

main chance was not neglected. It is stated in Boswell's Johnson, that he solicited Strahan the printer, a countryman to get him employed in city causes; and his brother-in-law Sir Henry Erskine, procured him the patronage of Lord Bute. When a man of decided talent and good connexion does not stand on trifles, there is no necessity for speculating on the precise causes of his success.

There is hardly a surviving friend of Lord Erskine's who has not heard the history of his first lucky hit from his own lips. The author of the "Clubs of London" has undertaken to report his vory words:—

"I had scarcely a shilling in my pocket when I got my first retainer. It was sent to me by a Captain Baillie of the navy who held an office at the Board of Greenwich Hospital; and I was to show cause in the Michaelmas Term against a rule that had been obtained in the preceding Term calling on him to show cause why a criminal information for a libel, reflecting on Lord Sandwich's conduct as governor of that charity, should not be filed against him. I had met during the long vacation, this Captain Baillie at a friend's table; and after dinner I expressed myself with some warmth, probably with some eloquence, on the corruption of Lord Sandwich as first Lord of the Admiralty, and then adverted to the scandalous practice imputed to him with regard to Greenwich Hospital. Baillie nudged the person who sat next to him, and asked who I was. Being told that I had just been called to the bar, and had been formerly in the navy, Baillie exclaimed with an oath, "Then I'll have him for my counsel!" I trudged down to Westminster Hall when I got the brief, and being the junior of five who should be heard before me, never dreamt that the Court would hear me at all. The argument came on. Dunning, Bearcroft, Wallace, Bower, Hargrave were all heard at considerable length, and I was to follow. Hargrave was long-winded, and tired the Court. It was a bad omen; but, as my good fortune would have it, he was afflicted with strangury, and was obliged to retire once or twice in the course of his argument. This protracted the cause so long, that, when he had finished, Lord Mansfield said that the remaining counsel should be heard the next morning. This was exactly what I wished. I had the whole night to arrange in my chambers what I had to say the next morning, and I took the Court with their faculties awake and freshened, succeeded quite to my own satisfaction (sometimes the surest proof that you have satisfied others); and as I marched along the hall after the rising of the judges, the attorneys flocked around me with their retainers. I have since flourished, but I have always blessed God for the providential strangury of poor Hargrave."

In a more particular, and apparently more accurate, note of the same story, taken by an eminent poet, it is stated that the other counsel proposed a compromise of consultation; that Erskine stood out, and that Baillie flung his arms round his neck in a transport of grateful confidence. According to this note the number of retaining fees which Erskine said he carried home were sixty-two. Now retaining fees are usually paid to the clerk at chambers; but taking the statement to mean nothing more than that business came in very rapidly in consequence of the speech, still we must be pardoned for suggesting that the reports of the period do not bear out the supposition; and that the speech, excellent as it was, was not of the sort to win the confidence of attorneys, particularly those parts which brought him into collision with the Court. The effect in our day would strongly resemble that produced by Alan Fairford in the case of Peebles and Plainstones:—"The worst of the whole was, that six agents who had come to the separate resolution of thrusting a retaining fee into A'an's hand as he left the court, shook their heads as they returned the money into their leathern pouches, and said, 'That the lad was clever, but they would like to see more of him before they engaged him in that kind of business.'"

He was next engaged to draw up Admiral Keppel's defence, which was spoken by the Admiral. For this service he received a bank note for £1,000, which he ran off to flourish in the face of his friend Reynolds, exclaiming, "Vivâ the non-suit of cow beef!" He was employed in two or three other cases of public interest on account of his naval knowledge, and the extraordinary powers he displayed in them speedily led to a large general business. It is now acknowledged that Erskine's best quality was the one ordinary observers would give him credit for—sagacity in the conduct of a cause.

Sir William Jones made his forensic *debut* about the same time as Erskine, though according to the account given in Miss Hawkins's "Memoirs," on her brother's authority, without producing an equally favourable impression. He spoke for nearly an hour in a highly declamatory tone, and with studied action; impressing all present, who had ever heard of Cicero or Hortensius, with the belief that he had worked himself up into the notion of his being one or both of them for the occasion. Being little acquainted with the bar he spoke as a case having been argued by "one Mr. Baldwin," a gentleman in large practice sitting in the first row. This caused a titter; but the grand effect was yet to come. The case involved certain family disagreements, and he had occasion to mention a gozerness. Some wicked wag told him he had been too hard upon her; so, the day following, he rose as the judges had taken their seats, and began in the same high tone, and with both hands extended—"My Lords, I have been informed, to my inexpressible mortification and regret, that, in what I yesterday had the honour to state to your Lordships, I was understood to mean to say that Miss ——— was a harlot." He got no farther: *solvuntur risu tabulæ*; and, so soon as the judges could speak for laughing, they hastened to assure him that no impression unfavourable to Miss ———'s morals had been made upon the court. Notwithstanding this inauspicious commencement, and his fondness for literature, Jones obtained a fair share of business. His "Essay on Bailments" is considered the best written English law-book on a practical subject. None can be placed alongside of it, for style and method, except Serjeant Stephen's "Treatise on the Principles of Pleading."

Lord Ellenborough pursued the most laborious path to distinction. He practised several years as a special pleader, and joined the Northern Circuit with a formed connection. He first rose into fame by his defence of Warren Hastings, who employed him at the instance of Sir Thomas Rumbolt, a connexion of the Law family.

DIVISION COURTS.

TO CORRESPONDENTS.

All Communications on the subject of Division Courts, or having any relation to Division Courts, are in future to be addressed to "The Editors of the Law Journal, Barrie Post Office."

All other Communications are as hitherto to be addressed to "The Editors of the Law Journal, Toronto."

STAYING EXECUTIONS *EX PARTE*.

We return, to the communication of our correspondent, which has already afforded us a text for commentary, in reference to practice in the Division Courts.

Our correspondent says:—"In one county, the practice is for the Judge to stay executions in the hands of the bailiffs, without notice to the plaintiff or his agent, upon the mere *ex parte* verbal or written application of the defendant, which, I need not say, leads to great loss, inconvenience and uncertainty in the collection of debts,