

JOHN WILLIAM SMITH—SKETCH OF HIS LIFE.

As a law lecturer, Mr. Smith won great distinction. "He had a great talent," says one of his biographers, "for communicating elementary information; and even the most ignorant and stolid of his listeners could scarcely avoid understanding his simple and lucid explanations of legal principles." One series of his lectures on "Contracts" was published after his death, and though never designed nor prepared for publication, they may be justly regarded as models of a lucid and concise exposition of the subject.

His "Leading Cases" was, however, the key that opened the gate to fortune, and business began to come to him. The leaders of the Oxford circuit took every occasion to name him as arbitrator when the more important cases at the assizes were agreed to be so disposed of, and he invariably gave the highest satisfaction to both parties. Shortly, he made his way to a large and important junior business on circuit, and "few cases of great importance were tried in which Mr. Smith was not early engaged, and the entire conduct of the cause, up to the hour of trial, confidently intrusted to his masterly management." Mr. Warren pronounced him, without exception, one of the ablest *pleaders* that he ever came in contact with. He seldom used precedents (often observing that "no man who understood his business needed them, except in very special occasions"); but he seldom erred even in merely formal matters, while he was quick to detect any inaccuracy on the part of his opponent. Of his manner in court Mr. Warren says: "When he rose to speak his manner was formal and solemn, even to a degree of eccentricity, calculated to provoke a smile from the hearers. His voice was rather loud and hard, his features were inflexible, his utterance was exceedingly deliberate, and his language precise and elaborate. His motions were very slight, and, such as he had, ungraceful; for he would stand with his right arm a little raised and his hand hanging down passively by his side for a long time together, except when a slight verbal motion appeared—he the while unconscious of the indication—to show that he was uttering what he considered very material." But his great ambition was to have a first-class pleading business, and so rapidly was it gratified that in 1843 he

was compelled to resign his lectureship at the Law Institute.

His success was, however, his destruction, for his unflagging devotion to business undermined a constitution never very vigorous, and consumption set in.

During the last three or four years of his life he was rarely in bed before two and sometimes three, and even four o'clock, having, nevertheless, to be at Westminster or Guildhall by half-past nine or ten in the morning.

In 1844 his physician pronounced his disease incurable, and that his death was only a matter of months, but he never flagged in his attention to business. In 1845 he went to the spring circuit, being retained in some of the heaviest causes. In July he appeared for the last time in the court of Exchequer, and he remarked to a friend, afterward, "The judges must have thought me talking great nonsense; I was so weak that it was with very great difficulty I could keep from dropping down, for my legs trembled under me all the time violently, and now and then I seemed to lose sight of the judges." Yet, there was no failing of the mind, and his argument on the occasion was "distinguished by his usual accuracy, clearness and force of reasoning." A couple of months later—weaker and near the end—he said, "I have none to thank but myself; I have killed myself by going the last circuit, but I could not resist some tempting briefs which awaited me." But even then he *would* work, though unable to sit up; and he worked over his briefs, cases and pleadings with an attention and devotion that could have come from nothing but love for the labor. Even on the morning of his death when, as he said, he heard "strange human voices speaking to him intelligibly," he dictated "not only an appropriate, but a correct and able opinion on a case of considerable difficulty." But the wasted lamp could not longer hold out to burn, and on the 17th of December, 1845, in the thirty-seventh year of his age, John William Smith died. It was his desire to be buried in the little burying ground of the Temple Church, but the Benchers, though anxious to fulfil his wish, could not comply, and he was interred at Kensal Green. A little stone at the head of the grave gives his name, age and profession, and the day of his death. A more pretentious tablet of white marble,