

## FOSS AND HIS "BIOGRAPHIA JURIDICA."

dote of Baron Powys, who retired from the Bench at the age of seventy-eight in 1726. The biographer says:—

"With moderate intellectual powers, he filled his office with average credit, but was commonly laughed at by the bar for commencing his judgments with 'I humbly conceive,' and enforcing his arguments with 'Look, do you see.' He is the reputed victim of Philip Yorke's badinage who, dining with the judge, and being pressed to name the subject of the work which he had jokingly said he was about to publish, stated that it was a poetical version of Coke upon Lyttleton. As nothing would satisfy Sir Littleton (the Baron) but a specimen of the composition, Yorke gravely recited,—

"He that holdeth his lands in fee  
Need neither to shake nor to shiver,  
I humbly conceive; for look, do you see,  
They are his and his heirs' for ever."

We might here have introduced the judgment of Sir John Pratt about the woman and her settlement, reported and preserved in a catch with which our readers are familiar.

Of Sir Thomas Richardson, who was appointed Chief Justice of the Common Pleas in 1626, it is said that while attending at the Assizes at Salisbury, a prisoner, whom he had condemned to death for some felony, threw a brickbat at his head; but, stooping at the time, it only knocked off his hat. On his friends congratulating him on his escape he said, 'You see, now, if I had been an *upright* judge I had been slain.' The additional punishment upon this offender is thus curiously recorded by Chief Justice Treby, in the margin of Dyer's Reports (p. 188, b):—'Richardson, C. J. de C. B. at Assizes at Salisbury in Summer 1631, fuit assault per Prisoner la condamne pur Felony;—que puis son condemnation ject un Brickbat a le dit Justice, que narrowly mist. Et pur ceo immediately fuit Indictment drawn pur Noy envers le Prisoner, et son dexter manus ampute et fixe al Gibbet, sur que luy mesme immediatement hange in presence de Court.'

Justice Shelley, in the sixteenth century, seems to have been somewhat of a humourist on the Bench. In a case which he thought overlaboured beyond its merits he compared it to a Banbury cheese, which is worth little in substance when the parings are cut off; for so this

case, said he, 'is brief, if the superfluous trifling which is on the pleadings be taken away.'

Chief Justice Tindal greatly enjoyed a joke. It is related that:—

"One of the learned serjeants coming too late for dinner at the Serjeants' Inn Hall found no place left for him. While waiting for a seat, 'How now,' said the Chief Justice, 'what's the matter, brother? You look like an outstanding term that's unsatisfied.' Of another serjeant he was asked whether he thought him a *sound* lawyer. 'Well, sir,' said he, 'you raise a doubtful point, whether *roaring* is unsoundness.' When another stormy leader was addressing a jury in the civil court at Buckingham, he spoke so loud that the Chief Justice, who was delivering his charge in the Criminal Court, enquired what that noise was. On being informed that Serjeant — was opening a case, 'Very well,' said he, 'since Brother — is *opening*, I must *shut up*,' and immediately ordered the doors between the two courts to be closed. The following, though not strictly professional, will perhaps be deemed quite as good. When Lady Rolle, on her husband's death, refused to let the hounds go out, a learned serjeant asked the Chief Justice whether there would be any harm if they were allowed to do so with a piece of crape round their necks. 'I can hardly think,' said Sir Nicholas, 'that even the crape is necessary; it ought surely to have been sufficient that they were in *full cry*.'

In days of yore dissipation was carried on to an alarming extent among the upper classes, and many of the brightest luminaries at the bar and on the bench were votaries to the prevailing vice. The last four of the Chief Justices of the King's Bench in the reign of Charles II, Scroggs, Pemberton, Francis, and Jeffreys, may be cited as remarkable proofs of the general profligacy of the period. The Bishop of Salisbury, author of the 'History of the Reformation,' seeing his son, afterwards a Justice of the Common Pleas, who was then leading a dissolute life, uncommonly grave, asked him the subject of his thoughts. 'A greater work,' replied he, 'than your lordship's "History of the Reformation."' 'What is that, Tom?' 'My own reformation, my lord.' The bishop expressed his pleasure, but at the same time his despair of it.