rather stoutly made. His face is large, and of an oval conformation. His complexion has but little colour in it, if indeed, justly speaking, it can be said to have any at all. His forehead is ample; but there is a want of animation in his eyes, which deprives his countenance of any marked intellectual expression. There is no lack of wrinkles in his face; several of them incipient, others, as some persons would say, in full maturity. I have sometimes thought there is a more cynical expression in his countenance, than any other quality I could name. And latterly, it must be admitted, the learned gentleman has had no small cause of dissatisfaction with his

political friends; for, some years ago, when a vacancy occurred on the judicial seat in the Court of Rolls, it was thought that, under all the circumstances, he was an ill-used man in not receiving the appointment. He had not only, for many years previously, held a distinguished place at the bar; but he had filled the office of Solicitor General under a Whig government, and made great exertions for that party, both in and out of parliament.

But Sir William has also very considerable ground of dissatisfaction with himself. He lost the representation of Marylebone in the House of Commons, and consequently to a certain extent his status in society, entirely by his own folly. He not only voted on the assessed taxes, and some other questions of importance, contrary to the expressed wishes of the party who procured his return, but, when large portions of his constituents remonstrated with him on so extraordinary a course of conduct, he replied to them by sneers, and with epithets of disrespect, not to say of absolute contempt. I have myself seen some of the letters to which I refer, written



by the learned gentleman ; and I must say, that anything more calculated to irritate and mortify his former most zealous supporters, I should think it impossible to imagine. When some of these letters were read at public meetings, the electors who were present, came in many cases to a unanimous resolution to oppose him at the next election for Marylebone. They kept their word. If he broke his pledges, they were determined not to break theirs. They soon practically convinced Sir William of this, by rejecting him the next time he stood for the representation of that borough.

Are not these two causes—the neglect and ill-usage of the political party with whom he acted, and the sense of his own folly—enough to make Sir William look somewhat more cynical than the average run of men, or even of lawyers—who are, as a class, somewhat proverbial for the sourness of their physiognomies? I certainly think they are.

Mr. KNIGHT has for many years had an extensive business as a Chancery barrister. It is



a very lucrative business also; his clients being, for the most part, persons of great wealth, and the questions at issue generally involving property to a very large amount. He soon brought himself into notice after being called to the bar, which was in 1817. To talents of a superior order he united, in the very outset of his professional career, a confidence which nothing could for a moment shake. He doubtless must often, as well as other men, feel that, in his avocation as an advocate, he has difficulties wherewith to contend; but no one ever saw in his manner the slightest indication that he entertained any sense of those difficulties. The worse his case is, the greater is the confidence of his manner. He sometimes, indeed, when he has got a bad case, assumes a boldness of forensic demeanor which amounts practically, though of course not so intended, to an attempt to force his dicta on his lordship, just as if they were as obvious truths as the most self-evident propositions in Euclid. As regards the opposing counsel again, in such cases, he has no mercy at

all for them. While addressing himself to the work of demolishing their positions, he treats them as if they were so many pigmies, both in intellect and in professional attainment; and, as if to make this sort of treatment the more marked, he eyes them through a glass which he holds in his hand for the purpose, with an air of seeming disrespect. Let me not be here misunderstood. I by no means wish to say or insinuate, that Mr. Knight entertains any unfriendly or disrespectful feeling towards his fellow-practitioners in the Chancery Courts: I doubt not he can appreciate talent and moral worth as well as other men; but he assumes this demeanor towards them, in the hope that he will thereby weaken the effect which their speeches may have produced on the mind of the judge.

Mr. Knight is a very superior equity lawyer; and I believe his opinion is much sought after in cases which are never brought into court. He can argue closely and cogently when his case will admit of it, and there are few Chancery barristers who can more dexterously spin a

web of specious sophistry. His manner is constitutionally pompous ; it is so also from deliberate purpose, because experience has told him that to talk big, in other words, to make trifles look important, is one of the greatest qualifications of an advocate. Sometimes he overdoes the thing in this way. He appears as if he thought the matter which he brings before the court so important, that it is doubtful whether he will bring it forward at all : hence there is a sort of hesitation in the delivery of his speeches, which often impairs their effect. His oratory, at best, is very indifferent. He forces the words out of his mouth with as much seeming pain as if a dentist were drawing one of his teeth. His voice is, as Sir Charles Wetherell would say, a most unmanageable customer. His transitions from a low tone to something very like a screech, and back again from the screeching key to a subdued tone, are at once rapid and numerous. If the learned gentleman could only keep his voice in proper order, and not allow it to play its refractory pranks, I am quite convinced it would be at once pleasant and pow-

erful ; for its natural capabilities are undeniably good.

Mr. Knight's style is sometimes forcible, but there is generally an affected quaintness in it which does not add to his oratorical fame. He is singularly fond of attempts at wit ; but for every time he succeeds he fails at least fifty times. In such cases, the highest praise that can be given to his attempted witticisms, is that which Sir Robert Peel gave to similar efforts made last session of parliament by Lord Palmerston, when the Right Hon. Baronet called the intended witticisms of the noble lord "ponderous levities." There is an unusual amount of specific gravity in most of Mr. Knight's efforts at wit ; but there is no convincing himself of this ; and consequently he still perseveres in perpetrating his "ponderous levities," and will, I doubt not, to the end of the chapter.

Mr. Knight's gesticulation is not in excess. One of his arms, while he is speaking, is, in most cases, little better than an encumbrance : he is so sparing in the use of it, that you sometimes overlook the fact that he has such a mem-

ber. The other arm is useful, inasmuch as it enables him to put his glass to his eye, either when about to read some passage bearing on the question before the court, or when about to cast an apparently contemptuous look at the council who chances to be pitted against him. His head is the member of his body which Mr. Knight presses most liberally into the service of his client, in the way of action. He wheels it about, from the judge to the opposing counsel, and from the opposing counsel to the judge, in what a sportsman would call capital style.

Mr. Knight is a middle-sized, well-formed man. His complexion is pale: his countenance has somewhat of a thoughtful cast. His features are small and regular, and have, on the whole, a pleasant expression. His eyes want lustre: he is short-sighted, which renders the use of a glass indispensable in reading. His face is small, and of the oval form. His forehead is well developed, and adds to the otherwise intelligent aspect of his countenance.

Mr. Knight is about forty-five years of age. He was called to the bar in 1817. He

has worn a silk gown for several years. In politics he is a thorough-going Tory. He was a short time in parliament some years since. He has made several attempts to obtain re-admission into St. Stephen's since then, but without success; and I am afraid I cannot hold out any strong hopes to him of his ever again gracing the Tory benches; though in justice to him it ought to be said, that the Tories might, with great advantage to the party, displace dozens of their number to make room for him.

Mr. JACOB has long had a respectable business as a Chancery barrister, though not so large or lucrative as that of many of his contemporaries. In point of equity-knowledge and professional talent, he holds more than a respectable place in the estimation of the bar; but he does not rank in the first class. If his knowledge is not so extensive as that of some of his brethren, it is usually accurate so far as it goes. He has one quality about him which causes those who know him to repose much confidence in his opinions; namely, the quality of great cautiousness. He never gives an opinion until he has



thoroughly examined the matter in dispute, and maturely weighed everything which can be urged on either side. As a mere advocate, he does not shine; it is chiefly his knowledge of equity that has raised him to the station he occupies in the Chancery Courts. He is a man of highly respectable abilities in a general sense; but his delivery when addressing the court, is too defective to admit of an advantageous exhibition of his general talents. He has a singular voice—so singular, indeed, that it is difficult by any description which can be given, to communicate any correct notion of it. A stranger would suppose, the moment Mr. Jacob rises to speak, that he had something in his throat which completely muffled every sound which proceeded from it. He would at the same time conclude, that the learned gentleman was addressing the court under the influence of great depression of spirits. Nothing could have, to those unaccustomed to hear him speak, a more saddening effect than the tones of his voice. You not only imagine that he is in a melancholy mood, but you feel yourself thrown into a similar mood before you



are aware. But this is not the only peculiarity of Mr. Jacob's voice. You would fancy, even when standing within a yard or two of the place whence he is speaking, that, instead of its coming out of his mouth, it came out of the floor. Otherwise, there is nothing peculiar in the oratory of the learned gentleman. He lacks animation; and so do hundreds besides him. He has little or no action; a want not peculiar to himself. He speaks with ease and fluency: his delivery is perhaps rather rapid. His style is correct without being polished. He is a skilful pleader, as far as the matter of his speeches is concerned; but the effect of his talents in this respect is much impaired by the defects, in an oratorical point of view, to which I have just referred.

Mr. Jacob's personal appearance has nothing peculiar about it, except that his complexion is unusually dark. The expression of his countenance, as well as the sound of his voice, has something of melancholy in it. His face, which inclines to the oval form, is strongly indicative of studious habits. His features are regu-

lar and agreeable. He is of the average size, both as respects stoutness and height. He has enjoyed the distinction of a silk gown for several years. He was called to the bar in 1819, and is now seemingly a little on the wrong side of forty years of age.

Mr. KENDERSLEY is one of the most rising men at the Chancery bar. Though not much above forty years of age, he has enjoyed the distinction of a silk gown for some years. He was called to the bar in 1818, and has, ever since his *debüt* in the equity courts, been steadily rising, both in the estimation of the profession and the public. Before he had acquired much reputation as a barrister, he derived a considerable income from drawing bills; at which work he was superior to most of his brethren at the bar. He is far above mediocrity as an equity lawyer, though not of the first class. He has now a highly respectable practice. The recent elevation of Mr. Bickersteth to the judicial seat in the Rolls Court, has been advantageous to Mr. Kendersley. Previous to the appointment of Mr.

Bickersteth to the Mastership of the Rolls, Mr. Kendersley almost exclusively confined his practice to the Vice-Chancellor's Court; but on that promotion taking place, he removed to the Rolls Court; to which I believe he has confined his professional labours ever since. The cause of this change in the locality of his practice was, no doubt, the expectation that he should succeed to a considerable part of Mr. Bickersteth's business. In this expectation, as already intimated, he has not been disappointed.

Mr. Kendersley is a good speaker. His utterance is, perhaps, too rapid, but his manner is so fluent, and his voice, though low, is so pleasant, that this defect is less visible than it would otherwise be. His style is generally good: occasionally, in his happier efforts, it rises into eloquence. He wants variety, both in the intonations of his voice, and in his gesticulation. Of the latter he is sparing. He is a good-looking man, tall and slender in his figure. His complexion is slightly florid, and indicative of good health. His features are regular, and the expression of his face is highly pleasant.

Mr. TEMPLE has enjoyed the dignity of king's counsel for several years. Before that distinction was conferred upon him, he was well known as a Chancery barrister of respectable practice, and considerable talents. He has now been practising in the equity courts two years, having been called to the bar in 1810. As a speaker Mr. Temple has never ranked high, and as he is verging on his fiftieth year, there is little or no chance of his ever improving in that particular. His manner is heavy; nor is it redeemed by anything in his matter. He will not stumble on a brilliant or ingenious idea once in twelve months. I have seldom been fated to hear a speech, even from a Chancery barrister, in which there was so large a proportion of specific gravity. And yet it is but justice to the learned gentleman to say, that he can argue a point with considerable skill. He is always on good terms with himself. He never underrates the importance of his own matter, or the talents he displays; and hence, no doubt, the pomposity of his manner when addressing the court. I have often thought, judg-

ing from Mr. Temple's manner, that those speeches of his of which others think least favourably, are precisely those of which he himself has the highest opinion. His utterance is rather slow; and he sometimes "mouths" the word to such an extent, that were the younger Hamlet to revisit, not "the pale glimpses of the moon;" for the Court of Chancery never sits in moonlight; but the sunshine or fog of open day in London, he would administer a pretty sharp rebuke to the learned gentleman, for his defective oratory in this respect. His voice possesses considerable clearness and compass; but by his artificial mode of elocution, he impairs the effect it would otherwise produce. His action is monotonous. He moderately "swings" about his arms in the air, but there is no variety in their evolutions.

Mr. Temple is understood to have had an eye to a seat in Parliament for some time past; but I believe his prospects of the appendage of the magical "M.P." to his name are not particularly bright. Some time ago he meditated, if the tes-

timony of his friends may be relied on, a design on the representation of Finsbury ; but the fate of Mr. Serjeant Spankie, the quondam member for that district, is understood to have deterred him from coming forward ; his politics, if I am not misinformed, being of the mongrel school.

Mr. Temple is short and stout. He appears to possess a sound constitution. His ruddy complexion gives some indication of good health. His face is sharp. In the expression of his countenance there is nothing peculiar ; if anything, it is deficient in intelligence.

Mr. WIGRAM is the son of Sir R. Wigram, so well known for many years as one of the most active of the directors of the East India Company, and as an extensive ship-owner. Mr. Wigram was called to the bar in 1819, and partly through means of his influential connexions, partly by reason of his professional talents, soon got into a large practice. Few junior counsel, indeed, could ever boast of a better business in the Chancery courts. Mr. Wigram is a man of great shrewdness of mind



and quickness of perception. He has also always enjoyed the reputation of being a good equity lawyer. He is a close and clear reasoner: few men can more effectually establish a proposition of their own, or hunt down the leading argument of an opponent. His style is always accurate, and often forcible. Sometimes it has the appearance of being laboured; though my own opinion is, that it is quite natural to the learned gentleman. His elocution is good. He has a powerful and sonorous voice, which, in his more earnest moments, produces a fine effect. His principal defect as a speaker, is a certain staidness about his manner. Were he more animated, and more liberal of his gesture—always of course assuming that gesture to be directed by good taste—he would be one of the most popular speakers in our courts of law. His utterance is perhaps too slow: his words flow from him with as great a regularity, in regard to time, as if his delivery were the result of some mechanical contrivance. He scarcely ever presses anything in the shape of action into the service of his client. He is a man



of great self-possession, arising very likely from a consciousness of superior professional talents, and of ample resources. You may generally ascertain, a minute or so beforehand, when he is about to conclude, by his collecting the papers together, which had been spread out before him, and making them all into one parcel by means of a piece of red tape. In the last session of parliament, I recollect seeing him appear before the bar of the House of Commons, as counsel for some company, the name of which I forget, and after making a very able speech, he amused some of the honourable gentlemen by collecting and tying his papers together in the way I have described, when in the act of concluding his address. Mr. Wigram has now enjoyed the distinction of a silk gown for several years.

“It is an ill-wind,” says the proverb, “which blows nobody good.” Mr. Wigram is ready at any time to bear his most decided testimony to the justice of the observation. And well he may: there are few men who have greater reason. The wind which raised Sir Edward

Sugden to the Lord Chancellorship of Ireland, was doubtless an ill-wind to Lord Plunkett, but it was an excellent wind to Mr. Wigram; for it blew him by far the greater portion of Sir Edward's respectable and lucrative business. The learned gentleman is now understood to hold more briefs, and these for the most part highly marked, than any other man practising either in the Chancery or Vice-Chancellor's Court. To these two courts he confines himself. I do not recollect ever having seen him engaged in any case in the Rolls Court. But besides his practice in the courts just mentioned, Mr. Wigram is retained in a great many important cases of appeal before the House of Lords.

The learned gentleman is a Tory in his politics. He was the conservative candidate, at the last election, for the representation of Leominster, but was unsuccessful.

In his personal appearance, Mr. Wigram is about the average height, and compactly made. His countenance has a pleasant expression: it indicates mildness of disposition, and is so far, I believe, a correct index. His nose is sharp,

and his face inclines to thinness. His eye is quick and piercing. His complexion is darkish. He has all the appearance of enjoying excellent health. His age must be about forty-eight or fifty.

Mr. TINNEY, though not extensively known beyond the pale of the profession, has long been well known in Westminster Hall. His practice is respectable, but is by no means equal to his reputation as a lawyer. It has, however, considerably increased of late years. He received the gift of a silk gown about the same time as Lord Cottenham, and from that time began to date an improvement both in the quantity and quality of his business. He confines his practice to the Rolls Court, unless specially retained in some case in the Chancery or Vice-Chancellor's Court; in which case he quits the Rolls Court with very great pleasure,—for a time. As a lawyer he has always ranked high: he is considered to be very sound: one on whose opinions great reliance may be placed. As a speaker, he has scarcely any pretensions at all.

His voice is remarkable for its effeminate qualities; and its imperfections are greatly aggravated by a defective utterance. He speaks fast and thick: you would sometimes fancy that there was what an Irishman would call a regular row among the words in his throat, as if each were violently struggling for a priority of escape into open court. I have sometimes fancied that I could read in the countenance of the Lord Chancellor, while listening to the learned gentleman, the existence in his mind of a wish, that there were some riot act the reading of which could quell the disturbance caused by the rebellious words in his mouth. The defect in Mr. Tinney's delivery often renders it difficult to follow his argument. There are, however, few men at the Chancery bar who can more closely reason a point of law, or apply themselves with more effect to the merits of the case before the court. He is always zealous in the service of his clients. You see the interest he feels in the result in every word he utters, bad as his delivery is, and in every glance he directs towards His Honour. His zeal occasionally

leads him into considerable animation of manner. He is a laborious man in his profession. He applies himself so closely to the cases in which he is engaged, as to feel comparatively little interest in anything else. Perhaps to this circumstance we are to ascribe the fact of his taking no part in politics. I do not know what his political opinions are,—if he has any predilections that way. Certain it is that no one ever hears a whisper about Mr. Tinney's politics in Westminster Hall. He is a man of middle height, and proportionally made, but has a slight stoop about the shoulders. His complexion has no peculiar characteristic. It is something between dark and pale. His nose partakes in some measure of the peaked conformation. His features are long and marked. The expression of his countenance is intelligent rather than otherwise. He has been many years in practice in the equity courts, and is, I should think, on the wrong side of fifty.

Mr. TRESLOVE has not attained great celebrity as a lawyer. Still he rejoices

in the honour of a silk gown. When that distinction was conferred upon him, considerable surprise was felt, and also expressed at the circumstance, in the equity courts. In the course of this work, I have alluded to instances in which the party receiving the honour was a loser, rather than a gainer by it, in purse. Mr. Treslove, I believe, is another instance of this.

This gentleman is chiefly engaged in suits of long standing; for which the Court of Chancery, as all the world knows, has been proverbial from time immemorial. Mr. Treslove is not a first-rate speaker. His utterance is, for the most part, tolerably easy; but his voice is shrill and otherwise unpleasant. Occasionally he hesitates, as if he were doubtful of his ground; but when he sees his way clearly, and thinks he is working out an important argument, he displays considerable earnestness of manner.

His politics are decidedly Whiggish, though he is seldom spoken of as a politician in Westminster Hall. But for one prominent exhibition

which he has been in the habit of making of his political views, at long intervals, for some years past, the learned gentleman's notions respecting the principles on which he conceives public affairs ought to be conducted would be unknown to the world. The exhibition to which I refer is, that of his having, at every general election, except one, since the passing of the Reform Bill, been the proposer of Sir William Horne for the representation of the borough of Marylebone. He never, however, on such occasions, was very liberal of his oratory. He usually contented himself with saying a few sweet and savoury things about Sir William, and expressing his cordial approbation of his Whig politics. The learned gentleman is much respected in private life.

Mr. Treslove is rather above the middle height, and proportionally made. He has a sharp visage. His complexion is ruddy. In the expression of his countenance there is nothing peculiar. He was called to the bar in 1803, and must now be on the unpleasant side of fifty.



Mr. BOTELEK has been many years king's counsel; but he is not so generally known as others of inferior professional talents, in consequence of his business being principally of a peculiar kind. That business chiefly lies in what is technically called drawing bills. As a barrister, he seldom appears in either of the equity courts, except when cases relating to tithes are under consideration. He has made the law relative to tithes the principal subject of his study. In all tithe cases, he is generally admitted to be the most distinguished lawyer of his day. As a speaker he is dry and heavy; but his positions are usually sound, and his matter relevant and highly argumentative. He is regarded as so great an authority in tithe cases, that if, on any occasion, the judge were to discover that his private opinion—not the opinion he is heard to express in court—was at variance with his own, it would have the effect of making the judge carefully reconsider the grounds on which he had come to the particular conclusion. He is a tall heavy-looking man. His complexion is dark, and his face indicates that he is advanced

in years. He was called to the bar in 1804, and must now be close on his fifty-fifth year, if he has not passed it.

Mr. SPENCE's practice is greater than his reputation beyond the locality of Westminster Hall. And as handsome fees are somewhat more substantial than mere celebrity "out of doors," I doubt not that had the learned gentleman been obliged to make a choice, he would not have hesitated for an instant in giving the preference to the good practice. Consequently, though he would very naturally have been better pleased to have enjoyed both, he must still think himself a fortunate man. Those only who possess reputation without practice know what a phantom the former is. The mere abstraction of fame never yet filled one's belly. He who has no better fare for dinner, must have great difficulty in keeping his stomach in proper subjection; for, as Lord Bacon long ago remarked, the rebellion of the belly is the worst of all rebellions. No one ever yet grew fat on so unsubstantial a commodity as reputation.

But though Mr. Spence is comparatively unknown beyond the precincts of the equity courts, he is well known to his professional brethren, by whom he is considered a highly respectable lawyer, and a man of good abilities. His practice was very considerable before his promotion to the first row, especially in drawing bills; but since that honour was conferred on him, it has greatly increased; more, however, in value than in quantity. He confines himself almost exclusively to the Rolls Court.

Mr. Spence is a conservative in his political principles. He lately sat for a short time for Reading. In defending his seat for that place, before a committee of the House of Commons, he incurred an expense of 5,000*l*. I believe I may safely say, that the learned gentleman has, in consequence, come to a resolution never again to aspire to a seat in the legislature. He is quite right, so long as the existing laws relative to elections are suffered to remain in force.

As a speaker, Mr. Spence has never made any impression. His enunciation is slow and arti

ficial ; affected, perhaps, would be a better term. One sometimes cannot help concluding that he parts as reluctantly with his words, as if they were some " dear friends" he never expected to meet with again. His voice either wants force, or it is treated with great injustice by him. There is a languor in his manner, which often operates, especially when he addresses the court for any length of time, in inducing a drowsy disposition.

Mr. Spence is a man of the middle size, and of average proportions. In the expression and complexion of his face there is nothing peculiar. He is a tolerably good-looking man, and seemingly about the middle age.

Mr. WHITMARSH is one of the most recently appointed king's counsel, the distinction of a silk gown having been conferred on him last term. Before that time his practice was chiefly confined to cases of lunacy, in almost all of which he was engaged in the character of chief commissioner. Since his advancement to the first row, he has declined acting as chief com-

missioner in lunacy cases. He has a tolerable general practice. As a lawyer he is looked on as respectable. The same may be said of him in reference to his general talents. He is a rather good speaker. His elocution is above mediocrity, and he occasionally delivers himself with some effect ; but his chief fault as a speaker, is the want of animation and energy of manner. With a little more life in his appearance, and suitable gesture, he would make some very creditable exhibitions as a speaker. In person he is tall, with a scarcely perceptible stoop in his gait. His complexion has a good deal of freshness about it, and his countenance has a pleasant expression. A poet would say there was something of repose in his features. I, speaking in plain prose, would rather say that his countenance wears somewhat of an agreeably-pensive aspect. He was called to the bar in 1803, and must now be nearer his sixtieth than his fiftieth year.

Mr. BURGE, in addition to a respectable, though not extensive practice in the Chancery

courts, is occasionally retained in cases of some interest before the Privy Council and the House of Lords. Previous to his being raised to the distinction of a seat in the first row, which was in 1835, when Lord Lyndhurst presided in the Court of Chancery, the learned gentleman was little known. As a lawyer, he is thought favourably of by the profession; and his general abilities are respectable. He is cool in his manner, and can, when he thinks it will best serve his purpose, reason logically and with great clearness. He is a slow speaker. Were he to quicken his utterance, and display a little more animation, he would produce some effect in his forensic exhibitions; for he has a voice of considerable power, which is evidently capable of great things, were it turned to proper account.

Mr. Burge is a decided Tory in his politics. He was in parliament during the discussions, a few years since, on the Slave Emancipation question. He took an active part at that time on behalf of the West India planters. He displayed an intimate acquaintance with all West

India matters: a circumstance to be chiefly accounted for from the fact of his having been formerly Attorney General for Jamaica. He was also, for some time, legislative agent for that island.

Personally, Mr. Burge is slightly under the middle height, and proportionally made. The most prominent feature of his face is his large thick nose. His features are generally hard and marked, and his complexion has something of a darkish hue. Having been called to the bar in 1808, I should, from that circumstance, in conjunction with his appearance, set down his age at about fifty-three or fifty-four.

Mr. ROMILLY is the son of the celebrated Sir Samuel Romilly; on which account it chiefly is, that I have introduced his name in this place. His status at the bar would not alone, as I consider, have entitled him to a place in this work. He is understood to feel a deep interest in the result of any case in which he is retained.

Mr. Romilly was one of the seventy-two commissioners of bankrupts under the old law; but



Lord Brougham's bill having reduced the number to eight, he lost the situation. He is above the average height, and rather stoutly made. His complexion is clear, and his face full and of the oval form. His age, I should suppose to be under rather than above forty-five.

## CHAPTER XIII.

## GENERAL REMARKS AND ANECDOTES.

THE BROWBEATING AND VITUPERATIVE SYSTEM  
—CASES OF SIR WALTER RALEIGH AND DR.  
SMOLLETT — HAPPY RETORTS OF WITNESSES  
TO COUNSEL — INGENIOUS EXPEDIENT OF A  
COUNSEL—CONCLUDING OBSERVATIONS.

THE practice of browbeating witnesses, and vituperating the opposite parties in a cause, is, as I have before stated, carried to a most unseemly length in our courts of law. I have often wondered that the presiding judges should sit silently on the bench, while so scandalous a scene is passing before their eyes. In the case of the parties who are vituperated, there is no redress.

They are not allowed to defend themselves in court, nor can they, however coarse and libellous the attack, proceed by an action at law against their long-robed traducer. It is, therefore, to say the least on the subject, unmanly on the part of counsel to go out of their way to vituperate and vilify parties whose mouths are shut and whose hands are tied; and it is wrong in the presiding judge to suffer such unbecoming things to be done in court. As regards the browbeating of witnesses, there can be no question, that instead of promoting the ends of justice, such a course often defeats them. It would appear that the abusive and browbeating system is by no means a novelty in the profession. It seems to have flourished in great vigour so far back as the days of Sir Walter Raleigh. D'Israeli, in the second series of his "Curiosities of Literature," gives an account of the way in which that distinguished man was abused and traduced by no less a personage than Sir Edward Coke himself, who was, at the time of Sir Walter's trial, Attorney General. The remarks with which D'Israeli prefaces his speci-

mens of Coke's abuse of Sir Walter, are worthy of quotation, as well as the specimens themselves. He says, speaking of Coke, "This great lawyer, perhaps, set the example of that style of raillery and invective at our bar, which the egotism and craven insolence of some of our lawyers include in their practice at the bar. It may be useful to bring to recollection Coke's vituperative style in the following dialogue, so beautiful in its contrast with that of the great victim before him. The Attorney General had not sufficient evidence to bring the obscure conspiracy home to Raleigh, with which, however, I believe, he had cautiously tampered. But Coke well knew that James the First had reason to dislike the hero of his age, who was early engaged against the Scottish interests, and betrayed by the ambidexterous policy of Cecil. Coke struck at Raleigh as a sacrifice to his own political ambition, as we have seen he afterwards immolated his daughter; but his personal hatred was now sharpened by the fine genius and elegant literature of the man; faculties and acquisitions the lawyer so heartily contemned."

D'Israeli, after these prefatory observations, proceeds to give some specimens of the vituperation which Coke heaped upon Raleigh, in the following dialogue between the parties. Coke having previously observed to the court that he knew with whom he had to deal—that he had “to deal to-day with a man of wit”—turned himself towards Sir Walter, and said, “Thou art the most vile and execrable traitor that ever lived.”

Raleigh—You speak indiscreetly, barbarously, and uncivilly.

Coke—I want words sufficiently to express thy viperous treason.

Raleigh—I think you want words, indeed; for you have spoken one thing half-a-dozen times.

Coke—Thou art an odious fellow; thy name is hateful to all the realm of England for thy pride.

Raleigh—It will go near to prove a measuring cast between you and me, Mr. Attorney.

Coke—Well, I will now make it appear to the world that there never lived a viler viper

upon the face of the earth than thou. Thou art a monster; thou hast an English face, but a Spanish heart. Thou viper! for I *thou*\* thee, thou traitor! Have I angered you?

“Raleigh,” observes D’Israeli, replied, what his dauntless conduct proved—“I am in no case to be angry.”

But Raleigh was not the only great man who was thus abused by Coke. The Earl of Essex was subjected to similar treatment at his hands. So also was no less a man than the illustrious Lord Bacon himself. That the vituperation which Coke heaped on Bacon must have been of the worst and coarsest kind, may be inferred from the fact that Bacon has left among his memorandums one in the following terms:—“Of the abuse received of Mr. Attorney General publicly in the Court of Exchequer.”

Smollett, the celebrated novelist, was also subjected to the virulent vituperation of one of

\* This I suppose meant, that Coke was addressing Raleigh in the most contemptuous manner he could adopt.

the long-robed gentlemen of his day. Smollett, it appears, had been tried in the Court of King's Bench for an assault he had committed on a person named Peter Gordon, who rewarded the greatest kindness and generosity on the part of the novelist, not only by ingratitude but insult. Mr. Hume Campbell acted on the occasion of Smollett's trial, as the counsel of Peter Gordon, and true to the abusive instinct with which, it is said, he was largely endowed, vilified the defendant in the grossest manner. What the nature of the vituperation was which the latter received at the hands of the said Mr. Hume Campbell, and how sensibly he smarted under it, may be inferred from the following passages from a letter which Smollett wrote to his "learned" vilifier, some days after his trial:

"SIR—I have waited several days in hope of receiving from you an acknowledgment touching those harsh, unjustifiable, and (let me add,) unmannerly, expressions which you annexed to my name, in the Court of King's Bench, when you opened the cause depending between me and Peter Gordon; and as I do not



find that you have discovered the least inclination to retract what you said to my prejudice, I have taken this method to refresh your memory, and to demand such satisfaction as a gentleman injured as I am has a right to claim.

“ The business of a counsellor is, I apprehend, to investigate the truth in behalf of his client; but surely he has no privilege to blacken and asperse the character of the other party, without any regard to veracity or decorum. That you assumed this unwarrantable privilege in commenting upon your brief, I believe you will not pretend to deny, when I remind you of those peculiar flowers of elocution which you poured forth on that notable occasion. First of all, in order to inspire the court with horror and contempt for the defendant, you gave the jury to understand that you did not know this Dr. Smollett; and, indeed, his character appeared in such a light from the facts contained in your brief, that you never should desire to know him. I should be glad to learn of what consequence it could be to the cause, whether you did or did not know the defendant, or whether you had or

had not an inclination to be acquainted with him? Sir, this was a pitiful personality, calculated to depreciate the character of a gentleman to whom you were a stranger, merely to gratify the rancour and malice of an abandoned fellow who had feed you to speak in his cause. Did I ever seek your acquaintance, or court your protection? I had been informed, indeed, that you were a lawyer of some reputation, and, when the suit commenced, would have retained you for that reason, had not I been anticipated by the plaintiff; but, far from coveting your acquaintance, I never dreamed of exchanging a word with you on that or any other subject; you might therefore have spared your invidious declaration, until I had put it in your power to mortify me with a repulse, which, upon my honour, would never have been the case, were you a much greater man than you really are. Yet this was not the only expedient you used to prepossess the jury against me. You were hardy enough to represent me as a person devoid of all humanity and remorse; as a barbarous ruffian, who in a cowardly manner had, with two

associates as barbarous as myself, called a peaceable gentleman out of his lodgings, and assaulted him in the dark, with intent to murder. Such a horrid imputation, publicly fixed upon a person whose innocence you could hardly miss to know, is an outrage, for which, I believe, I might find reparation from the law itself, notwithstanding your artful manner of qualifying the expression, by saying, provided the facts can be proved. This low subterfuge may, for aught I know, screen you from a prosecution at law, but can never acquit you in that court which every man of honour holds in his own breast. I say, you must have known my innocence, from the weakness of the evidence which you produced, and with which you either were or ought to have been previously acquainted; as well as from my general character and that of my antagonist, which it was your duty to have learned. I will venture to say, you did know my character, and in your heart believed me incapable of such brutality as you laid to my charge. Surely, I do not over-rate my own importance in affirming, that I am not so obscure in life as

to have escaped the notice of Mr. Hume Campbell; and I will be bold enough to challenge him and the whole world to prove one instance in which my integrity was called, or at least left, in question. Have not I therefore reason to suppose that, in spite of your own internal conviction, you undertook the cause of a wretch, whose ingratitude, villany, and rancour, are, I firmly believe, without example in this kingdom; that you magnified a slight correction bestowed by his benefactor, in consequence of the most insolent provocation, into a deliberate and malicious scheme of assassination; and endeavoured, with all the virulence of defamation, to destroy the character, and even the life, of an injured person, who, as well as yourself, is a gentleman by birth, education, and profession? In favour of whom, and in consequence of what, was all this zeal manifested, all this slander exhausted, and all this scurrility discharged? Your client, whom you dignified with the title of Esquire, and endeavoured to raise to the same footing with me in point of station and character, you knew to be an abject miscreant, whom my com-

passion and humanity had lifted from the most deplorable scenes of distress; whom I had saved from imprisonment and ruin; whom I had clothed and fed for a series of years; whom I had occasionally assisted with my purse, credit, and influence.

“ After having sounded the trumpet of obloquy in your preamble, and tortured every circumstance of the plaintiff’s evidence to my detriment and dishonour, you attempted to subject me to the ridicule of the court, by asking a question of my first witness, which had no more relation to the cause than if you had desired to know the name of his grandmother. What title had you to ask of a tradesman, if he knew me to be an author? What affinity had this question with the circumstances of the assault? Was not this foreign to the purpose? Was it not impertinent, and proposed with a view to put me out of countenance, and to raise the laugh of the spectators at my expense? There, indeed, you were disappointed, as you frequently are, in those little digressive efforts by which you make yourself remarkable. Though I do

not pretend to possess that superlative degree of effrontery by which some people make a figure at the bar, I have assurance enough to stand the mention of my works without blushing, especially when I despise the taste, and scorn the principles, of him who would turn them to my disgrace. You succeeded, however, in one particular; I mean, in raising the indignation of my witness; of which you took all imaginable advantage, puzzling, perplexing, and brow-beating him with such artifice, eagerness, and insult, as overwhelmed him with confusion, and had well nigh deprived me of the benefit of his evidence.

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“Your whole behaviour to me was equally insolent and unjust: for, granting that you had really supposed me guilty of an intended assassination, before the trial began: you saw me in the course of evidence acquitted of that suspicion, and heard the judge insist upon my innocence in his charge to the jury, who brought in their verdict accordingly. Then, Sir, you ought, in common justice, to have owned your-



self mistaken, or to have taken some other opportunity of expressing your concern for what you had said to my disadvantage; though even such an acknowledgment would not have been a sufficient reparation; because, before my witnesses were called, many persons left the court with impressions to my prejudice, conceived from the calumnies which they heard you espouse and encourage. On the whole, you opened the trial with such hyperbolical impetuosity, and conducted it with such particular bitterness and rancour, that everybody perceived you were more than ordinarily interested; and I could not divine the mysterious bond of union that attached you to Peter Gordon, Esq., until you furnished me with a key to the whole secret, by that strong emphasis with which you pronounced the words Ferdinand Count Fathom. Then I discovered the source of your good-will towards me, which is no other than the history of a law-suit inserted in that performance, where the author takes occasion to observe, that the counsel behaved like men of consummate abilities in their profession; exerting themselves



with equal industry, eloquence, and erudition, in their endeavours to perplex the truth, brow-beat the evidence, puzzle the judge, and mislead the jury. Did any part of this character come home to your own conscience; or did you resent it as a sarcasm levelled at the whole bar without distinction? I take it for granted, this must have been the origin of your enmity to me: because I can recollect no other circumstance in my conduct, by which I could incur the displeasure of a man whom I scarce knew by sight, and with whom I never had the least dispute, or indeed concern. If this was the case, you pay a very scurvy compliment to your own integrity, by fathering a character which is not applicable to any honest man, and give the world a handle to believe, that our courts of justice stand greatly in need of reformation. Indeed, the petulance, license, and buffoonery of some lawyers in the exercise of their function, is a reproach upon decency and a scandal to the nation; and it is surprising that the judge, who represents his majesty's person, should suffer such insults upon the dignity of the place. But,

whatever liberties of this kind are granted to the counsel, no sort of freedom, it seems, must be allowed to the evidence, who, by-the-bye, are of much more consequence to the cause. You will take upon you to divert the audience at the expense of a witness, by impertinent allusions to some parts of his private character and affairs; but if he pretends to retort the joke, you insult, abuse, and bellow against him as an impudent fellow who fails in his respect to the court. It was in this manner you behaved to my first witness, whom you first provoked into a passion by injurious insinuations; then you took an advantage of the confusion which you had entailed upon him; and, lastly, you insulted him as a person who had shuffled in his evidence. This might have been an irreparable injury to the character of a tradesman, had he not been luckily known to the whole jury, and many other persons in court, as a man of unquestionable probity and credit. Sir, a witness has as good a title as you have to the protection of the court, and ought to have more, because evidence is absolutely necessary for the investigation of

truth, whereas the aim of a lawyer is often to involve it in doubt and obscurity. Is it for this purpose you so frequently deviate from the point, and endeavour to raise the mirth of the audience with flat jokes and insipid similes? or, have you really so miserably mistaken your own talents, as to set up for the character of a man of humour? For my own part, were I disposed to be merry, I should never desire a more pregnant subject of ridicule than your own appearance and behaviour; but, as I am at present in a very serious mood, I shall content myself with demanding adequate reparation for the injurious treatment I have received at your hands; otherwise I will in four days put this letter in the press, and you shall hear in another manner—not from a ruffian and an assassin—but from an injured gentleman, who is not ashamed of subscribing himself, &c.”

This extract is long, but it is interesting both from the popularity of the writer, and from the justice of its observations. The picture which Dr. Smollett has here so emphatically drawn of the proceedings in the courts of justice in his

day, is one which is unfortunately still too common; though it must certainly be admitted, that great as is the extent to which the browbeating system is still carried on in our courts of law, we are not so bad in this respect as our ancestors were. No counsel, I believe, even had he the disposition, would be suffered to apostrophise any party to a trial in the terms in which Coke addressed Sir Walter Raleigh. It is but justice also to a very considerable portion of the profession to say, that they not only disclaim in words the browbeating practice, but that they also discountenance it in their forensic exhibitions; and I have no doubt that in the course of time it will be abandoned altogether. One of the most gratuitous and unfeeling instances of the kind which have of late come under my own notice, occurred a few months ago. I purposely omit the name of the counsel, and also that of the case in which it occurred. A respectable looking woman, forty-five years of age, and dressed in deep mourning, had been summoned to give evidence in a case before the court. Having ascended the witness-

box, the counsel for the opposite party inquired, in stern accents, what was her age.

Witness—Forty-five, Sir.

Counsel—Forty-five, eh?

Witness—Yes, Sir.

Counsel—That is a pretty advanced age for a woman, is it not?

The witness held down her head as if confounded by the observation, and was silent.

Counsel—You have been married, Madam, I understand?

The tear gathered in the poor woman's eye, and in a few seconds she felt unable, from the crowd of mournful associations to which the word gave rise in her mind, to answer the question. At last she faintly articulated—"I have."

Counsel—Come, speak up, Madam; there must be no mum people here.

The harsh manner in which this was spoken, not less than the words themselves, inflicted another deep wound on the susceptible feelings of the poor woman, and she again applied her handkerchief to her eyes.

Counsel—And your husband, I believe, died a fortnight ago? Is it not so, Madam?

The witness's feelings now completely overpowered her. She sobbed audibly, and was for some time unable to utter a word. When in this state, and while, I am convinced, there was not a stranger in the court whose heart did not feel most deeply for the poor woman, the counsel, addressing her in the harshest conceivable manner, said, "Come, Madam, away with your tears; you are not come here to blubber, but to give evidence."

Were any person to exhibit such barbarity of feeling in private society, or in any other place than a court of law, I leave my readers to imagine in their own minds what would be the treatment he would receive from the parties present.

The counsel practising at the Old Bailey are all eligible to plead in the courts of law at Westminster Hall. They seldom, however, appear in the latter place. When they do, they sometimes come in shoals. At a trial some ten or twelve months since, which took place in the

Court of Common Pleas, there were several of the Old Bailey counsel. They are far less refined in their examinations and cross-examinations of witnesses, than the counsel who practise in the courts of law. Towards the end of last year, or the beginning of the present, I am not sure which, some very coarse specimens of this kind were exhibited in the course of a trial in which Morison, the Hygeist, was the plaintiff, and in which the merits of the case chiefly turned on the medicinal qualities of his pills.

I have repeatedly seen counsel in our courts of law, who were attempting to be very witty at the expense of some adverse witness, get the laugh completely turned on themselves, by the happy retorts of the party under cross-examination. In the spring of the present year a very amusing instance of this occurred. A clownish looking lad, about twenty years of age, who, judging from his appearance, one would have supposed had not two ideas in his head, was put into the witness-box. The counsel for the prosecution, by whom



he had been called, having asked him a few questions, all of which he satisfactorily and promptly answered, the counsel for the defence rose with an air of self-importance, and pulling up his gown on his shoulder, said—"Now, Sir, I have got a few questions to ask you."

"Werry good," said the witness drily.

Counsel — I suppose, Sir, you know the prosecutor very well?

Witness, (hesitatingly) — Vy yes, I *does* know him.

Counsel—But I mean intimately.

The witness was silent.

Counsel — Come, Sir, answer my question. Do you not know the prosecutor very intimately?

Witness—Not *werry* intimately.

Counsel — Do you mean to say, Sir, that you ——

"Vy," interrupted the witness with great seeming simplicity, and amidst shouts of laughter from all present; "Vy I don't vish to say anythink at all about it, if you'd only hold your own tongue."

Counsel — Come, Sir, don't be impertinent.

Witness—I does'nt know vat that ere word means.

Counsel — No, and I dare say you never heard of Chesterfield either.

Witness — Never; I ne'er heard on 'em, Sir. (Laughter.)

Counsel — I can well believe that. Come tell me then, if you ever heard of the prosecutor's daughter.

Witness (hesitatingly) — The prosecutor's daughter?

Counsel—Ay, the prosecutor's daughter.

Witness—Vich of them do you mean?

Counsel—What, has he got so many of them?

Witness—O, lots on 'em, Sir. (Loud laughter.)

Counsel—Well, I mean the one that you're in love with.

Witness (with great archness of manner) — Vich of them is that?

Counsel—O you know that best yourself.

Witness—Vell, if I do, I don't mean to be a tellin' it to every one (Renewed laughter.)

Counsel (speaking in rather a low tone of voice)—Come, Sir, tell me and the court, whether you are not on the terms of marriage with the prosecutor's daughter.

The witness was silent.

Counsel — Come, Sir, answer the question. You were very prompt in your answers to my learned friend.

Witness—Your "*learned friend*" spoke much louder than you do, Sir.

It is impossible to convey by words any idea of the effect which this retort had on the court. The cutting sneer and bitter irony with which, without seeming to be aware of it, he pronounced the words "your learned friend," exceeded anything I have ever witnessed in the best acting of the best comedians of modern times. The judge could not restrain his laughter within reasonable bounds, but joined audibly in the universal shout; while the poor counsel looked the very impersonation of chagrin.

Singularly enough, in the same court and on the same day, the laugh was equally turned against another counsel who was doing his best

to be at once severe and witty at the expense of an adverse witness. The latter was one of the skin-and-bone class of persons, and by a curious coincidence so was the counsel. You could not look on either without coming to the conclusion that to partake of a substantial meal must be an era in their existence. "So, Sir," says the counsel to the witness, in the regular brow-beating style; "So, Sir, you have been in the prosecutor's house?"

Witness—I have.

Counsel—Have you been often?

Witness—Sometimes. (A laugh.)

Counsel—That, Sir, is not an answer to my question. I ask, have you been in this person's house often?

Witness (with much archness of manner)—I don't know what you mean by often.

Counsel—Have you been twenty times?

Witness—I never kept 'count how many times. (Laughter.)

Counsel—Come, Sir, don't be rude. I ask you, have you been twenty times in this man's house?

Witness—I can't speak positively as to the number of times.

The Bench—*About* the number of times; speaking according to the best of your belief?

Witness (with great readiness and politeness)—I should think, my Lord, I have been in the prosecutor's house from fifteen to twenty times.

Counsel (with great harshness of manner)—So, Sir, though you could not answer the question when put by me, you found no difficulty in answering it when put by his lordship.

Witness—His lordship put ——

Counsel (interrupting witness)—Stay a little if you please, Sir.

Witness—O, certainly; as long as you like; I'm in no particular hurry. (Loud laughter.)

Counsel—Perhaps, Sir, you would condescend to tell the court what your object was in going to the prosecutor's house?

Witness—The court has not asked me the question. (Renewed laughter.)

Counsel—Don't be insolent, Sir; *I* have asked you the question.

Witness—Then I can't answer you.

Counsel—You *must* answer me, Sir.

Witness—I can't; for I often went without knowing the reason why. (Laughter.)

Counsel—Can you inform us then about what particular hour you were in the habit of visiting his house?

Witness (looking towards the bench)—Is it necessary that I should answer that question, my Lord?

The Judge—If you can, I do not see why you should not.

Counsel—Come, Sir; answer the question.

Witness—I should suppose it generally was between one and two o'clock.

Counsel (his countenance brightening up as if he had made some important discovery)—O, I see; that was about the dinner-hour, was it not?

Witness—I never inquired what was the dinner hour. (Laughter.)

Counsel—Perhaps not; but I dare say your nose would be of some service in enabling you to ascertain it.

Witness—My nose, Sir, never asks any questions. (Loud laughter.)

Counsel, (his face colouring with confusion)—But though your nose does not speak, I dare say it has acquired considerable dexterity, from experience, at discovering when a good dinner is on the table of a friend and enabling you to regulate your visit accordingly.

Witness—You must be judging of my nose from your own, Sir. (Roars of laughter, in which the Bench joined.)

Counsel (labouring to conceal his mortification)—You seem disposed to be very witty to-day, Sir.

Witness—I think *we* are, Sir.

This sarcastic though only implied allusion to the efforts of the counsel to be witty, told with admirable effect.

Counsel—You say that your favourite hour for visiting this man's house was between one and two o'clock.

Witness—I never said anything of the kind.

Counsel (pulling himself up)—What, Sir,



do you mean to deny what you have just said? Recollect, Sir, you are on your oath.

Witness—I said that that was generally about the time; but I never said anything about “*fa-vourite* hour.”

Counsel—Well, Sir; perhaps you would have no objection to tell us whether you were in the habit of partaking of the prosecutor’s dinner when honouring him with your visits at the particular time you mention.

Witness—I do not see what that has to do with the present case.

Counsel—It’s not what *you* see, Sir. Pray, Sir, answer me the question, whether you were in the habit of partaking of this man’s dinner on such occasions?

Witness—Whether I partook of it or not, depended on circumstances.

Counsel—On what circumstances, Sir?

Witness—Why, on whether I was *asked* to partake of it or not. (Loud laughter.)

Counsel—Yes; I dare say you never declined an invitation when you got one.

Witness (with great emphasis)—Never, Sir. Never refuses a good dinner when I can get one. (Renewed laughter.)

Counsel—Ay, I can well believe that. And I'm sure you would do the dinner of any friend ample justice.

Witness—I always do my best, Sir, on such occasions. (Loud laughter.)

Counsel—I don't doubt it : you have always, I suppose, a good appetite and capacious stomach when at the table of a friend.

Witness—Always, Sir.

Counsel—Ay, you look the very picture of a hungry fellow.

Witness—Yes, Sir ; both of us look the picture of hungry fellows : we look as if we were kept on starvation allowance.

The walls of the court resounded again with the shouts of laughter which followed this severe retort, the effect of which was greatly heightened by the peculiar archness of manner in which it was made. The learned gentleman was completely crest-fallen, and made no further efforts to be witty at the witness's expense.

The judges in the courts of common law have, agreeably to arrangements among themselves, to preside at the trial of prisoners in the Central Criminal Courts, Old Bailey. The scenes which are exhibited while the trials are proceeding with at the latter place, often afford a striking contrast to those which one is accustomed to witness at Westminster Hall. At the Old Bailey we are furnished with illustrations of human nature, which would oftentimes prove highly amusing, were it not that they are associated with the trials of persons charged with serious crimes against society ; and the commission of which crimes implies so great a defectiveness in the moral conformation, that no man of principle can contemplate it without feelings of the deepest pain.

The trials at which the law judges preside at the country assizes, are similar in their nature to those which usually take place at the Old Bailey. There, if possible, still more ludicrous circumstances are of frequent occurrence during the administration of the criminal jurisprudence of the country. This may be accounted for

from the circumstance of the peasantry in the country being much more unsophisticated in their natures and manners than the inhabitants of large towns. Perhaps few judges ever more enjoyed, at the country assizes, anything ludicrous than did the late Baron Garrow. He was also remarkable for the ease and readiness with which he could adapt himself to the peculiarities of the different persons who were put into the witness-box. By that means he elicited important facts from them, which the most ingenious examinations and cross-examinations of counsel had failed to bring out. A witness was seldom or ever a couple of minutes in the box after Baron Garrow began to speak to him, before he felt quite as comfortable and as much at home as if he had been over his tankard of ale with some of his boon companions. Witnesses, from whom nothing could be extracted when examined by others, were communicative in the highest degree to his lordship. With the present Mr. Justice Allan Park, witnesses often get very familiar, when he chances to be in a pleasant mood,—but he has not perhaps the tact or

quick perception of human nature, to turn this unguarded familiarity to the utmost account as an administrator of justice. At the very last circuit Mr. Justice Park went, some amusing exemplifications were afforded, of the ease at which witnesses find themselves, when he is in a good humour. One was in the case of a woman, who was prosecuting a party, who had stolen something from her. In the course of the proceedings, Mr. Justice Park put a variety of questions to her, and accompanied them with those free-and-easy sort of observations, in which he is unrivalled on the bench. The plain unsophisticated woman, became at last as much at home with the judge, as if she had been all the while speaking to her husband. The trial ended in a verdict for her. She was overjoyed at the circumstance, and in the plenitude of her exultation and simplicity, went up to the bench to Mr. Justice Park, extending her hand to him, with the view of shaking hands. The poor woman has ever since protested that no man could have "done the thing" better than his lordship did, and that

she will always have him for judge in any future case, should she ever have one; though she has still a lingering ground of dissatisfaction with him, because he was so uncivil as to refuse to shake hands with her.

In my sketches of counsel, I have repeatedly referred to the dexterity which they occasionally display on behalf of their clients. One of the most ingenious expedients I have ever heard mentioned, as resorted to by a counsel to obtain the acquittal of his client, occurred in the case of a barrister now in the East Indies. The story, as communicated to me, and which, it may be right to mention, I give without being able to pledge myself to its accuracy, is this:—Some years ago a young man, respectably connect<sup>d</sup>, was tried at one of our country assizes, on a charge of having stolen a quantity of linen. The result of the trial, it was clear, would depend entirely on whether the identity of the linen was or was not established; and there could be as little doubt, unless something extraordinary could be done for the prisoner by counsel, that the linen found in his possession would be iden-

tified as that which had been stolen from the prosecutor. In this emergency an idea occurred to the counsel. Having understood, some time before the trial was to come on, that the prosecutor, who kept a shop for the sale of linen, as well as other articles, had for sale a portion of the same web as the piece which had been stolen, he caused a friend to go and purchase a small quantity of it. This being done, he immediately caused it to be made into a shirt for himself, and with that shirt on his back he appeared at the trial. A person in the employ of the prosecutor having been put into the witness-box to prove that the stolen linen was the property of his master, gave his evidence in the most decided terms on the subject. The counsel for the prisoner subjected him to a severe cross-examination, but for some time there appeared no probability that anything would transpire which could in the least degree invalidate his testimony in the estimation of the jury. The cross-examination, it was generally supposed in court, was about to be closed in despair of eliciting anything of importance from the witness, when



the counsel observed, in something of a brow-beating tone—"And so, Sir, you are quite certain that this piece of linen was your master's property?"

Witness—Quite certain of it, Sir.

Counsel (pulling himself up)—Quite certain?

Witness—Perfectly so.

Counsel—No doubt whatever?

Witness—Not the slightest, Sir.

Counsel—And pray, Sir, by what extraordinary process have you come to this very positive knowledge?

Witness—I know the piece of linen, Sir, to have been my employer's from its texture and quality, when I compare it with another piece of the same web which I now hold in my hand.

Counsel—Do you mean to say, Sir, that there was anything so very peculiar in the texture or quality of this web of linen, as that you could by that means at once distinguish it from all others?

Witness—I do say, that I know from the tex-

ture and quality of this linen, that it is my master's property.

Counsel—Now, Sir; take care what you say : remember you are on your oath, and that you may afterwards hear something about the evidence you are giving this day in court. Again, Sir, I ask, are you quite sure, judging from the quality and texture of this linen, that it is the piece your master had stolen from him?

Witness—I'm quite positive on the subject, Sir.

Counsel—Do you mean to say that it might not bear a very strong resemblance to it without being actually the piece itself?

Witness—I repeat again, Sir, that it is the identical piece itself.

Counsel (advancing to the witness-box, and unbuttoning his waistcoat)—Well, Sir, would you do me the favour to look at the breast of my shirt?

Witness—Certainly, Sir.

Witness accordingly took hold of the breast of the learned gentleman's shirt, and applying his

eye closely to it, examined it very carefully. As he withdrew himself from the examination, and presented himself again to the court, he coloured and looked very much confused.

Counsel—Well, Sir, you have examined the linen of which my shirt is made?

Witness (with much less emphasis than before)—Yes, Sir.

Counsel—And do you see any resemblance in its quality and texture to that of the piece stolen from your employer?

Witness—There is some resemblance, Sir.

Counsel—Only *some!* Is there not a great deal?

Witness—I should say there is a great deal.

Counsel—Perhaps you would like to look at the texture and quality of my shirt a second time?

Witness—O not at all, Sir: it is not necessary.

Counsel—I think you had better: perhaps on a second inspection you may be able to discover a still stronger resemblance between the quality and texture of the two. Do just look a second time.

The witness again inspected the breast of the learned gentleman's shirt.

Counsel—Well, Sir, does the resemblance still seem as strong as on the first view?

Witness—It does, Sir.

Counsel—A little stronger, perhaps?

Witness—I should say it does appear fully as strong.

Counsel—Are you prepared, Sir, to swear that my shirt is not of exactly the same texture and quality as the piece which the prisoner, my client, has been charged with having stolen?

The witness hesitated, and again looked pale.

Counsel—Ay, I don't wonder that you hesitate and look confused. I again ask you—and remember, Sir, that you are on your solemn oath—again I ask you, whether you are prepared to say, that there is any difference between the texture and quality of my shirt and the texture and quality of the piece of linen which the prisoner is accused of having stolen?

Witness (in a subdued tone, and with great manifest reluctance)—I cannot say there is.

Counsel (assuming a most indignant air)—  
And so, Sir, you would have the hardihood to come here and take away, not only the character, but the life,\* of the unfortunate young man at the bar, on your fancied superior knowledge of the identity—judging, too, only from the mere quality and texture of the article—of the piece which was stolen.

The witness held down his head, and uttered not a word.

“ And so, gentlemen,” turning to the jury ;  
“ and so, gentlemen, this is the way that innocent men often suffer from the ignorance of witnesses who have an overweening conceit of their own supposed superior knowledge. Is it necessary, gentlemen, that I should proceed further with this case? Or do you not think with me, that the witness, the only one called to speak to the question of identity, having so signally failed in the attempt to establish that identity,—it would only be an unnecessary waste of the time of the court, as well as of your own,

\* The offence was at that time capital.

gentlemen, to proceed one step further with the matter ?”

The jury at once expressed their concurrence in the view of the case taken by the counsel for the prisoner, and in the next breath returned a verdict of acquittal.

In my introductory chapter, I adverted to the fact of many legal gentlemen sitting quite quietly, if not contentedly, day after day, and month after month, in court, without ever having their vision regaled with the sight of a single brief. There are others, again, who, though not briefless altogether, are within a few degrees of it. I know one learned gentleman whose business as a barrister is confined to one case. In that case he had been retained—if the word be not in the peculiar circumstances a misnomer—for several years past. He moved in it once every year, with the regularity of the seasons. His client, somehow or other, incurred the high displeasure of one of the courts, in consequence of doing something which was construed into a contempt of it. The party

had for some years been suffering the penalty of that contempt in one of our prisons; and the duty of the learned gentleman, was to move once a year for the liberation of his client, and to make the best speech he could in support of his motion. This he does with the greatest possible pomp and parade,—just as if he were the most distinguished lawyer of the age, and as if he had the largest practice in Westminster Hall. The other counsel are quite delighted as every revolving year brings round the great field-day. Whether the speech of the learned gentleman, as well as the case and his motion, be the same, I am not able to say; but the consequential way in which he goes to work, and the array of authorities with which he supports his argument, have procured for him, among his brethren of the bar, the *sobriquet* of “the Learned Gentleman.” I have often heard of men of one idea, and still more frequently of lawyers who never rejoiced in a brief; but this is the first time I have heard of a barrister with one, and only one case.

But even a speech once a year, if a good one,



is not to be thought lightly of. In the course of the preceding sketches, I have had occasion to refer to instances in which men who for years had never had an opportunity of making a speech at all, because during all that time they had never been retained in any case,—have, by one happy forensic effort, paved the way for future eminence and success of the most distinguished kind. Need I again refer my readers, in illustration of this, to the case of Lord Eldon? Even out of doors a single speech has often led to most important results to the orator. There is now a well-known counsel practising in a certain court in London, but who is very seldom seen in Westminster Hall, who had been induced by mere accident to make a speech at a religious public meeting in a county town; and so great was the impression it made on the heart of a young lady who was present, that she became all at once enamoured of the speaker. An introduction followed; and that was soon succeeded by the marriage of the gentleman to the fair admirer of his oratory and of himself; and as the lady had a large fortune, the case

may be justly referred to as illustrative of the important results to which even a single speech may sometimes lead.

I adverted in my first chapter to the fact of the names of vast numbers of gentlemen who have been duly called to the bar, appearing in the law list, who are never seen in Westminster Hall, or in any other court of law. Many of those gentlemen have gone through the requisite course of studies for the bar, with no other view than that of acquiring a certain status in society by being called barristers. Others again have made an effort in early life to obtain employment as counsel, but failing in the attempt, have abjured the legal profession, and applied themselves to other pursuits. A great many of our most distinguished literary men are members of the bar, although their names are, either altogether or almost, unknown in connexion with the powdered wig and ample gown. I may mention among these, the late Sir John Sinclair; Sir Egerton Brydges, who died a few weeks since; Mr. Hallam, author of the "Middle Ages;"

and Mr. Lockhart, editor of the "Quarterly Review."

The House of Commons is full of barristers, though in most cases unknown as such. Among the number may be mentioned Mr. Abercromby, the present Speaker; Mr. Cutlar Ferguson; Mr. C. W. W. Wynn; Mr. Tennyson D'Eyncourt; Mr. Bernal, chairman of committees; Sir George Strickland; Mr. Yates Peel, brother of Sir Robert Peel; Sir Robert Inglis; Mr. Shaw Lefevre; Mr. Francis Baring; Mr. Maclean; and Sir George Grey. I may here mention that the late Speaker of the House of Commons, now Lord Canterbury, was also brought up to the bar.

Among the present cabinet ministers, two of the best known, studied for the English bar, and at one time intended to make it their regular profession, though circumstances occurred to make them change their intentions. I allude to Lord Melbourne himself, and to Lord Glenelg. Lord Auckland also, lately a member of the ministry, was brought up to the bar; so was Lord

Sidmouth, so long a member of the Liverpool administration.

The ranks even of the church have been recruited from the bar. There are now about thirty of her clergy who were regularly called to the bar, but who, on opportunities presenting themselves for entering the sacred office, unhesitatingly exchanged the courts of law for the altar and the pulpit. Two of these reverend gentlemen belong to noble families. I allude to the Hon. and Rev. Dr. Bernard, brother to the Earl of Bandon, and to the Hon. and Rev. Marmaduke Langley, brother to Viscount Downe.

In Westminster Hall there are always a greater or less number of eccentric characters. I believe there are fewer at present than at any former period within the recollection of the oldest practitioner there. The late Mr. Serjeant Cockell, for many years the great antagonist of Mr. Law, afterwards Lord Ellenborough, had many peculiarities about him. He was particularly addicted to good-fellowship, and would spend night after night without going to bed at

all, if he met with kindred spirits. How he managed to make himself acquainted with the merits of the cases intrusted to him, when, after spending the whole day in court, he passed the whole night in boon-companionship, was the surprise of the whole bar and yet no client ever had to complain of injustice being done to his case. The fact was only to be accounted for by the circumstance of his being a man of a singularly ready mind, conjoined with the possession of a most retentive memory. Some barristers still living, who knew him well, relate various anecdotes illustrative of the alarm he sometimes caused to his clients, when they found that, for some days before their case was to be brought under the consideration of the court, he had been living in the way I have described. For one such anecdote, I am indebted to the appendix to a small poetical squib on the then leading counsel in Westminster Hall, published ten or twelve years since. "In a cause," says the writer, "of great importance and magnitude, which was tried at York, Mr. Serjeant Cockell was leading

counsel for one of the parties. On the evening preceding the trial, a consultation was held at his lodgings, at which, to the great consternation of the attorney by whom he was retained, the learned serjeant was 'too far gone' to talk about business. The attorney was presently prepared to take his departure, under the impression that the case would inevitably be lost. 'It will be all right,' hiccupped the learned serjeant, as he observed the horror and despair which were depicted in the poor attorney's face; 'it will be all right to-morrow; leave it to me.' The attorney was confounded as to what course he ought to adopt. It was too late to employ another counsel, and professional etiquette, besides, forbade the idea. He was accordingly obliged to leave the case in Serjeant Cockell's hands, and to trust to chance. The latter sent for the junior counsel in the cause, and got from him the leading points in it. He then resumed his debauch, and continued it to a late hour on the following morning. He then dipped a napkin into cold water, and tying it in its wet state round his head, threw himself down on his



bed, when, having slept for two or three hours, he rose 'quite himself again.' When the court opened, he was ready with his usual good looks and presence of mind. He then went on with the cause, which lasted the whole day, and to the great surprise and satisfaction of the quaking attorney and his client, succeeded in getting a verdict; and it was remarked, that he never distinguished himself more than on that memorable occasion."

Though I have more than once alluded in the course of this work, to the proverbial gravity of our judges, I have at the same time shown that there are several of those who now sit on the bench who are particularly partial to a pun, when they can either perpetrate one, or fancy they can do so. That Lord Abinger should avail himself of any opportunity which is presented to him of having his joke, will surprise no one who has seen his ever-smiling countenance; but it will surprise those who have seen the singularly serious aspect of Lord Eldon's face when presiding in the Court of Chancery, and who have, as almost every one has, associated in their



own minds the most imperturbable gravity with the very constitution of his lordship,—to learn that no judge of his day displayed a more marked partiality towards anything witty, when it came from himself, than did that venerable and learned lord. He could not, however, endure the thought of any one else attempting a joke in the Court of Chancery. He seemed to fancy that if a smile was, for the sake of variety, to be indulged in there, he himself must be its author, in so far as regarded the cause. He could in this respect bear no rival near the throne. And it is but justice to Lord Eldon to say, that some of his witticisms were rather happy. To this trait in his lordship's character I did not allude in my sketch of him, because I thought that the specimens of his wit or puns—for I really do not know which in this case is the best word—which I intended to give, might be introduced with greater propriety in the concluding chapter of the work, than in the sketch itself of the noble and learned lord. For the following specimens I am indebted to the appendix to the

small poetical satire on the bar, to which I have before referred. It may be right to observe, that I give them without any other alteration than that of changing the phraseology in one or two instances, so as to make the parties speak in the first person. The first case related to an injunction moved for by a Mr. Metcalfe against a Mr. Thompson, for the invasion of the rights conferred by a patent. The case was brought before the court in the form of a motion for an injunction to restrain the defendant from selling brushes of the particular kind specified. But there is the case as it appears reported :

Plaintiff has a patent for hair brushes of a particular sort ; defendant was selling, without license, brushes of the same sort. No counsel appearing for the plaintiff, the Lord Chancellor observed—“ This injunction must *be brushed off*, unless some counsel be soon here to support it.”

Counsel for the plaintiff having immediately afterwards made his appearance, Sir Samuel Romilly, who was retained for the defendant,

produced a brush, which had been used by a wig-maker for above twenty years, which was exactly the same as the patent brush.

Lord Eldon—Is it a *fox's* brush.\* (The owner of the brush was named Fox.)

Sir Samuel Romilly—It is, my Lord.

Lord Eldon—Show me the brushes.

Here four head-brushes, one long broom, one three-buckle brush, and three clothes-brushes, were handed up to his lordship. Nothing was heard but peals of laughter. The only two grave persons in the court were Messrs. Metcalfe and Thompson.

Sir Samuel Romilly—Now, my Lord, ingenious as the construction of these patent brushes

\* Punning, or rather the attempt to pun, is contagious. See how soon Mr. Treslove, who is still a Chancery barrister, was infected with the desire to show off his wit, after Lord Eldon had begun the thing. See also, in proof of what I have said of his lordship's dislike to any rivalry in the accomplishment, if so it is to be called, of punning, how promptly he pounces on Mr. Treslove's name, and makes it the subject of his puns.

may be, your Lordship will find that it is exactly the same as this brush of my friend Fox, which has been used for thirty years.

Lord Eldon—Hand me up this *old Fox's* wig ; really this antique looks uncommonly well.

Mr. Treslove—Your Lordship will see, by looking at it, that it is the same *to a hair* as the patentee's brush ; only they look a little fresher.

Lord Eldon—That is, Mr. *Tress-love*, because they are younger. I have examined this old brush, and I see it is a curiosity of the kind ; but when you and I get as old, and our *tresses* have been well worn, we shall perhaps look as antique.

Mr. Treslove—My Lord, I advised my client not to show his brush.

Lord Eldon—Then I must say, that you being a *pursuer*, were *at fault* there ; for if an injunction is granted by this court the article on which such an injunction is granted must be lodged with the Master. I remember, in a case of waste, that a person actually *fixed an oak-tree* to an affidavit he had made, to show the

court of what nature the trees in question were.

The above humorous sallies of his Lordship were greeted with peals of laughter from the bar. It must be admitted that they were happy and well-sustained. Mr. Hood himself, indeed, would, I am sure, not be ashamed of some of them, if they had been his offspring. Another case came before the Court of Chancery several years ago, which afforded his Lordship some good opportunities for indulging his punning propensities; and he availed himself of those opportunities with becoming readiness. To what account he turned them will be inferred from what follows. The case was brought at the instance of Messrs. Sherwood and Co., the well-known publishers in Paternoster Row, against Pierce Egan. It was in the shape of an injunction, to restrain the defendant from publishing an additional volume of a work called "The Boxiana."

When the motion was made, his Lordship observed—"I have often heard of boxers being in

*Chancery.*" (This is a phrase made use of when one of the pugilists gets the head of his opponent fast under his left arm.)

Mr. Shadwell\* stated the case.

Lord Eldon—Have you got any affidavit, or are you going upon what is called *the fancy*?

Mr. Shadwell — I have an affidavit, my Lord.

After some discussion, his Lordship, addressing himself to Mr. Egan, said—"Can you not alter your title-page?"

Mr. Egan—I can, my Lord, and though the learned counsel has been very *striking* in his address, yet he will not be able, after all, to *make a hit*.

Lord Eldon—Well, but I really think, Mr. Egan, that with a little alteration in your title-page, you may *hit* Mr. Shadwell fairly out of court.

These puns were all tolerably good, and excited a great deal of merriment in the court; but even had they been the worst it were possible to perpetrate, they would have met with at least a *seemingly* gracious reception from

\* The present Vice-Chancellor.

the bar; for counsel make a *point* of laughing, or at any rate attempting to laugh, at anything which comes from the bench, which either is, or is intended by its author to be, witty. They fancy that by affecting to admire, if they do not in reality, the witty sallies of the occupiers of the judicial seat, they thereby stand a chance of ingratiating themselves with the bench; a consummation very devoutly to be wished, both on their own and their clients' account. I have never seen a unanimous effort made by the counsel, to manufacture a laugh, by way of visible pretended admiration of the cleverness of "his lordship," without recalling to mind my own school-boy days, when all the pupils vied with each other as to who should greet any witticism, perpetrated by the pedagogue, with the best laugh, in the hope of averting corporal punishment,—which was at that time quite in vogue in all the grammar-schools. In most of the courts at Westminster Hall, but especially in the Court of Chancery, it is a treat of no ordinary kind to see a simultaneous effort made by the bar, to greet with a good laugh



any witticism from the bench. Any one would at once come to the conclusion that there was hardly a person among the number who was used to the laughing mood. Anything more clumsily performed than some of the exhibitions made by counsel in this way, it were impossible to conceive. Some of the physiognomies of the learned gentlemen present on such occasions an aspect indescribably odd. The mortal struggle between their habitual gravity of expression, and the wish to impart to their faces a laughing appearance for the moment, has an irresistibly droll effect on the spectator. I have frequently wished on such occasions that Hogarth had been alive and present. He would, I am convinced, in that case have produced a picture which would have thrown all the other productions of his pencil into the shade.

The profession of the law, more, perhaps, than any other profession that could be named, has a tendency to blunt the better susceptibilities and to deaden the kindlier sympathies of human nature. Still there are many exceptions to the rule. There are now, as there always have been,

various gentlemen belonging to the profession, whose hearts are as deeply imbued with the kindlier feelings of our common nature, and whose manners are as mild and engaging, as when they first entered a court of law. In the course of my sketches of the members of the bar, I have glanced at various instances of this. Need I again refer to the cases of Sir William Follett and Mr. Serjeant Talfourd, as two out of many? On the bench, also, there are at present instances of the same kind. But perhaps the most striking habitual display of humane feeling, blended with mildness of manners, which has been witnessed in modern times, was in the case of Mr. Justice Bayley, who retired a few years since from the Court of King's Bench. Considering the station he filled, this excellent man and distinguished judge may be said to have conferred an honour on human nature. He was scarcely ever known to have passed the sentence of death on a fellow-creature (and it was his duty to pass such a sentence on hundreds) without shedding tears for the unhappy party. This amiable and humane man is still living. His

public and private conduct has always shown how deeply his mind has been, from early life, imbued with the spirit of the christian religion. His devotional frame of mind induced him, some years since—and this amidst all the bustle and business of a public life—to publish an edition of the book of Common Prayer, with notes by himself. The same feeling of piety led him to remark to a friend, long after he had occupied a seat in the Court of King's Bench, that he would much rather be a country clergyman, with a small vicarage, than Lord Chief Justice of that court.

Before concluding it may be proper to mention, that there are various gentlemen of distinction belonging to the bar, who occasionally visit the courts of law in their professional capacity, but not with such frequency as would have justified a notice of them, as barristers, in a work of this nature. Mr. Horace Twiss, late member for Bridport, is one of the gentlemen to whom I refer. Mr. Roebuck, member for Bath, is another; and Mr. Charles Buller, the representative of the electors of Liskeard, is a third.

I could name many others who are similarly circumstanced, but it is unnecessary. Had my work embraced those barristers who are in the same situation as the gentlemen whose names I have mentioned, it must have been extended to a very inconvenient size. I have confined myself to professional men who possess a greater or less measure of reputation as barristers, and who are in the habit of regularly attending in our courts of law.

It may be also right to state, that the subjects of my sketches are restricted not only to barristers of some standing in their profession, but that they are confined to those who are in the habit of practising in the courts at Westminster Hall. Had I taken a wider range, I must have embraced the gentlemen who practise in the Ecclesiastical Courts, and at the Central Criminal Courts, Old Bailey. This would have afforded me some excellent subjects; but it would have given to the work somewhat of a heterogeneous character. In the Ecclesiastical Courts, I should have had for subjects, such men as Drs. Dodson, Lushington, Addams, Phillimore, &c. Had

I taken up the barristers in the Old Bailey, I should have had Mr. Charles Phillips, Mr. Clarkson, Mr. Adolphus, Mr. Bodkin, and others; each of whom would have afforded abundant materials for a sketch. But, for the reasons I have stated, I have thought it better to pass over these gentlemen in my present work, though it is very probable I may avail myself of some other opportunity of giving notices of them.

I cannot conclude these volumes without adverting to the fact, that true eloquence has, of late years, most grievously declined at the English bar. I am not sure whether there be not now a greater number of sound lawyers in Westminster Hall, than at any former period; but surely, no one who knows anything of the subject will pretend that, in point of genuine eloquence, the bar of the present day can admit of a moment's comparison with that of a former period. At present I know of no master-spirit in Westminster Hall. We look in vain for an Erskine or a Brougham; we look in vain in our courts of law even for such men as but

lately conferred a lustre on Scotland and Ireland, by the brilliancy of their forensic displays in either country. We cannot boast either of a Jeffrey or of an O'Connell. Whence is this? What is the cause of this decline in the true eloquence of the English bar. I have heard various reasons assigned for it; but I cannot concur in any one which has yet been mentioned to me. The most common hypothesis is, that there is now a greater number of cases before our courts, and that consequently those barristers who possess the greatest abilities are retained in so many cases, that they are, to a certain extent, obliged to make their forensic exhibitions a matter of mere business; which it is said, precludes that attention to their matter and style, which is indispensable to the loftiest order of eloquence. I cannot see any force in this. If such were the case, how happens it that none of the junior counsel, whose minds are not distracted by an accumulation of business, give no indications, in any of their efforts, of the possession of true eloquence? Besides,



the most successful and most celebrated lawyers at present in Westminster Hall, did not leap into an overpowering business at once. Many of them remained for years unknown to public fame, after being called to the bar. Why did not they distinguish themselves by eloquence and oratory of a commanding order, before their minds were distracted by the multiplicity and extent of their professional business? The simple answer is, that none of them have possessed, any more than they now display, of the higher attributes of genius. My own decided opinion is, that adventitious circumstances of any kind have nothing to do with that dearth of genuine eloquence which is so manifest in most of the forensic efforts of the present members of the bar. I am satisfied that the real cause is to be found in the absence of the higher order of genius, and in nothing else. Wherever there is this order of genius, it will rise superior to all accidental circumstances; its innate energy will overcome every obstacle which would oppose its manifestation, and cause it to burst forth on an



astonished and admiring world. If there were any incipient Erskines or Broughams in Westminster Hall at present, the light of their genius would soon break out in their oratory, in all its dazzling splendour.

It is worthy of observation, that there is at the present time, and has been for a number of years, the same dearth of genuine eloquence or oratory—for in this case I regard the terms as synonymous—in the legislature as at the bar. We have no Fox among the present members of the House of Commons—none that can for a moment be compared with the Burkes, or Sheridans, or Pitts, or Cannings, who night after night were formerly in the habit of entrancing that body by the splendours of their eloquence. And this dearth, or rather utter absence, of eloquence of the higher order, in the House of Commons, is doubtless to be ascribed to the same cause as that by which I have endeavoured to account for its non-existence at the bar,—namely, the fact of there being no master spirits in that House at the present time. Whether or not the late elections have returned some oratorical

NOTE. GENERAL REMARKS, &c.

PERSEUS, of the first magnitude, though hitherto  
rare and capricious, is one of those points which  
the clock can determine.

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