

Hen. V. fo. 5, pl. 26), he was only keeping up the tradition of the Bench. Counsel swear by St. Nicholas, which has an appropriateness of its own (21 & 22 Ed. 1 Br. Chr. 31, iv. 480).

“A good and virtuous nature may recoil  
In an imperial charge,”

says Shakespeare in “Macbeth.” The justices felt that they represented the King’s person and were naturally inclined to be a little absolute in swearing and laying down the law. Cases did not then embarrass them. “Never mind your instances,” says Meetingham, J. to counsel who was citing some previous decision. (20 & 21 Ed. 1. Br. Chr. 31, iv. 80.) Here is a little scene, suggestive of the Court in *Bardell v. Pickwick* :—

Berriwick, J., (to the Sheriff).—“How is it you have attached these people without warrant? For every suit is commenced by finding pledges, and you have attached though he did not find pledges.”

The Sheriff—“Sir, it was by your own orders.”

(Mem. by reporter)—“If it had not been, the Sheriff would have been grievously amerced. Therefore take heed.” (21 & 22 Ed. 1. Br. Chr. 31, iv.)

On another occasion a jury was shuffling, on a question of legitimacy.

Rouberry, J., (to the Assize)—“You shall tell us in another way how he was next heir, or you shall remain shut up without eating or drinking until to-morrow morning.” (21 & 22 Ed. 1. Br. Chr. 31, iv. 272.) This quickly brought the right answer.

Counsel do not escape unscathed.

Hertford, J., (to counsel)—“You do bad service to your client. You only take care to get to an averment. You have pleaded badly.” This must have been trying for poor Mr. Phunky. The following is more racy. In a writ of *Monstravit de Compoto*, &c., Hampone (counsel) begins in this seemingly inoffensive manner: “Whereas he supposes by his writ that he has nothing whereby he may be summoned or attached to render this account, we tell you that he has assets in T:” etc.

Hengham, J.—“Stop your noise (*lessez vostre noyse*) and deliver yourself from this account, and afterwards go to the Chancery and purchase a writ of deceit, and consider this henceforth as a general rule.” (30 & 31 Ed. 1. Br. Chr. 31, V. 6.) Let us hope this last statement was lucid to the practitioner of the day.