

Majestic Theatre

— ON —
Monday, Tuesday and Wednesday

Another Superb Screen Sensation by the brilliant creator of "Male and Female" and "Why Change Your Wife."—CECIL B. DEMILLE.

"Something to Think About"

A tale of green leaves and gay streets, of blind youth and grim reckoning; of love, luxury, beauty—and something else that never before has appeared in a Motion Picture.
Another Big Paramount Picture

Thursday Another Big Paramount Picture



Thistledown Frae Scotland.

(Contributed.)

TWENTY BENCH AND BAR.

I wish to make an explanation of the meaning of the Scotch word Hamesucken (see Telegram of Saturday last) as applied to the law of Scotland. Lord Eskgrove, of the High Court of Edinburgh, having to condemn two or three persons to death, explained the various crimes for which they were tried, viz., assault, robbery, and hamesucken, of which last he gave them the etymology. Hamesucken, in Scotch law, is the crime of maliciously assaulting a person in his own house the assailant having entered the house with a view to commit the assault. Till 1837 hamesucken was a capital offence. John Clerk (1757-1832) Lord Eldon, Scottish Judge, son of John Clerk of Eldin, became an advocate (1785), solicitor-general of Scotland (1806), and a Lord of Session (1822), when he assumed the title of Lord Eldin. There has been no more famous legal notability in Scotland than John Clerk of Eldin. Afterwards Lord Eldin, when Lord Meadowbank was yet Mr. Macdonochie, he one day approached his facetious professional brother Clerk, and after telling him that he had prospects of being raised to the bench, asked him to suggest what title he should adopt. "I'd Preserve Us!" said Clerk, and moved off. When pleading before the same learned senator, after he had assumed the judicial title of Lord Meadowbank, it was suggested to Clerk by his Lordship that in the legal document which he had submitted to the Court he might have varied the frequently recurring expression "also," by the occasional use of "likewise."

"I beg your pardon, my lord," said Clerk, "but the terms are not always synonymous."

"In every case," retorted Meadowbank, gruffly, Clerk still dismounted. "Then cite an instance," demanded the judge.

"Well," remarked Clerk, doubtless chuckling inwardly the while, "your Lordship's father was a Judge of Session, you are a Judge of Session also, but not like-wise."

Clerk's ready wit helped him well on many an occasion. In pleading, he frequently dropped into broad Scotch, and once when arguing a Scotch appeal case before the House of Lords, in which his client claimed the use of a mill-stream by a prescriptive right, he contended that "the water had run that way for forty years."

"Indeed," argued Clerk, "nobody knows how long, and why should my client now be deprived of the water?"

The Chancellor, much amused at the pronunciation of the Scottish advocate, in a rather bantering tone, asked: "Mr. Clerk, do you spell water in Scotland with two t's?"

Nettled at this hit at his national tongue, Clerk immediately replied: "No, my Lord, we dinna spell water in Scotland with two t's but we spell manners in Scotland with two n's."

On one occasion, when he had been pleading a case before Lord Hermand, already mentioned, after he had finished and sat down to receive judgement his Lordship took up the case rather warmly, and when in the heat of an excited harangue, the saliva from his lips was spurted in the face of the sarcastic advocate.

"I have often heard o' the dew's o' Hermand," remarked Clerk, "but I never felt them before."

Mr. James Wolfe-Murray became a Judge of the Court of Session, under the title of Lord Cringletie. When he was appointed, doubts were expressed by some as to his legal requirements, and Clerk expressed his view in the following clever epigram:

"Necessity and Cringletie
Are fitted to a title;
Necessity has nae law,
Cringletie has as little."

When in his sixty-fifth year he was raised to the Bench, Clerk took the title of Lord Eldin, from his family estate. Some one remarked to him that his title nearly resembled that of the Lord Chancellor Eldon.

"The difference," said he, "is all in my eye (I)."

Clerk had a halt in his gait, and when passing along on the street one day, he overheard a lady remark to a friend: "That's John Clerk, the lame lawyer."

"He was about in a minute."

"No, madam," said he, "I am a lame man, but not a lame lawyer."

Quite right, also, but not likewise.

Another out-of-doors story in connection with this witty advocate refers to an occasion when he had been dining rather freely at the house of a friend in Queen St., Edinburgh. Wending his way homewards "early in morning, merrily, o," he failed to discover his own house in Picardy Place, and observing a housemaid busily engaged in cleaning a doorstep, "My good girl," says he, "can you tell me whaur John Clerk lives?"

"Awa! wi' yer nonsense," exclaimed the astonished girl, "you're John Clerk himsel'."

"That's true enough, lassie," said he, "but it's no John Clerk I'm seeking for, it's John Clerk's house."

Sir James Colquhoun, Bart. of Luss, Principal Clerk of Session, was one of the old characters of his time, and was much teased by the wags of the Parliament House. On one occasion, whilst Henry Erskine was at the Inner House Bar, during the advising of some important case he amused himself by making faces at Sir James, who was sitting at the Clerk's table beneath the Judges. His victim was much annoyed at the strange conduct of the tormenting lawyer, and, unable to bear it, disturbed the gravity of the court by rising and exclaiming:

"My Lord, my Lord, I wish you would speak to Harry, he's making faces at me." Harry, however, looked as grave as a judge. Peace ensued, and the advising went on, when Sir James, casting his eyes towards the bar, witnessed a new grimace from his tormentor, and convulsed Bench, Bar, and audience by roaring out: "There, my Lord, he's at it again!"

Erskine was remarkable for his ready wit and stinging repartee. Like the illustrious John Clerk of Eldin, he was indifferent to the rules of pronunciation, and in pleading before a learned senator he spoke of a curator bonis.

"Allow me to correct you," said his Lordship, "the word is curator."

"Thank you, my Lord," said Erskine, "I doubt not your Lordship is right, since you are so learned a senator, and so eloquent an orator."

Mr. Erskine of Alva, subsequently Lord Bargaie, was a person of short stature. Having been counsel in a case in which Henry Erskine appeared on the opposite side, he was obliged on account of the crowded state of the court to have a chair brought forward on which to raise himself when addressing the Judge.

"This," remarked Henry, "is one way of rising to the Bar."

To a Judge of the Commissary Court, who talked in an inflated and pompous manner, who told him that his brother in the country had fallen from a stile and sprained his foot: "It was fortunate for your brother," remarked Henry, "that it was not from your style he fell, or he had certainly broken his neck."

For the foregoing anecdotes relating to this well-known witty lawyer, as well as for the one that follows, I am indebted to the late Dr. Charles Rogers' Illustrations of Scottish Life.

On a change of Ministry, Erskine was appointed to succeed Harry Dundas (subsequently Lord Melville), as Lord Advocate. On the morning of his appointment, he met Dundas, in the Parliament House, who had resumed the ordinary gown worn by all practitioners at the Scottish Bar, excepting the Lord Advocate and the Solicitor-General. After a little conversation Erskine remarked that he must be off to order his silk gown.

"Tis not worth your while," said Dundas, "for the short time you'll want it; you had better borrow mine."

"I have no doubt your gown," replied Erskine, "is made to fit any party; but however short may be my time in office, it shall not be said of Harry Erskine that he put on the abandoned habits of his predecessor."

The late Lord Rutherford was a very able lawyer, but exceeding affected in his manner and speech, and when addressing either the Bench or a jury spoke extra-superfine English. When, however, he broke out in a passion, which was by no means an unusual occurrence, he expressed his feelings in the broad vernacular. Lord Cockburn said to him one day: "It is strange, Rutherford, that you should pray in English and swear in Scotch."

Mr. Strang and Mr. Bruce were two members of the faculty in Parliament House, Edinburgh, who were nearly matched in cleverness, but most unlike as to stature. Strang was quite an Anak in height, whilst Bruce was so diminutive that he was facetiously

known as "Zacchous." When Sheriff Barbour, of Inverness, was appointed a Lord of Session, under the title of Lord Skelton, he was naturally ignorant of the new members of the bar of Parliament House, from which he had been away for twenty years. On an early day after Lord Skelton began his duties in the Court of Session he was hearing a case in which Bruce appeared for the prosecution, while Strang had been retained for the defence. Bruce, duly arrayed in wig and gown, the latter which effectually hid his short legs, was standing behind the Advocate's table, and had got under weigh in his opening remarks for the prosecution, when his Lordship interposed with the slightest manifestation of feeling.

"It is usual, Mr. Bruce, for an Advocate to stand when he addresses the court."

"I'm standing, my Lord," replied Bruce, deferentially.

"Oh, I beg a thousand pardons!" resumed Lord Skelton, feeling bitterly his unfortunate remark, and bowing his head for a few minutes towards his papers.

Bruce, continuing his opening address, his Lordship took courage and looked up. When he saw at the other end of the bar the tall figure of Strang, towering up above his fellows. Thinking he had then to interpose some remark against the opposing counsel's speech, he hurriedly said:

"Kindly sit down, Mr. Strang. Mr. Bruce is before the Court just now. I shall gladly hear you afterwards."

"I am sitting, my Lord," explained Strang, to the utter discomfiture of the astounded Judge, and amidst the roars of laughter of all the members of the bar.

It was of these two able fellows that a waggy brother barrister made the impromptu epigram:

"To the height of the law, though I hope you will rise
You will never be judges I'm sure of a size."

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