

LEGAL WIT.

failed to anticipate disasters which might have been foreseen as possible in an extreme case, but which the common sense of a reasonable man must have told him were improbable.* On the other hand, the obligation to use great care is not satisfied by simply taking precautions against those dangers which are commonly regarded in the community as inevitable in the absence of such care. Thus, on the one hand, a person who is bound to take great care of property situated in the United States would not be bound to take precautions against the occurrence of an earthquake; whereas in a country where earthquakes occurred in particular districts two or three times in the year, great care might require, in respect to some kinds of property, that precautions should, if possible, be taken for its preservation even from the consequences of an earthquake; or, to take a more familiar and practical illustration, in districts which are subject to freshets, great care would require that property should be placed out of the reach of any freshet that might be considered even remotely probable, while in other districts, although such a freshet might by bare possibility occur, no one would under any circumstances be required to anticipate and provide against it.†—*American Law Review*.

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The dullness of law documents is proverbial. "As dull as a law book," is everybody's comparison; and some evil disposed persons even say, "As prosy as a lawyer." But there they are wrong; and the gentlemen of the bar have, as they usually have, the best of their lay brethren. "Bar wit" is the sharpest of wit, as any one who has enjoyed the privilege of attending a bar dinner, or any other social gathering of "attorneys and counsellors at law," will readily admit.

The profession of the law is, in England, almost more than among ourselves, the great avenue to political place, honors and emoluments. It is, in fact, the only road by which men of tact and industry, but lacking hereditary rank, may hope to arrive at once at wealth, fame, and titles. Among the men now famous in British history as government leaders and administrators, few can be found who have not studied and practiced the law; and many of the most celebrated were eminent as lawyers long before they became eminent as statesmen. But many years of briefless waiting have been,

and are, necessary ere this eminence is reached. Of Scott, afterward Lord Eldon, it was said that "he waited the exact number of years it cost to take Troy (ten), and had formed his determination to pine no longer, but leave the law, to become junior partner in a grocery business, when Providence sent an angel, in the shape of Mr. Barber, with the papers of a fat suit and a retaining fee." His first success was rapidly followed by a heavy business and prosperity which never left him till he was Lord Chancellor.

Lord Erskine was first in the navy, then in the army, for a little while a chaplain, and finally studied law. He had for some years so little to do, that when a friend met him in Westminster Hall, and congratulated him on his good looks and high spirits (which never forsook him in his most desperate straits), he replied: "I ought to look well, for I am like Lord Abinger's trees; I have nothing to do but to grow."

Thurlow, afterward Lord Chancellor, was the son of a poor curate; and for many years after he was called to the bar was wholly unknown. He had to resort to the most extraordinary expedients to pay his expenses; such as once pretending to buy a horse, riding him on trial to the next assize town, and returning him with a threat against the dealer to bring a suit against him for attempt to swindle by selling him a broken-winded hack. When he accidentally found an opening for the display of his talents, he astonished the bar and never after lacked briefs.

Kenyon was doomed, term after term, to sit on the back benches, unknown, with scarcely any chance of success. But he would not be discouraged. He studied diligently; constantly increased his knowledge of the law; and at last fortune favored him. He was not eloquent; but he had perseverance, industry, and indomitable resolution; and by these qualities raised himself (a noble example for struggling youth), step by step, from obscurity to honor—from the desk of a stingy attorney to the presidency of the first court of justice in Britain.

Pratt, afterward Lord Camden, though the son of a chief justice of the king's bench, struggled with bitter poverty for eight or nine years, and at last determined to give up the law, when a friend, to whom he had communicated his resolve, got him retained as junior counsel to himself in an important suit, and then willfully absented himself, thus throwing the entire duties of the defence on Pratt. The latter so distinguished himself, that he at once secured the admiration and the business of the court. Mr. Holroyd, afterward an eminent judge, was spoken of, when in his fortieth year, as a "rising young man." Murray, the celebrated Lord Mansfield, one of England's greatest lawyers, of whom Pope wrote that noted distich:

"Blest as thou art, with all the power of words,
So known, so honored, in the house of lords,"

* *Bowen v. N. Y. Central R. R. Co.*, 18 N. Y. 408; *Cornman v. Eastern Counties Railway Co.*, 4 H. & N. 781; *Deyo v. N. Y. Central R. R. Co.*, 34 N. Y. 9. See *Brown v. Kendall*, 6 Cush. 292; *Aldridge v. Great Western Railway Co.*, 3 M. & G. 515; *Center v. Finney*, 17 Barb. 94; *Blyth v. Birmingham Waterworks Co.*, 11 Exch. 781; *Wakeman v. Robinson*, 1 Bing. 213; *Faughan v. Taff Vale Railway Co.*, 5 H. & N. 679; *Philadelphia & Reading R. R. Co. v. Yeiser*, 8 Penn. St. 366; *Boland v. Missouri R. R. Co.*, 36 Mo. 484; *Dyggert v. Bridge*, 8 Wend. 469; *Sawyer v. Hannibal, &c., R. R. Co.*, 37 Mo. 240.

† *Withers v. North Kent Railway Co.*, 3 H. & N. (American ed.) 969. Compare *Brehm v. Great Western Railway Co.*, 34 Barb. 256.