

## Humour in the Law Courts.

By "BRIEFLESS."

Illustrated from Sketches by the late SIR FRANK LOCKWOOD.



O the world at large, law is little associated with laughter. That the courts have their humorous side, however, even in these days of sober decorum, one fully realizes after glancing through a collection of sketches which the late Sir Frank Lockwood made within their precincts. But litigants seldom see this humorous side, and nearly all the published pencillings of the popular member for York have been of his Parliamentary life.

At the same time it may be at once admitted that the finest humour of the Law Courts is of the unconscious kind. Perhaps the leading (unreported) case of this kind arose out of Mr. Justice North's sweet

innocence. His lordship was summing up a case of assault upon a policeman.

"It is quite certain," he observed, "that prisoner and prosecutor had been on the best of terms, addressing each other by the Christian name"—it had been proved that on the previous night the prisoner, in passing the policeman, had said, "Good night, Robert."

As a rule judges' jokes, unlike lovers' perjuries, would not excite the laughter of Jove. It was under the provocation of a very hot afternoon that Mr. Justice Barnes, in reply to an inquiry from Mr. Inderwick, Q.C., as to whether his lordship intended to continue Admiralty work, facetiously remarked, "Yes, I shall stop at the seaside till the end of the term."

Mr. Justice Kekewich, in all weathers, tries to relieve the dulness of Chancery work, and now and again he is successful. He was trying an action, "Heap *v.* Pickles," and some confusion arose as to the various members of defendant's family. "They're a mixed lot," his lordship quietly observed, amid the approving smiles of the Court.

Among present-day members of the Bench, Mr. Justice Chitty has achieved the most brilliant piece of judicial wit. Some pieces of plaster fell one day in his court, and all eyes were raised apprehensively to the ceiling. "Fiat justitia, ruat coelum," promptly said the judge, who sat unmoved. Mr. Justice Chitty is the only judge who was ever a match for the truculent cleverness of Mr. J. F. Oswald, Q.C., in his junior days.

Those who happened to see a certain farce at a London theatre a year or so ago will remember that its

*Earning his money.*



*And then gentlemen remember she is a woman—woman the source of all our joys. The willing sharer of our troubles. Woman in whose beauty we catch as it were a glimpse of a better world, and the light rustle of whose garments, is as the gentle fluttering of an angel's wing. Gaze on these features, and in the names of all your grandmothers, mothers, ~~great~~ mothers-in-law, wives, and daughters say that they are the lovely personification of injured innocence.*

wittiest lines were uttered by a pseudo-magistrate in a police-court scene.

"Now, I'll address myself to the furniture," said a voluble stage barrister, after a pause to take breath.

"You've been doing that for some time," said the magistrate.

Well, this little incident actually occurred one day in the High Court of Justice, in a bill of sale case, its victim being Mr. Oswald, and its hero Mr. Justice Chitty.

Mr. Justice Kay once attempted in a similar fashion to crush the audacious young barrister with a disastrous result—to himself.

"I can teach you law, sir, but I cannot teach you manners," the judge angrily asserted.

"That is so, my lord," was the meek, yet merciless, reply.

Breach of promise cases, as the first of the accompanying sketches would suggest, are a perennial source of amusement in the courts. Barristers of the Serjeant Buzfuz type are, it need hardly be said, almost as extinct as the dodo, but in such cases I have heard more than one burst of eloquence to which Sir Frank Lockwood's travesty would have done no injustice. Mr. Wildey Wright, for instance, was once heard to declare that "the defendant, by his dastardly conduct has cruelly cast my fair client adrift on the sea of life," and so on for four, five, or ten minutes, amid the weeping of the plaintiff, a fat widow of fifty, and the tittering of the junior Bar.

But it is the poetry of "the parties," of course, rather than the perorating of counsel, which is usually most entertaining in these actions. Some of the judges, however, turn a callous ear to the poetry and will not join in the mirth which a barrister will generally try to evoke from it. After quoting freely from the defendant's effusions, a certain Q.C. happened to refer to the *pros* and *cons* of the case.

"I suppose," the judge interrupted, "that we have already had the *cons*. We shall be exceedingly glad to hear the *prose*."

For poetical quotations some barristers have a

great weakness. They will quote the most flippant verse in illustration of the most serious arguments. Thus Mr. Pember, Q.C., when appearing some time ago for an electric lighting company, and contending against several rival enterprises, dared to speak the following Gilbertian lines:—

On mature consideration  
And careful meditation  
Of all the petty projects that have here been shown,  
Not a scheme in agitation  
For this world's amelioration  
Has a grain of common sense in it except my own.

It was one of the present Lords of Appeal, if I remember rightly, who startled the dull serenity of his court by a quotation from "Hudibras." In a "light and air" action a scientific witness attempted to prove the exact amount of light which would be obstructed by a proposed new building, and his lordship, losing patience with such pedantry, compared him with the philosopher in Butler's satire:—

In mathematics he was greater  
Than Tycho Brahe or Erra Pater;  
For he by geometric scale  
Could take the size of pots of ale;  
Resolve by sines and tangents straight  
If bread and butter wanted weight.

Mr. Murphy, Q.C., who may have unconsciously posed for Sir Frank's picture of the forensic giant overwhelming his opponent with his "Oi object," has added a good deal to the gaiety of the courts. His name as well as his figure has occasioned jokes. In a patent boiler case, for instance, Sir Henry James once had to define to the Lords of Appeal the exact meaning of the word "steaming." Just as he was explaining and illustrating the technical point, Mr. Murphy

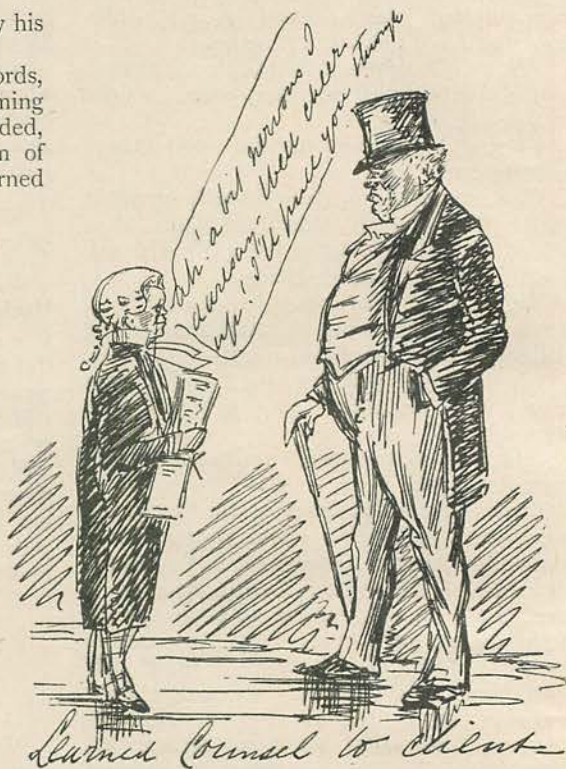


arrived in very hot haste and sat down by his side.

"We have, I suppose, all heard, my lords, of the domestic operation known as steaming potatoes," said Sir Henry, and then added, as he turned to the big, perspiring form of his colleague in the case, "but my learned friend is probably best acquainted with that process."

On the other hand, there are even smaller men (both literally and metaphorically) at the Bar than Sir Edward Clarke and Mr. Charles Mathew, Q.C., whose diminutive stature when contrasted with burly clients in the witness-box is apt to excite mirth. The small barrister "protecting" a big John Bull in Sir Frank Lockwood's sketch has, in fact, often had its actual counterpart in the courts.

There are certain recurring occasions on which frequenters of the courts always expect some amount of entertainment, the chief of these being the "calling" of new Q.C.'s



In the Corridor,



"Get thirsty over the little warmish - I'll back <sup>you</sup> to go prosecuting Nimmercut feller creature"

within the Bar. It is an inviolable convention that every barrister, on whom "silk" has been conferred, should make a tour of the courts in his new gown, plus silk stockings and knee-breeches. The unhappy man, probably middle-aged and father of a family, who generally wears these latter articles for the first time in his life, has to visit each court in turn, bow to the judge, and then to the amused juniors, whose ranks he has just left, accompanied by his clerk carrying the new silk hat and white kid gloves which equally powerful tradition obliges his employer to present to him in honour of the auspicious occasion.

One of these sketches was evidently suggested to Sir Frank Lockwood by the sight of an inebriated defendant "bullyragging" the barrister who had unsuccessfully prosecuted him. At one time drunken witnesses gave rise to a good deal of mirth in the courts. But nowa-

days judges take a sterner view of their failings, and witnesses "in their hiccups" are seldom called into the witness-box.

It was doubtless these changed circumstances which led a well-known barrister to make what was a unique application, although it did not appear in the *Times* law reports. The learned gentleman asked that the evidence of a certain witness, who was of intemperate habits, might be taken on commission, because it was feared that the refreshment-bar in the courts would prove too great a temptation for the witness to resist. The Court did not grant the application, but it forgave the jest.

Drowsy judges, on the other hand, still occasionally call forth suppressed mirth. That the judges should be so very human as to doze during a dull case may in some people excite indignation rather than their sense of humour. *Habitué*s of the court, however, have never known serious consequences proceed from a judge's *siesta*. The worst offender appears to have the happy knack of waking up the moment that anything of real importance requires his attention, thus sustaining the charitable theory that a judge can hear best with closed eyelids.

Once, indeed, his forty winks did put the judge in a dilemma. A telegram was brought into court for a member of the jury. The usher turned to the judge for the permission without which nothing can be given to any of the twelve good men and true. But his lordship was asleep, and no dexterous shifting of books or loud coughing would awaken him.

At last, in despair, the official ventured to hand the telegram to the jurymen, who covertly read it, fearing every second that his lordship would suddenly open his eyes and discover the misdeed. The incident began with an "audible smile," and ended with a sigh of relief on the part of the Court.

The etiquette of the Bar sometimes gives rise to ludicrous incidents. It is essential, for instance, to his *locus standi* that a barrister should be wearing wig and gown. In the Divorce Court some time ago Mr. Justice Barnes refused to see Mr. Bargrave Deane because he was without these emblems of professional dignity. He had hurriedly entered the court on some small errand, to find that the date of hearing an important case in which he was engaged was under discussion. On a momentary impulse Mr. Bargrave Deane, wishing to correct a misstatement, began to address the judge. But his lordship at once stopped him with the remark, "You're invisible to me, Mr. Deane," preserving all the time the only grave countenance in the court.

The Old Bailey and the Criminal Courts generally have a distinctive humour of their own. To a number of young barristers the brightest side of the Central Criminal Court is seen in the distribution of its "soup." "Soup" is professional slang for the prosecuting briefs which are given in turn by the Crown to all the members of the Old Bailey Bar Mess. In "*Valse à la Prosecution*" Sir Frank Lockwood has strikingly symbolized the feelings of one of these juniors who has just won his first verdict.

