

The verdict was finally entered "Guilty of publishing, but whether a libel or not we do not find."

Valuable as this precedent is, the comment of Campbell, himself a judge and Lord Chancellor, is equally precious: "The learned judge took no notice of this reply, and, quailing under the rebuke of his pupil, did not repeat the menace of commitment. This noble stand for the independence of the bar would of itself have entitled Erskine to the statue which the profession affectionately erected to his memory in Lincoln's Inn Hall. We are to admire the decency and propriety of his demeanor, during the struggle, no less than its spirit, and the felicitous precision with which he meted out the requisite and justifiable portion of defiance. The example has had a salutary effect in illustrating and establishing the relative duties of judge and advocate in England."

Another hot forensic *mélee* is recorded about 1817 (2 Law and Lawyers, 357). Serjeant Taddy was examining a witness in the Common Pleas, and spoke of the plaintiff "disappearing" from the neighbourhood. Park, J.: "That's a very improper question, and ought not to have been asked." T.: "That is an imputation to which I will not submit. I am incapable of putting an improper question to a witness." P. (angrily): "What imputation, sir? I desire that you will not charge me with casting imputations. I say that the question was not properly put, for the expression "disappear" means "to leave clandestinely." T.: "I say that it means no such thing." P.: "I hope that I have some understanding left, and, as far as that goes, the word certainly bore that interpretation, and therefore was improper." T.: "I never will submit to a rebuke of this kind." P.: "That is a very improper manner for a counsel to address the court in." T.: "And that is a very improper manner for a judge to address a counsel in." P. (rising very warmly): "I protest, sir, you will compel me to do what is disagreeable to me." T. "Do what you like, my Lord." P. (sitting down): "Well, I hope I shall manifest the indulgence of a Christian judge." P.: "You may exercise your indulgence or your power in any way your Lordship's discretion may suggest, and it is a matter of perfect indifference to me." P.: "I have the functions of a judge to discharge, and in doing so I must not be reprov'd in this sort of way." T.: "And I have a duty to discharge as counsel which I shall discharge as I think proper, without submitting to a rebuke from any quarter." Serjeant Lens was about to interfere. Taddy protested against any inter-