

JOHN WILLIAM SMITH—SKETCH OF HIS LIFE.

understanding and close application, he was, at the early age of twenty-two, a more thorough lawyer than most men ever are, and had become greatly skilled in that most difficult branch of English law—special pleading. After a year's pupillage, he left Mr. Blick and commenced his career as a special pleader. But admirably qualified as he was, he met with no success, having no connections and little tact to make them. Says Mr. Warren: "I question whether, during this two or three years' bitter, disheartening probation, he made more than thirty or at least forty guineas; his annual certificate for leave thus to do nothing cost him, nevertheless, \$12." But though without business, he was not idle nor disheartened, but devoted himself to laying broader and deeper the foundations of a splendid legal knowledge. Warren and Phillimore, and others of his associates and friends, began a little weekly periodical called the "Legal Examiner," to which he was a constant contributor, "his papers being always characterized by point and precision though the style was dry and stiff." During this time, also, he prepared and published his treatise on "Mercantile Law," which, as soon as it became known, raised him to the very highest rank of legal writers. Though the production of an unknown youth of scarcely twenty-five, it was at once accepted as high authority, not only in England but in this country, and his opinions on controverted questions have often been received in the highest judicial quarters in preference to those of learned judges, as in the case of *Tanner v Scovell*, 14 M. & W. 37.

Finally, despairing of getting business as a pleader, he determined to try his fortune at the bar, and was called in 1834, selecting the Oxford circuit. But, notwithstanding some success at the sessions, he gained no foothold at the assizes, and at one time, seriously contemplated entering the Church. He had a fondness for theological studies and was said to be remarkably well read in them.

In 1835 Mr. Warren published his "Introduction to Law Studies," in which was urged upon the student, the necessity of mastering a few "leading cases" as nuclei of future legal acquisitions. Mr. Smith at once seized upon this suggestion and conceived the idea of preparing a book under the name of "Selection of

Leading Cases." There was no work of the kind, and much learning and judgment were requisite to accomplish it successfully. He began about the middle of 1835, and published the first volume in March, 1837. The great value of the book, and the consummate ability and skill with which it had been prepared, were at once acknowledged on every side. Mr. Warren says: "Almost all the judges and the most eminent members of the bar, wrote to him in terms of warm respect and approbation." And even from this side of the Atlantic did he receive high commendation, for Mr. Justice Story wrote him: "I consider your work among the most valuable additions to judicial literature which have appeared for many years. The 'Notes' are excellent, and set forth the leading principles of the various cases in the most satisfactory form, with an accuracy and nicety of discrimination equally honorable to you and our common profession. I know not, indeed, if any work can be found which more perfectly accomplishes the purpose of the authors."

The demand for the work was so great that he at once set to work on the second volume, and succeeded by great energy and industry in bringing out the first part of it by May, 1838, although his time was partly occupied by his duties as Common Law lecturer to the Law Institute, a position which he had accepted in November, 1837. He now met with considerable annoyance and some delay from a firm of law booksellers, the publishers of his "Mercantile Law," and to whom he had offered his "Leading Cases." Mortified at the success of a work which they had refused, they took measures to restrain its sale on the ground that the author had been guilty of piracy in selecting some few cases from "Reports," published by them, as texts for his masterly legal discussions. Mr. Smith and his publisher contested the matter with triumphant success, both before the Vice-Chancellor and Lord Chancellor.

Of the "Leading Cases" it is not necessary to speak. They are known wherever the common law of England is known and studied. They have had many imitators, especially in this country, of late years, but they stand immeasurably superior to any of their followers. Six large editions of them have been published here, and the seventh will shortly appear.