## **BENCH AND BAR**

### A Complete Digest of the Wit, Humor, Asperities, and Amenities of the Law

by L.J. Bigelow

William S. Hein & Co., Inc. Buffalo, New York 2003

#### Library of Congress Cataloging-in-Publication Data

Bigelow, L. J.

Bench and bar: a complete digest of the wit, humor, asperities, and amenities of the law / by L.J. Bigelow.

p. cm.

Originally published: New York: Harper & Brothers, Publishers, 1871. Includes index.

ISBN 1-57588-740-1 (alk. paper)

1. Law--Anecdotes. 2. Law--United States--Humor. 3. Law--Great Britain--Humor. I. Title.

K183 .B54 2003 340--dc21

2002042608

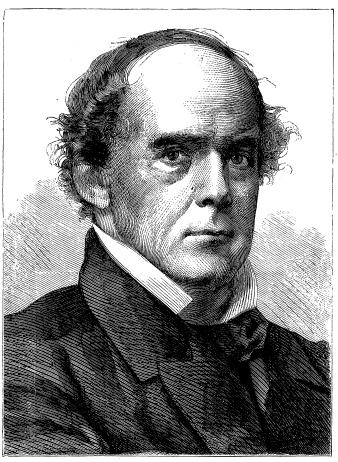
This acid-free reprint was electronically imaged and laser printed under the strict quality control guidelines established by William S. Hein & Co., Inc.'s "Preservation Program."

This program was established to preserve the integrity of legal classics for future generations of legal researchers.

This paper meets the requirements of ANSI/NISO Z39.48-1992 (Permanence of Paper).



William S. Hein & Co., Inc. Buffalo, New York 2003



SALMON P. CHASE.

# BENCH AND BAR:

A COMPLETE DIGEST OF THE

WIT, HUMOR, ASPERITIES, AND AMENITIES
OF THE LAW.

By L. J. BIGELOW,

COUNSELLOR-AT-LAW.

WITH PORTRAITS AND ILLUSTRATIONS.



#### NEW YORK:

HARPER & BROTHERS, PUBLISHERS,

FRANKLIN SQUARE.

1871.

Entered according to Act of Congress, in the year 1871, by

HARPER & BROTHERS,

In the Office of the Librarian of Congress, at Washington.

### DEDICATION.

то

## HON. ROSCOE CONKLING,

THE ACCOMPLISHED LAWYER,

FINISHED ORATOR, AND SAGACIOUS STATESMAN,

THIS VOLUME

IS RESPECTFULLY DEDICATED BY

THE AUTHOR.

### PREFACE.

"Well planned and well written, the story of the Great Seal would be a rare story," says John Cordy Jeaffreson in his delightful "Book about Lawyers." Thoroughly collected and well arranged, thought I, the anecdotes of the Bench and Bar would make a popular book, not only with lawyers but the general reader; and this volume is the result of that idea. The field was a much wider one than I supposed when I began the work of collection, but it has been faithfully gleaned; and while some may have been overlooked which were well worthy of preservation, I trust that the best specimens of legal wit, humor, and incidents have been gathered in the following pages.

L. J. B.

New York, 1867.

About one hundred and sixty pages of anecdotes have been added to the present edition.

H. & B.

Franklin Square, N. Y., February, 1871.

# CONTENTS.

CHAPTER I.	~_
ANECDOTES OF THE LORD CHANCELLORS OF ENGLAND	PAGE 15
CHAPTER II.	
ANECDOTES OF CELEBRATED BRITISH BARRISTERS	75
CHAPTER III.	
THE CHIEF JUSTICES OF THE UNITED STATES	113
CHAPTER IV.	
ANECDOTES OF DISTINGUISHED ADVOCATES OF THE UNITED STATES	135
CHAPTER V.	
ANECDOTES OF THE "WESTERN BAR"	271
CHAPTER VI.	
MISCELLANEOUS LEGAL EPIGRAMS, PUNS, AND POEMS	321
•	
APPENDIX.	
1. ENGLISH JUDGES AND LAWYERS	359
2. SOUTHERN JUDGES AND LAWYERS	405
3. WESTERN JUDGES AND LAWYERS	429
4. NEW ENGLAND JUDGES AND LAWYERS	451
5, NEW YORK AND PENNSYLVANIA JUDGES AND LAWYERS	
6. ANECDOTES, PUNS, AND POEMS	
7. WIVES OF GREAT LAWYERS	509

# LIST OF ILLUSTRATIONS.

	PAGI
SALMON P. CHASE	
GREAT SEAL OF WILLIAM THE CONQUEROR	16
GREAT SEAL OF THE COMMONWEALTH	19
GREAT SEAL OF WILLIAM AND MARY	21
PORTRAIT OF SIR THOMAS MORE	24
QUEEN ELEANOR	29
LORD CHELMSFORD	71
AN ENGLISH JUDGE	79
ENGLISH COUNSELORS	83
ENGLISH ATTORNEYS	89
A JOHN BULL JURY	104
JOHN JAY	114
OLIVER ELLSWORTH	117
JOHN MARSHALL	120
ROGER BROOK TANEY	125
SALMON P. CHASE	128
EDWARD EVERETT	140
HENRY CLAY	142
AARON BURR	144
JOHN RANDOLPH	149
JOHN VAN BUREN	161
DANIEL WEBSTER	168
THOMAS CORWIN	176
JOHN C. CALHOUN	188
THOMAS H. BENTON	193
SARGENT S. PRENTISS	202
A. OAKEY HALL	217
CHARLES O'CONOR	231
CHANCELLOR BIBB	236
JOHN R. BRADY	242
JAMES T. BRADY	250
	0~0

Abinger, Lord, "supposing," 366.

Acquitting a prisoner to prevent accident, 398.

Advice, from father to son, 396.

Alderman's, a "delirium tremens," 402.

Alderson, Baron, his rejoinder to a blasphemous criminal, 90.

Alvanley, Lord, on dysentery, 371.

An "Arkansas Flush," 409.

Baby, baptizing a, 500.

Bacon, Francis, Lord, convicted of corrupt practices, 24; gross personalities and quarrel with Sir Edmund Coke, 104.

Bacon, Judge, of New York, happy pun on a witness's name, 216.

Bacon, Sir Nicholas, his courtliness and urbanity of manner, 26; happy reply to Queen Elizabeth, *ib.*; witty non-committal opinion on a young aspirant for office, *ib.*; tart reference to his habit of stuttering, 27; remark on sentencing a man named Hog, who claimed relationship, *ib.*; story of his fatal attack of cold, 28.

Bailey, old Bob, reply to the court, 430.

Bandon issue, the, 398.

Banjo, "that d-d, fatal, 394.

Baptism, sprinkling a valid one, 424.

Bar, distinctive title of "the Western," 271; qualifications for "the Western," 272; Western qualifications for the, 498.

Barker, George P., and the Indian, 468.

Barker, Jacob, vainglorious speech in his own defense, 218; happy retort upon him by A. Oakley Hall, ib.

Barnard, Judge J. G., appreciation of a good joke, 252; grants leave to importunate lawyers to insert Webster's Dictionary, ib.

Barnes, General, his different views of the same case, 295.

Barrington, Sir Jonah, his account of Grattan's interview with Burr and Randolph, 75.

Bathurst, Henry, held in low esteem by the bar, 56; his legal ignorance, ib.; bull committed in discharging the Duchess of Kingston, ib.

Beacons unsafe guides, 490.

Beer, a judge's opinion of, 484.

Benton, Thomas H., his sarcasm, 192; humorous remarks on long titles, 193; his personal character not suited to the popular taste, 195; a model "Western lawyer." 271: Senator Foote, 426; thoughts late in life, 493.

"Western lawyer," 271; Senator Foote, 426; thoughts late in life, 493. Bibb, Chancellor, of Kentucky, familiarly called "the last of the small-clothes," 235; his peculiarities of dress and manner, ib.; a zealous disciple of Izaak Walton, 236; his adventures as a fisherman, 237; incident in his experience as Secretary of the Treasury, 238; his opinion of Saint Paul, ib.; the law and the prophets, 423.

Billings, Colonel, of New York, witty reflection on Judge Hewett, 199.

Blackstone thrown in the shade by an Arkansas judge, 283.

Bompas, Sergeant, and "the Chief Justice," 373.

Boswell, James, held in aversion by Lord Eldon, 45.

Brackenridge, Judge, his peculiarities, 212; prevented from taking a bath, 213; two bulls recalled by him, 350.

Brady, James T., humorous explanation of a case in which the plaintiff had "rested" too soon, 249; funny insinuation against a partial judge, 251; a happy and successful flight of fancy, ib.

Brady, John R., his dignity on the bench, 242; familiarity when off the bench, ib.; why called "the judge who heard General Term arguments all alone," 243; "floored" by an importunate borrower, 245; protects a lawyer from his clients, 246; confounded by a witness, 247.

Breath, finding a better one, 469.

Breckinridge, John C., retort on him by Leslie Coombs, 91.

Bronson, Greene C., Judge of the Supreme Court of New York, 249.

Broom, Mr., and the small of his back, 490.

Brougham, John, and the coroner, 499.

Brougham, Lord, on a jury, 361.

Brown, David Paul, on personal appearance, 485.

Brown, James T., humorous apology for a learned speech, 225.

Bull, a pious one, 418.

Bull, one that couldn't legislate, 425.

Bunyan's, John, indictment, 403.

Burr, Aaron, his interview with Henry Grattan, 75; his remark on Ellsworth's pertinacity, 118; severe retort upon Rev. Dr. Burchard, 144; his definition of law, 145; his tenacious memory, ib.; interview with General Winfield Scott, ib.; reply to Henry Clay when offering to protect him from a mob, 146.

Burchard, Rev. Jedediah, rebuked by Aaron Burr, 144.

Burgess, Tristam, his bitter sarcasm, 186; his demolition of Henry Daniel, of Kentucky, 187.

Burnside, Judge, "forgotten too much," 480.

Busteed, Richard, his mobile countenance, 252.

Butler, General Benjamin F., his great tact as a lawyer, 255; instance in which he outmanœuvred Rufus Choate, 256; Moody's shirts, 456.

Butterfield, Justice, of Illinois, witty reflection on the tribunal before which he practiced, 151.

Calhoun, John C., not a man of the people, 188; his genius and address, 189; encounter with Jacob Marvin, ib.; retort to Henry Clay, 411. California judgments, 444.

Camden, Lord, his experience in the stocks, 101.

Campbell, Lord, his explanation of the use of the term "The seals," 15; his legal and literary shortcomings, 55.

Carleton, Chief Justice, his lugubrious manner ridiculed by Curran, 81.

Carlisle, "Hic niger est," 498.

Carpenter, M. H., and April Fool, 471.

Carter, Judge, and the Italian, 405.

Chancellor, a Lord, on lying, 362.

Chancellor, Lord, of England, the first officer of state, 15; his dignity and power, 23; keeper of the king's conscience, ib.; his legal and ecclesiastical patronage, ib.; the first, ib.; those impeached, ib.; an honest, 28; a lady, ib.; a gallant, 30; judicial incompetency of many, 55.

Chapman, Charles, witty reply to a shrew, 349.

Charles II., his seal lost in the Severn River, 18; his witticism on Lord Chancellor Cooper, 30.

Chase, Judge, and the turkey, 461; charging a case to the devil, 464.

Chase, Salmon P., seventh Chief Justice of the United States, 127; sketch of his career, ib.; anecdote of his father, 130; the colored lawyer, 498.

Chase, Samuel, averse to authorities, 491.

Chatham, Lord, his rebuke of a dishonest chancellor, 99.

Chelmsford, Lord Chancellor, sketch of his career, 71.

Choate, Rufus, his witty remark on Chief Justice Shaw, and happy rejoinder of the latter, 135; his great command of language, ib.; nonplused by a sailor, ib.; pun on a Baptist minister, 136; his singular defense of the character of a witness, 137; his extravagance in the use of language, 138; his defense of the judiciary, 139; his peculiar handwriting, ib.; outmanœuvred by Ben Butler, 256.

Clarendon, Lord, impeached, 23.

Clark, Louis Gaylord, his description of Webster in the Supreme Court, 171.

Clarke, Caleb, dialogue with Colonel Gregg, 414.

Clay, Henry, his first appearance in the United States Supreme Court, 141; remarkable memory of faces, 143; offers to protect Aaron Burr from a mob, 146; a model "Western lawyer," 271; taunt to J. C. Calhoun, 411.

Cobb and Wilkes, 393. Cobbett, on "Brick," 389.

Cockburn, Sir Alexander, playing many characters, 364.

Coffin, Timothy G., anecdotes of, 454, 455, 456.

Cohen, Joseph S., and Corpus Christi, 492.

Coke, Sir Edward, his disreputable quarrel with Lord Francis Bacon, 104; his indulgencies in coarse personalities, 105.

Coke, Sir Edward, Knt., reports done into verse, samples of, 92.

Colorado decisions in verse, 448.

Common law, proposal to re-enact it, 433.

Commonwealth, seal of, of England, what it is, 19.

Comstock, Judge, and Mr. Noxon, 482.

Coombs, Leslie, his sharp reply to John C. Breckinridge, 191.

Cooper, Anthony Ashley, Lord Chancellor, his gallantry, wit, and veniality, 30; Charles II.'s opinion of, ib.; renders the legal dignitaries of London ridiculous, ib.; circumstances of his dismissal by Charles II., 31.

Cooper, Judge, and the fish, 477.

Coroner's Court, scene in a, 494; no body in claret, 499.

Corwin, Thomas, his opinion of comic speakers, 175; his dark complexion, 177; adventure with Thomas F. Marshall, of Kentucky, ib.; his famous Mexican speech used against him, 178; a model "Western lawyer," 271.

Court, a one-cornered, 429; fining an attorney for taking an exception, 496; a county better than the theatre, 499.

Court, Supreme, of the United States, Miss Martineau's description of, in 1835, 131.

Courtesy, Western, 421; to a jury, 426.

Court-house, the equity side outside, 497.

Cox, S. S., specimen of his ready wit, 235.

Crier, the, who couldn't cry, 470.

Criminal conversation, what constitutes, 433.

Criminals, their fastidiousness with regard to the professional status of their judges, 89; a blasphemous criminal rebuked, 90; courtesy extraordinary to a, 274; willing and obliging, 275.

Crockett, Davy, supposed to have been a model "Western lawyer," 271.

Cross-examination, self, 433.

Curran, John Philpot, his personal appearance, 77; his first brief and first witticism, ib.; his troubles with his younger brother, 78; his motto for a

to bacconist, 80; his joke on Justice Carleton, 81; humorous mode of avoiding a duel, 82; his sar castic definition of a politician, 83; an American rival to, 215; his pun with the Irish farmer, 387; a non sequitur, ib.; on a bishop, 388; on trial by jury, ib.; reproof to a young barrister, 389.

Cushing, William, third chief justice of the United States, 116; resignation

after a few days' service, 117.

Dacre, Lord, adventure in leaving Lord Camden confined in the stocks, 101. Daggett, Judge, and his rejoinder to a traducer of the clergy, 198; and the spectacles, 459.

Daley, Judge Charles P., rightly named, 483.

Dallas, Alexander J., terrible rebuke to an impudent litigant, 152.

Daniel, Henry, ridiculed by Tristam Burgess, 186.

Daviess, Joseph Hamilton, reminiscences of, 262; defense of an innocent person charged with horse-stealing, 264; his first appearance in the Supreme Court, 265.

Davis, Jefferson, his comparison of a litigant to Othello, 248.

Davis, Judge, sentences a criminal to the Legislature, 302.

Davis, Noah, his poetical report, 467.

Davy, Sergeant, his one brilliant mot, 99; anecdotes of, 381.

Dawson, A. H. H., and A. H. Stephens, 418.

Day, tried by, and sentenced by Knight, 491.

Death "wants the man, not the money," 391.

Defense, a heavenly, 488.

Demerara Court, a, 479.

Devine, Judge, poetical appeal to, 422.

Dickinson, Daniel S., his epigram on a tedious lawyer, 165.

Digging for patients, 469.

Dillon vs. Crandall, "on the other side of Jordan," 443.

Divorce, impudence a cause for, 429.

Doane, Judge, and a feme-sole, 489.

Dog case, a, 399.

Dooley, Judge, of Georgia, humorous avoidance of a duel, 283.

Dreaming not an excuse, 508.

Dress a reason for honesty, 424.

Dunlop, Judge, his pun, 488.

Eldon, Lord, his adventure in preserving the great seal of George III., 20; advised by Thurlow to "stick to Pitt," 38; his penuriousness, 43; his great good-humor, 43; Rose's lines on his indecision of character, 44; his dissimulation, ib.; Horne Tooke's witticism on his crocodile tears, ib.; declines the challenge of a person convicted of being no gentleman, 45; his definition of taste, ib.; gallantry and vanity, 46; pleasant anecdotes of his dispensation of his church patronage, 47; hoaxed by a poetical application of his son for a place, ib.; a bad sportsman, 49; humorous answer to Dr. Fisher's application, 50; his "apple-sass" case, 51; his parsimony, 360; a lady's answer to, 361.

Eleanor, Queen of England, only lady-keeper of the seals of England, 28;

her injustice, 29.

Ellenborough, Lord, loss of his wig, 61; mimicked by Charles Mathews, *ib.*; cruel jest on a young barrister, 63; sarcastic speeches to wordy counselors, *ib.*; ridicule of Richard Brinsley Sheridan, *ib.*; witty reply to a surgeon, 65; jest on Kenyon when about to die, *ib.* 

Ellesmere, Lord, his weak attempts at wit, 34.

Ellsworth, Oliver, fourth chief justice of the United States, 117; aptitude for special pleading, 118; his great pertinacity, ib.; Burr's remark on this trait of his character, ib.; unaffected simplicity, 119.

English and Scotch legal terms, 392.

Erle, Lord, his obstinacy, 368; fondness for hilarity, 373.

Erskine, Lord, his character not good, 51; failure as an orator, 52; his fantastic motto, ib.; his good-nature, ib.; witty reply to his client Thelwall, 53; witticism on Counselor Lamb, ib.; humanity toward animals, 54; witty reply to a begging letter, ib.; epigram on a lawyer's house, 384; "otium cum digging a tatie," 385; a witness no angel, ib.; a pain in his bowels, 386; lying witnesses, ib.

Evarts, W. M., and April Fool, 471.

Everett, Edward, his happy compliment to Judge Story, 140.

"Evil and Little Else," 373.

Ewing, Sam(singing), 497.

"(Fassett) per alium (Fassett) per se," 485.

"Fellow-critter," giving a chance for a, 476.

Fleetwood, Sergeant, on the drama, 377.

Fillmore, Millard, and the "right bower," 483.

Finch, Aaron, his legal opinion of Arkansas, 289.

Finch, Heneage, impeached, 23.

Fitzherbert, first keeper of the seal of England, 23.

Foot, Lundy, Curran's motto for carriage of, 80.

Foote, H. S., and T. H. Benton, 426.

Ford, Governor of Illinois, his illustration of a polite judge and willing criminal, 275.

Fortescue, Sir John, saves his head by an artful argument, 33; offensive witticism on a lame lawyer, 101.

Franklin, Benjamin, his opinion of lawyers, 187.

Freethinkers and gin-drinkers, 401.

Fuller, —, of Boston, his fund of dry humor, 213.

Furniture, a heavy meal of, 457.

Gabriel, the angel, as a witness, 421.

"Galphinized," origin of the word, 411. Gantt, Richard, anecdotes of, 412, 413, 414.

Gardiner, Sergeant, his rude reply to an offensive witticism of Sir John Fortescue, 101.

Geiger, Jo, his professional diffidence, 430.

George III., accident to the great seal of, 20.

Giddings, Joshua, his misapplication of Shakspeare, 173.

Gin-drinkers and freethinkers, 401.

Glyn, Sergeant, and Wilkes, 381.

Goddard, Calvin, his prominence in the famous Hartford Convention, 241; witty reply to Judge Peters, 241.

"Good clothes," 417.

Grafton, Duke of, scathingly rebuked by Lord Thurlow in the House of Lords, 39.

Grant, Sir William, his idea of temperance, 372.

Grattan, Henry, reminiscences of the eccentric, 75; his last words, 76.

Gregg, Colonel, dialogue with Caleb Clarke, 414.

Greene, Benjamin F., his poetical report, 467.

Greenleaf, Simon, epigram by A. Oakey Hall on, 218.

Grover, Judge, and the old-women jury, 468.

Hale, Chief Justice, strongly opposed to the severity of the English laws, 90; his kindness to a young delinquent requited, 91; a culprit's jocose reply to,

ib.; his aversion to any thing having the appearance of bribery, 95.

Hall, A. Oakey, one of the witty duo of the New York bar, 216; his manner more humorous than his matter, ib.; epigram on Judges Story and Greenleaf, 218; witticism on Jacob Barker, ib.; student under Benjamin and Slidell, ib.; several instances of his ready wit, 219; universal exposition of daily life in an age of invention, 221.

Hallett, B. F., happy retort of a witness on, 184; and Edward Sohier, 457. Hammond, S. H., his rivalry of Curran as a wit, 215; his pun on a witness's name, 216.

Hardin, Mark, mock argument in favor of his native town as the capital of the universe, 179.

Hayne, Robert Y., Webster's threat to grind him finer than snuff, 172.

Hele, Sir John, characteristics of, 378.

Hell and Hoboken, 476.

Henry, Patrick, his reply to a challenge, 155.

Hewett, Judge, of New York, humorous reflection of Colonel Billings on, 199.

Higgins, Judge, "bond or vaga-bond," 459.

Hill, Benjamin, ridiculed by Alexander H. Stephens, 248.

Hilliard, Henry W., humorously accused of accepting "ten per cent. of malaria" as a fee, 200.

Hoffman, John T., and the prisoner who wanted a chance, 475.

Hog, one that struggled, 437.

Hoyne, Philip, his extraordinary courtesy to a criminal, 274.

"I don't know about that," 470.

Ignorance of many of the Lord Chancellors of England, 55.

Illinois, stealing money under par, 441; a judge arguing a little for the defendant, 442.

Ingraham, —, his objections to handling a witness without gloves, 148. Iowa classics, 444; a witness, 445.

James II., his destruction of his great seal, 18.

Jay, John, first chief justice of the United States, sketch of his career, 113; Jeffreys, Lord George, his grim wit, 35; his barbarity, ib.; gift of a halter sent him while confined in the Tower of London, ib.; burlesque will of, 36; his indignities to Langhorn and Maynard, ib.; on being hissed, 362; reply to a "musitioner," 363.

Jekyll, Sir Joseph, his witticism on Lord Chancellor Kenyon's penuriousness. 59; his most brilliant mots attributed to Sheridan, 103; his witticism on a dirty judge, ib.; and the "marine," 393.

Jeremy Diddler, a, 396.

Jew prejudicing a jury, 443.

Jobson's ignorance of English, 401.

Johnson, Samuel, his opinion of Lord Mansfield, 70; reflection on Lord Loughborough, ib.; his gruffness, 84; his illustration of litigation, ib.;

how he "popped the question," ib.

Jones, Chief Justice, of New York, his peculiarities, 167; adventure in consequence of his forgetfulness, ib.

Jones, Sir William, his exquisite lines on a new-born child, 106.

Jonson, Ben, his definition of a lawyer, 321.

Judge, an English, and the paper currency, 368.

Judges, horrible stories of hanging, 87; instances of absent-minded, 181; a

dirty and eccentric, 184; how Franklin thought they should be appointed, 187; a polite, 275; instance of dullness of comprehension in, 278; a "Western" judge's idea of doing his duty, 296; charge of a "Western," 298; a Job-like, 344; a punning, 346.

Jurisprudence, racy specimen of grand, 323.

Jury, a stubborn, 273.

Jury, the honest, 502.

Justices, penalty for kicking, 470.

Kelley, Judge, on expressions, 487.

Kelley, Sergeant, his non sequiturs, 387.

Kenyon, Lord, his ignorance and bombast, 57; ludicrous Irish bulls committed by him, ib.; his penuriousness, 58; Lord Ellenborough's remark on the avarice of, 59; his shabby attire, 60; bombastic style, 368.

King, Lord Chancellor, his love of labor, 42.

Knight, sentenced by, tried by Day, 491.

Lacy, Walter de, Lord Chancellor of England by right of purchase of the great seal, 22.

Lamb, Charles, his witticism on a lawyer who had just secured his first brief,

Lamb, Counselor, rude but witty reply of Erskine to, 53.

Lawyer, dry humor of a Mississippi, 281; an impudent Western, 305; effective oratory of a Western, 307; an earthquake put to a good use by a, 309; definition of a, 321; a 'cute, 322; as a duelist, 394; binding in calf, 497; a misquoting, 391; poetical description of a, 503; Saxe on an ill-read, 505. Lawyer's patron saint, 390.

Lawyers, popular prejudices against, 106; hatred of Cromwell's soldiers for, ib.; called "Sons of Zeruiah" by them, 107; their habit of extemporizing authorities, 258; distinctive title given to "Western," 271; peculiarities of "Western," ib.; Lords Thurlow and Jeffries model "Western," ib.; admitted to be gentlemen, 345; novel fees to, 350; as companions, 371; rules against, 446, 447; epigram on four, 501; poem on Spring, 506; wives of great, 509.

"Laying heads together," 389.

Leach, Sir John, his haste, 383.

Letcher, Robert P., an interesting reminiscence showing his kindness of heart, 253.

Lewis, Judge, the item account, 422.

Lincoln, Abraham, a true anecdote of, 178; a model "Western lawyer," 271. Locock, Dr., his title, 385.

Longchamp, Chancellor, left to govern England during Richard the First's crusade, 18.

Lord, Daniel, Jr., witticism by Charles O'Conor on, 233.

Loughborough, Lord Chancellor, his peculiarities, 70.

Lovat, Lord, his high compliment to Mansfield, 68.

Lynch law, origin of the term, 507.

Macaulay, Lord, his opinion of Bacon's "Collection of Apothegms," 34.

Macclesfield, Lord Chancellor, impeached, 23.

Maine, law in, 451.

Malchien, Lord Keeper, accompanies Richard I. on his crusade and loses his great seal, 18.

Mandami, 404.

Mansfield, Lord, the most accomplished lawyer of his time, 66; his advice to

an old army officer elevated to the bench, ib.; abhorrence of the penal system, 67; handsomely complimented by a prisoner whom he had prosecuted. ib.; his amusing reply to a sailor, 68; sparkling pleasantry in abandoning a false argument, 69; bland reply to Sir Fletcher Norton, 70; Sam Johnson's opinion of, ib.

Married by affidavit, 435.

Marryatt, "and encyclopedias of smoke," 400.

Marshall, John, fifth chief justice of the United States, sketch of his career, 119; his careless attire and manner, 121; his absence of mind illustrated, 122; his honesty, ib.; his generous nature, ib.; pen and ink sketch of. 123; Miss Martineau's description of, 124.

Marshall, Thomas F., a prince of good fellows, 155; fined for reflecting on the character of Pontius Pilate, ib.; his retort on General Pilcher, 156; hatred and dread of Henry Clay, ib.; his request to be fined for contempt of court, 157; his weakness and follies, 158.

Martin, Judge, of Maryland, his eccentric habits, 229; bands and banditti,

405.

Mason, Dr., retort upon a legal opponent, 230.

Mason, Jeremiah, and the tailor, 420; summoning the Angel Gabriel, 421.

Mathews, R. S., effective impromptu verse by, 261.

Mattocks, Judge, and the trumped trick, 461.

Mattox, Governor, of Vermont, anecdote of his report on an unqualified candidate for the bar, 381.

Maule, Justice, on divorce, 367.

Maurice, first lord chancellor of England, 23.

Maynard, Sir John, anecdotes of, 374.

Merrill, James D., and Judge Grover, 468.

Middleton, Mr., an April fool, 471.

Milliner, a nervous, 397.

Mills, Judson T., his fondness for a joke, 185.

Minnesota, the stuttering official of, 440.

More, Sir Thomas, his appointment as lord chancellor, 23; his great and good qualities, 24; adventure with an idiot, 25; rebuke of the Earl of Rutland, ib.; his saying about honor, 26; his tragic death, ib.

Mullen, Chief Justice of New York, his adventure with the detective, 333.

Mullett, Judge, on what is not law, 471.

Mutton and faith, 454. "My best client," 396.

"Napier's Peninsular War made part of pleadings," 395.

Nathan, Davy, his attempted argument on both sides of a case before Judge John R. Brady, 243.

Nelson, venue changed by divine Providence, 439.

Nesmith, Senator, and the last guess, 442.

Nevada justice, 445.

New England, a traverse, 451.

Nibbs, William, "lawyers to be paid in this world," 416.

Norbury, Lord, his remark on the rapidity of the trials of Irish rebels, 90; his love of a joke, 372.

Northington, Lord, "d-d for making a dean," 359; fight with a Quaker, 364; plucking him, 401.

Norton, Sir Fletcher, his lack of manners rebuked by Lord Mansfield, 70.

Oakley, Judge, of New York, his pun on a witness with the itch, 234. O'Brien, reply of, 431; changing a petition, 432.

Ochiltree, Judge, of Texas, his acceptance of a novel fee, 350.

O'Connell, Daniel, of the tribe of Dan, 403.

O'Conor, Charles, description of his person, 230; a skilled and consummate pleader, *ib.*; powers as a dialectician, 232; his effective eloquence, *ib.*; lacking in ambition, *ib.*; his generosity, *ib.*; witticism on Daniel Lord, Jr., 233.

O'Gorman, Richard, his opinion of a very indifferent judge, 166.

Ohio Latin, 432,

Ohio lawyer, novel experience of, 436.

Page, Sir Francis, his hanging propensities, 87; Pope's lines on, 88.

Palmerston, Lord, his death-bed jest, 65.

Parker, Dr. Willard, his opinion of a poor lawyer, 166.

Parsons, Judge, sublime thought of, 160.

Parsons, ——, of Illinois, sharp reply to an offensive judge, 322.

Parsons and a Chicago court, 442.

Pearce, Judge, of Ohio, his sarcastic reply to an imaginative lawyer, 146.

Pepoon, Benjamin F., reply to Colonel Parker, 417.

Peters, Judge, of Connecticut, his uncompromising opposition to the famous Hartford Convention, 241; threat to hang Sherman and Goddard, its leaders, against law and evidence, *ib.*; amusing proof of his inconsistency as a Universalist, *ib.*; "Condy-sending," 489; an uncertain district judge, *ib.* 

Pitt, William, admitted by Lord Thurlow to have outwitted him, 38.

Pleader, epitaph on, 499, 500.

Pleadings in rhyme, 434.

Plowden, "the case is changed," quoth he, 376.

Poet, a minor must be an under writer, 403.

Poland, Judge, and the side-judge, 462; a lengthy paper, ib.

Polk, William H., his nonchalance and good humor, 190.

Pope, Governor, and the off-hand speaker, 425.

Powis, Sir Lyttleton, his peculiarities burlesqued by Philip Yorke, 92.

Prentiss, Sargent S., opinions of Webster and Marshall of, 201; his conversational powers, 202; a profound student, 203; his wonderful memory, ib.; his experience as a duelist, ib.; comical reply to a challenge, ib. in side with Henry S. Foote, 204; commences Southern life as a pedagogue, 205; his compliment to Henry Clay, 206; his famous speech in a menagerie, 207; his opinion of Cincinnati, 208; his version of the doctrine of metempsychosis, 209; thankful for being born in an age of gunpowder, ib.; his sleight of hand performance with Champagne bottles, 210; his speech in prosecution of a bedbug, 211; a model "Western lawyer," 271.

Preston, Wm. C., mistaken for a gambler and barber, 409.

Quaker, the, and the lease, 502. Quarantine, where is it? 499.

Ramsey, Judge, and "Galphinizing," 411.

Randolph, John, his interview with Henry Grattan, 75; his discomfiture by a woman, 148; sarcasm on a fop, 149; his insolence well rebuked, 150.

Redesdale, Lord, "raising the wind," 362.

Reynolds, Judge, "muttered in hell," 475.

Rice, Samuel F., his happy retort upon Henry W. Hilliard, 200.

Riker, Richard, amusing instance of his misplaced sympathy, 337.

Robertson, Lord, his encounter of wit with Curran, 77.

Root, General, of Ohio, his witty encounter with Samuel Sherwood, 233,

Rose, George, his lines on Lord Eldon's indecisiveness, 44.

Rules, understanding the, 481.

Rush, a, and petit affair, 486; on justice and nature, ib.; in arrear, ib.;

overruled by ignorant associates, 490.

Rutledge, John, second chief justice of the United States, sketch of his career, 115; his famous order to Moultrie not to abandon Fort Moultrie, 116; objections to the Constitution of North Carolina as too democratic, ib.; his final rejection by the Senate, ib.

Saragossa, "never got beyond," 395.

Saxe on an idle attorney, 505; on a water suit, ib.

Scotch and English legal terms, 372.

Scott, John. See Lord Eldon.

Scott, Winfield, early practice at the Richmond bar, 145; interview with

Aaron Burr, ib.

Seal of England, the Great, what it is, 15; circumstances under which two were kept by English monarchs, ib.; the rival seals of the Commonwealth and Charles I, ib.; seal of William the Conqueror, 16; the destruction of, required when discarded by a monarch, 17; when broken, the perquisite of the chancellor, ib.; its adventures when on its travels, 18; lost in the Mediterranean, ib.; seal of Charles II. lost in the Severn River, ib.; seal of James II. sunk in the Thames and recovered, ib.; seal of the Commonwealth, 19; accident to the seal of George III., 20; seal of William and Mary, 21; seal of King John sold to Walter de Lacy, 22.

Seat, a, but no chair to put it on, 497.

Sewall, Judge, of Massachusetts, his integrity, 140; incident illustrating it, 141.

Shaftesbury, Earl of. See A. A. Cooper.

Shakspeare's Reports, Shylock vs. Antonio, 493.

Sharp practice in Maine, 552; description of, 501.

Sharswood, Judge, his humorous questions, 488.

Shaw, Chief Justice, of Massachusetts, his retort upon Rufus Choate, 135; as "referee" for prize-fight, 458.

Sheridan, Richard Brinsley, his most brilliant mots, 84; witty reply to an importunate lady, 86; remark on an exaggerated statement, 87; cutting

rebuke to a noisy member of the House of Commons, ib.

Sherman, Roger Minor, his prominence in the famous Hartford Convention, 241; Judge Peters's threat to hang him against law and evidence, *ib.*; witty remark to Judge Peters on his sentencing a criminal to punishment after death, *ib.* 

Sherwood, Samuel, crushing witticism on him by General Root, 233.

Shylock vs. Antonio, Shakspeare's Reports, 493.

Simon the Norman, an honest chancellor, 28.

Sinclair, Sir John, rebuffed by Lord Erskine, 54.

Smalley, David A., and Judge Poland, 462.

Smith, Henry K., and Fred Emmons, 465.

Smith, Joseph, the Prophet, witticism of one of his counsel on, 151.

Smith, Thomas Fannin, his witty escape from a fine, 185.

Sohier, Edward, and B. F. Hallett, 457.

Somers, Lord Chancellor, impeached, 23.

Southgate, W. W., of Kentucky, illustration of his electioneering tactics, 300. Speaker, an off-hand, 425.

Spelling the paper, 453.

Spencer, Ambrose, and Staten Island jury, 474.

Stephens, Alexander H., witty retort upon a political opponent, 248; and A. H. H. Dawson, 418.

Stone, —, apt retort on a medical opponent, 230.

Story, Joseph, graceful compliment to Edward Everett, 139; equally graceful reply of Everett complimentary to, *ib.*; epigram by A. Oakey Hall on, 218.

Stow, H. J., the Constitution a misunderstanding, 466.

Stowell, Lord, witticism on his brother's bad gunnery, 49; on dining, 366.

Sullivan, P. J., on a man "born widout racoorse," 432.

Supreme Court of the United States having the last guess, 442.

Tailor, a, who wanted to kill meat, 420.

Talbot, Lord, his compliment to Lord Mansfield, 67.

Talcott, John L., and the Police Bill, 466.

Talfourd, Thomas Noon, his kindness to an embarrassed barrister, 63.

Talking round a case, 392.

Taney, Roger Brooke, sixth chief justice of the United States, sketch of his career, 125; his infamous sentiment regarding the rights of negroes, 126.

Tappan, Benjamin, of Ohio, discomfitted by a countryman, 340.

Tennessee, the hat required by judges in, 426.

Tertullus fee'd by a priest, 460.

Thacker, Judge, his opinion of the goose as a national bird, 290; his reasons for refusing a challenge, 291.

Thomas, T. W., on public places, 419; who Chitty was, 420.

Thompson, Baron, on "the uncertain quantity" of wine, 386.

Thompson's, Smith, scire facias, 474.

Thurlow, Lord, a disgrace to the English ermine, 37; his profanity and rudeness, ib.; "Liberty" Wilkes's severe reflections on, ib.; a thorough partisan, 38; his selfish advice to his friend Lord Eldon, ib.; famous reply to the Duke of Grafton, 39; the "tyrant of the House of Lords," 40; reply to his tutor, 41; wit in procuring a horse, ib.; his good sense and judgment in dispensing his ecclesiastical patronage, 46; a model "Western lawyer," 271; on his family, 360; his reply to a curate, 384.

Tibbatts, John W., illustration of his electioneering tactics, 300.

Tilghman, Judge, on "lights and liver," 486; on losing a case, 487. Tooke, Horne, his witty remark on Lord Eldon's dissatisfaction, 44.

Trippe, Robert, ridiculed by Alexander H. Stephens, 248.

Truth vs. Veracity, 479.

Turkey and turkey-buzzard, 405.

Tuthill, Judge, on a future tribunal, 443.

Underwood, William H., his contempt for fops, 226; odd recommendation of his son for office, 227; changes his hair, but not his politics, 228; his aversion to Marietta, Georgia, ib.; death at that place, 229; and the jackass, 423.

Underwriter and minor poet, 403.

Vallandigham, Clement L., anecdote of, 196.

Van Buren, John, his infinite jest, 161; talents and information, 162; his oratorical efforts, *ib.*; takes a fee from the greatest scoundrel on earth, 163; his advice to his fellow Democrats to "vote early and often," *ib.*; his wager with Lawrence Jerome, *ib.*; and Cass, 472; "who is on the other side but the judge?" 473.

Van Buren, Martin, and slipping the halter, 481.

Vance, Governor, and the soldier, 408.

Vandevoort, Henry, his adventure with a man who did not want a trial, 338. Venue changed by divine Providence, 439.