

LORD ELDON'S ANECDOTE BOOK. Edited by Anthony L.J. Lincoln and Robert Lindley McEwen. [1960, London: Stevens & Sons, Ltd. 25s. pp. xix + 201 + 5 plates.]

Lord Eldon ranks high on a long and distinguished list of English Chancellors. Most students of the law make his acquaintance about the year 1801 when he first accepted the Great Seal and then do their best to forget him after 1827 when he finally¹ relinquished it. If they remember him for anything during these years it is as a sturdy champion of the "separateness" of equity and the common law and as a notoriously tardy deliverer of judgments.

But Lord Eldon's own portrait of his times, and incidentally of himself, shows this up for the misleading caricature it is. In the more valid picture which appears from close on two hundred and fifty anecdotes (which the editors have wisely refrained from rearranging into any logical order) the author emerges as a staunch supporter of the monarchy, a man of physical courage, a discerning judge of his fellows and the possessor of a nice wit.

The *Anecdotes* are replete with interesting sidelights on the great men of the late eighteenth and early nineteenth centuries. The reader is told of the weakness of Lord Manfield for a joke during the trial of the most sober causes, of the carefully abetted hoisting of James Boswell's own petard in his quest for a definition of "Taste", Lord Erskine's embarrassment on being expressly provided for in an amendment to his own Bill, and of the scepticism shared by Fox and Burke for the variable behaviour of Lord Thurlow, whom the latter described as a "sturdy Oak at Westminster, and a willow at St. James's."

But it is Lord Eldon's concern with the affairs of the less celebrated figures of his age that provides the best reading in the book. Nothing gave the Lord Chancellor more satisfaction than to record instances where the mighty fell foul of the unconscious humour of the poor; and here the rustic, the unsophisticated witness and the old soldier are accorded the same sympathetic portrayal as many of the lesser lights of the legal profession like Tom Couper—that unsubtle disrupter of the solemnity of many an English courtroom.

Of the latter class no one gave Lord Eldon more cause for pleasurable recollection than that "most learned Lawyer, but . . . very singular Man," Sergeant Hill, who the Editors inform us was nicknamed "Serjeant Labyrinth" because "having an exceptional knowledge of case law, he usually lost his way in extracting clear principles from them." The learned Sergeant was present, in Serjeant's Inn, at the customary dinner given to mark the elevation of a member of the Bar to the Bench. The particular recipient of this honour was a Mr. Hotham who had been created a Baron of the Exchequer, despite the fact that he "had never had any business at the Bar." Lord Eldon takes up the story: "Ser^t. Hill drank his health thus, Mr. Baron Botham I drink your health. Somebody gently whispered the Serg^t. that the Baron's name was not Botham, but Hotham. Oh, said the Serg^t. aloud I beg your Pardon Mr. Baron Hotham, I beg your Pardon for calling you Mr. Baron Botham, but none of us ever heard of your name in the Profession before this day."²

On circuit we read of Sir Thomas Davonport who is alleged to have lulled a boy to sleep on a window in the course of a characteristically long and dull speech to a Northumberland jury. The boy fell off the window and died. Lord Eldon, at the time Attorney General of the Northern Circuit, had the advocate indicted for

1. The only time between 1801 and 1827 when Eldon did not hold the office of Lord Chancellor was between February 1806 and April 1807.
2. The variants "Sert." and "Sergt." appear as such in the original text.

wilful murder “perpetrated by a long dull instrument, viz. a Speech —.” Davonport was convicted and fined, and according to his victimiser, “He never forgave me whilst he continued to exist.”

In more serious vein, and probably at something approaching the length of the unfortunate Davonport’s speech, the author reveals (anecdotes 172 and 213) his anxiety over what he regarded as unwarranted criticism of his dilatory habits as a judge. By way of defence he writes, “I confess that no Man ever had more occasion, than I had, to use the expression which was Lord Bacon’s Father’s ordinary Word ‘You must give me time.’ I always thought it better to allow myself to doubt before I decided, than to expose myself to the Misery, after I had decided, of doubting whether I had decided rightly and justly.” His circumspection in all matters he attributes to a series of events he experienced as a young man after remarking the motto “*Sat Cito si Sat bene*” on the panels of a coach in which he travelled up to Oxford. His consequent dedication to slow coaching gave him no less cause to criticise others as others had to criticise him.

Of the author’s self-opinionation and conceit there is also evidence in the *Anecdotes*, particularly in things professional; but of the many men of English law who viewed their own images in the mirror of vanity, Lord Eldon was one of the few who could afford to relish what he saw.

The Editors in their *Preface* evince a particular interest in the general and the overseas reader and to assist the pleasure of these worthies, there is provided a substantial biographical notes section and a short account of the courts and the law at Eldon’s time. As a result of this consideration the Malayan student may be a little disappointed to discover that *Mr. Sheridan intoxicated* (anecdote 94) and *A Welshman’s conscience* (anecdote 144) do not refer to what he undoubtedly hoped they would. However, with this diverting volume on his bookshelf the student of social and political history, as well as his legal confrère, need not be disappointed on any other score.