

**THE WIT AND  
WISDOM OF THE  
BENCH AND BAR**

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The Wit and Wisdom of the Bench and Bar by F. C. Moncreiff

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**F. C. MONCREIFF**

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OF THE  
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BY THE  
*revised*  
HON. F. C. MONCREIFF,  
*1847-1929*  
*of the Inner Temple, Barrister-at-Law.*

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1882.

## P R E F A C E .

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THESE pages do not profess to be a complete record of the jokes or humorous anecdotes connected with the English Bench and Bar. They are confined to those which appear to contain some of the elements of Wit and Wisdom, and rather to such incidents as are at once witty and wise than to those which come under only one of these heads. The field is immensely wide, and it is by no means easy in so small a compass to do anything like justice to it; for where there is so much which is admirable, the task of selection is a difficult one. On the other hand, it is not pretended that anything like a comprehensive outline of the subject is laid before the reader. Certain divisions have been selected, and under them there have been arranged what cannot be called more than specimens of the wealth of material which the diligent student

of legal and judicial history can find in more extensive works. It may be that the incidents given are somewhat like stones torn from their setting; for wise sayings and eloquent words often derive half of their value from the circumstances which surround them. I have endeavoured, however, to present them with as few of my own comments as possible, knowing that rich stones "are best plain set." For much that is in these pages I am indebted, as indeed every student of this subject must necessarily be, to Lord Campbell's invaluable "Lives of the Chancellors."

F. C. M.

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# THE WIT AND WISDOM OF THE BENCH AND BAR.

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## CHAPTER I.

### INTRODUCTORY.

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Wit and Law—Wit comes in Speaking—Discouragements to  
Wit—Nationality of Wit and Wisdom—Instances of Folly and  
Baseness in English Lawyers.

THE title of this book has two elements which so constantly intersect each other that they cannot well be dealt with as separate subjects. There are some plants which we cannot take up by the roots to see how they grow together without damaging them fatally; in like manner, any attempt to sever the wit from the wisdom of the English Bench and Bar must fail. They have flourished together, and they serve to illustrate and adorn each other. Still the two elements are distinct. Many sayings are witty, and yet are very far from being wise; while of perverted wit instances may be found without end in the transactions of such men as Jeffrey. On the other hand, there are, of course, many observations which, without being in the least witty, may be called wise. Such wisdom is most properly called commonplace, but most of the instances

of legal and judicial wisdom which are given in these pages are at once witty and wise in the highest sense of the words.

There have always been some more or less rough-and-ready methods of handing down the wisdom of past ages to posterity, and, imperfect as those methods have been, we are able to console ourselves with the thought that only the wisdom which will stand the test of time has filtered through them. But those who undertook to record the spoken wisdom of others often did injustice to it; and although we have heard of reporters who claim to have made the judicial reputation of judges, we do not forget that even the robust Johnson admitted that in his reports he always made the Whigs have the worst of it. Moreover, it is difficult to catch and retain wit, which is the salt or savour of wisdom. The short-hand writer may do his office to perfection, but it is impossible for him to reproduce faithfully the winged words of eloquence or the fresh sparkle of wit. A great portion of the wit of the Bar is expended during the process of cross-examination—an operation which it has been found impossible to resuscitate by means of the cold medium of print. But in spite of the fact that a vast amount of wisdom and wit is yearly lost to posterity by our imperfect means of retaining it, there still remains a large accumulation of matter in which the wisdom of great lawyers lies embedded.

There is no necessary connection between wit and law, but there is a popular impression, which is perhaps not without foundation, that lawyers are, as a