

ANECDOTES OF BENCH AND BAR

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Anecdotes of bench and bar by Arthur H. Engelbach

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ARTHUR H. ENGELBACH

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BY THE RT. HON.
G. W. E. RUSSELL, P.C.

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ANECDOTES
OF BENCH AND BAR

COLLECTED AND ARRANGED

BY

ARTHUR H. ENGELBACH

WITH AN INTRODUCTION

BY

THE RT. HON. F. E. SMITH

P.C., K.C., M.P.



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TO
SIR CHARLES JOHN DARLING
WISE AND HUMANE JUDGE AND CON-
STRUCTIVE AND PENETRATING WRITER
WHOSE SCINTILLAE JURIS NOT ONLY
ARE THE DELIGHT OF HIS CON-
TEMPORARIES BUT MOST EN-
GAGE THE ATTENTION OF
ALL FUTURE COMPILERS
OF SUCH BOOKS
AS THIS

INTRODUCTION

I HAVE been asked, and have gladly agreed, to write an introduction to the present volume of anecdotes relating to the Bench and the Bar. Many of the stories are new, and some at least of them are excellent. To lawyers they will recall many pleasant conversations at those circuit messes which are now almost the sole surviving centres of the social life of the Bar. The criticism may perhaps be made that many of these anecdotes appear more irresistibly funny amid the port and the walnuts than they do when read in cold print. But too severe a standard must not be exacted of those who minister to our amusement; and Mr Engelbach, who has so skilfully collected these anecdotes, has, I think, laid us all under an obligation. Many sarcasms have been directed at both the Bench and the Bar. Their humour, we are told, is mechanical and sterile. Sometimes we are assured (and not always without reason) that such appreciation as it receives is servile. The wit of lawyers, it is said, is very small beer. No one would deny that some measure of truth underlies these criticisms. Many of the proceedings in courts of justice are so tedious that there arises a great

temptation to alleviate them by humour even if one has nothing particularly amusing to say. Thus we sometimes attempt humour, claiming no particular gifts in that field, simply because even a poor joke is a welcome alternative to the stagnant dullness of so many litigious proceedings.

The relationship subsisting between Bench and Bar in England is both curious and interesting. It does not exist, so far as I am aware, in any country whose jurisprudence is of Latin origin. Our judges are not a class apart. They do not undergo from youth a specialised preparation for judicial duties. They develop into judges if Fortune favours them, and if they are very successful practitioners at the Bar. It follows from this circumstance that there always exists a genuine comradeship between the judge and the advocate. The judge was perhaps quite recently an advocate himself. The advocate, however inexperienced, is perhaps sustained by the hope that somewhere stowed away in his knapsack he carries the baton of a marshal of France. The judge therefore, if normal, is anxious to assist the advocate; while the advocate on his part desires to co-operate with the judge in the dignified prosecution, consistently with precedent, of the high cause of Justice. The country is, I believe, and in the main justly, proud alike of its judges and its advocates. Our judges are almost all able, and they are all incorruptible. The best of our