

FOSS AND HIS "BIOGRAPHIA JURIDICA."

"And, whereas it hath been heretofore agreed between my good and kind brother Warburton and myself that the survivor of us twayne should have the other's best scarlet robes, now I do will that my said good brother Warburton shall have the choice of either of my scarlet robes, and he to take that shall best like him, praying him that as he hath been a good and kind brother unto me so he will be a good and kind friend to my children."

A good deal is said about the Circuits and the Courts which cannot be here noted. Suffice it to say that in those days the Criminal and Common Law Courts were, in a sanitary point of view, much worse than they are at the present time, bad as some of them are. In 1750 the Black Sessions of the Old Bailey, at which an unusually large number of prisoners were arraigned, and a great concourse of persons assembled, no less than forty persons met with their death, among whom were Justice Abney, Baron Clarke, Sir Samuel Pennant, the Lord Mayor, Sir Daniel Lambert, and several of the counsel and jurymen. At the Summer Assizes at Bedford, at the trial of one Jenkes, "a scurvy, foul-mouthed bookseller," for scandalous words uttered against the Queen, every person in court was seized with such a malady, arising, it was believed, from the stench of the prisoners, that they all died within forty days to the number of three hundred. Among the victims were Chief Baron Bell, Serjeant Barham, and other lawyers and several gentlemen of the county.

In concluding our notice of this interesting volume, we give from the preface of the work a short account of the life of the author, who died while it was in the press:—

"Edward Foss, the eldest son of Edward Smith Foss and Anne, daughter of Dr. William Rose, of Chiswick, was born in Gough-square, Fleet-street, October 16, 1787. He was educated under Dr. Burney, at Greenwich, and in 1804 was articulated to his father, who was a solicitor in Essex-street, Strand. In 1811 he became a partner, and on his father's death, in 1830, he succeeded to the whole business, which he carried on with a high reputation for ability and integrity. In 1827-8, when his friend Mr. Spottiswoode was one of the Sheriffs of London, he filled the office of Under-Sheriff. His profes-

sional work brought him into intercourse with most of the leading barristers of the day, so that, while he was able to turn to account his observation of the judges who then occupied the Bench, he could speak from nearer personal knowledge of many who, by later promotion, came to be included among the subjects of his biographical labors. In 1822 he became a member of the Inner Temple, with the intention of being called to the Bar; but he afterwards relinquished this plan, and continued to practice in his original branch of the legal profession until 1840, when he retired from business. In 1844 he removed to Canterbury. The change was one which for most men would have involved no small risk; for in too many cases it has been found that a withdrawal from a life of busy engagements to one of competence and leisure does not bring the happiness which had been expected; and so it might have been with Mr. Foss. He had little taste for country occupations or amusements; and although he took an active part in the public business of the neighborhood—among other things by acting as chairman of the Canterbury bench of magistrates, where his strong sense and his legal knowledge made his services very valuable—this was not enough to fill up his time. In his own words, he 'found that full employment was necessary to his own existence and happiness;*' and he was fortunately able to provide himself with the means of such employment. He had always felt a strong love of literature; he had already published some volumes, besides many contributions, both in prose and verse, to periodicals and newspapers; and he had early formed a project of writing the lives of all the English Judges. Through many years of busy London life he had kept this project steadily in view, and had gradually accumulated large stores of materials for carrying it into effect. These he now set himself to arrange, to complete, and to employ in composition; and the first two volumes of 'The Judges of England' were published in 1848.

"Although these volumes were at once noticed with high praise by some of the most esteemed critics, the general reception of them was not very encouraging. Lord Campbell, in his 'Lives of the

* Introduction to "Judges of England," p. xiii.