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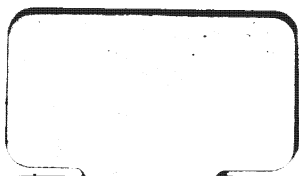
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**A BAR-LAMB'S
BALLAD BOOK**

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A BAR-LAMB'S BALLAD BOOK

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BY EVELYN
UNDERHILL
* *



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DEDICATION

TO

JOHNNY BOOTLES.

Purr on, dear heart ! nor have a care
For aught this little book contains ;
To threaten you shall any dare
With legal penalties and pains ?
'Tis true, your plans for gaining food
Are oft of felony compact ;
But can it be a Tort construed
Within the meaning of the Act ?

*For oh ! the meals are very few
That no Remainder bear for you ;
And our First Charge upon the dish
Shall never bar your right to fish.*

**No gulf you know 'twixt Stuff and Silk,
Of Equities you never prate :
Your only Trust's in constant milk,
A basket is your Real Estate.
Yet in your catty mind we see
The laws of strict descent prevail—
You might have held our hearts in Fee,
But chose a tenancy in Tail.**

A BAR-LAMB'S BALLAD BOOK

* * *

JONES v. LOCK.

L.R. 1 Ch. 27.

A Father put a cheque into the hands of his son nine months old, saying, "I give this to Baby for himself," and then took the cheque back, put it away, and shortly afterwards died. Held that there was no valid gift of the cheque to the son.

A WIDOWER of independent means
With children to inherit his demesnes
By loneliness was led
A second time to wed ;
And, in due time, a new-born infant's squall
Announced to one and all
The advent of those awkward complications
A baby sometimes thrusts on his relations.

The father fled to London for a week
A little peace to seek,

And speculate a bit in Foreign Rails
Secure from childish wails :
Kind was Fortuna to the game he played,
The Bears and Bulls obeyed
His secret promptings, and he homeward turned
Bowed down with gold well earned ;
And to his wife a gift recherché brought,
An Infant's head in gold and diamonds wrought.
Alas ! the troubles that from this befell
I now must tell.

The Nurse, with proper pride
And huffy manner, cried
“What! bring you not a gift for Baby too?”
The father said, “Oh yes, of course I do :
So Nurse, be sure you take
Note that for Baby's sake
This cheque (nine hundred pounds) I will invest
As I find best ;
That as he grows, the money may grow more
At compound interest, three per cent., or four.”

“O lucky child!” the Nurse exclaimed with joy,
“See what a gift your father makes his boy!”

But little cause was there for jubilation,
For the transaction lacked Consideration ;
And subsequent events, which none foresaw,
Made void the offering that was bad in law.
That very week a visitation sad
Removed from earth the Baby's generous dad :
Nor did the will he left behind declare
That Baby to nine hundred pounds was heir.
The elder children, grown adult in greed,
Cast doubts upon their parent's dying deed ;
Safe in possession, little did they reck
If he had said " This shall be Baby's cheque."

The outraged infant thought,
" I'll go before the Court,
And ask, by my next friend, for some redress."
Alas! not more, but less
Were his possessions when the suit was done,
For the defendants won.
The gift, without delivery, was not good ;
There was, the Court too clearly understood,
No valuable consideration shown :
Such acts are ratified by this alone.
The plaintiff, much astonished, went away,

The action lost, and all the costs to pay :
And homewards riding in his little pram
Allowed his Nurse to call him " Martyred lamb ! "
Refused his bottle, wailed in infant grief,
And called the Judge a wicked, naughty thief.
In after life, 'tis said, he always swore
" Possession is *Ten* points of *English Law*."

SHELLEY'S CASE.

1 CO. REP. 93 b.

A gift or conveyance of real estate to A for life with remainder to his heirs or the heirs of his body confers an estate in fee simple or fee tail on A and not merely an estate for his life.

I SING of Shelley's case, its rules and reasons ;
Of Heirs, General and Male,
And of The Heir, a very different creature.
I sing the Letter of the Law,
Especially the letter S
Its great importance,
And of the Fees that follow in its Tail.
I tell of Ancient Days—
Of the times generous and remote when a Fee Simple
could not be sold,
Neither by Will nor Deed conveniently got rid of :
Then was a Man
Who, with a certain vagueness of intention,

Did grant a paltry Life Estate to A
With the remainder to his Heirs for ever.
“ But,” said the Common Law,
Actually taking a sensible view of the matter,
“ Here by the substantive ‘ Heirs ’ is clearly intended
A line of descendants of A for ever and ever.”

Now

Had he said “ Heir ”

This horrible case would have probably never arisen,
And the burdens of Students thereby had been greatly
diminished :

But

The superfluous S

Joined

As it was

To words of Limitation,

Produced the condition of things which we now
deplore.

You see “ Heir,” as a rule,

Is used to designate a special person :

There is only one heir

Provided for every intestate.

So, a Remainder to him

Is not involved in obscurity

**Neither collides with the Rule which sternly forbids
Perpetuities.**

**But Heirs, taken as a tribe,
Are, in the Vulgar Tongue,
“ A different pair of shoes altogether.”**

**Vague,
Nebulous,
Elusive,
Dimly perceived through a philoprogenitive mist.**

**Moreover, they may not even be descendants :
They are sometimes your Maiden Aunt,
Or the Cousin that you particularly object to,
They may also be your Step-brother's Son,
Or, very occasionally, your Grandmama.
Therefore a beneficent Law which deals in facts, and
never**

**(Or hardly ever)
In abstractions,
Refuses to limit an Estate
To anybody's heirs for ever ;
With the delightful result that A obtains the Fee Simple.
Now this, strange as it appears,
Was, in the hoary Past,
The best way out of the difficulty :**

Since A being unable to sell his Fee Simple,
Or even by Will devise it,
It was bound, in due course, to go to his Heir,
And so on, and on, for ever, and ever, and ever.
But, at a later date,
A Law-giver who heeded not Antiquity
Took on himself to say
That a Fee Simple might be sold, devised,
Or otherwise irreverently disposed of.
Thus obscuring the Point
And creating the present Anomaly.

CHRISTIE v. DAVEY.

[1893] 1 Ch. 316.

The giving of music lessons, and practising on piano, violin and violoncello, and singing and occasional musical performances and parties held not to constitute a legal nuisance of which the occupier of the adjacent house, separated only by a party wall, could complain. But the latter was himself restrained by injunction from retaliating by "causing or permitting any sounds or noises in his house, so as to vex or annoy the occupiers of the first house."

NOW glory to the English law, from whom our
victory came!

And glory to our Counsel too, who fairly won the same!

Now let the fair and merry sound of music be restored;

The dainty drum, the happy horn, and dulcet clavichord.

And thou, piano, dearest loved, thy piercing voice
upraise

Beneath our daughters' winged hands in overtures of
praise;

As thou wert silent in our grief, be tuneful in our joy!

Hurrah! hurrah! for English law, and freedom to annoy!

High rose our hearts with hopefulness when first we
made it known
That I could teach the 'cello, and my Father the trom-
bone ;
That brother George diplomas had for flute and
clarionet,
And Mother made a feature of the juvenile duet.
Our pupils poured upon us, for our fees were moderate ;
The servant girls came early, and the upper classes
late.
They brought their little music-books, they brought
their little cheques—
When suddenly a storm arose our budding hopes to
vex.

Our neighbour came to visit us, with anger in his
air ;
He said the horrid noise we made was more than he
could bear ;
He looked at the partition wall with sorrow in his
eye,
He looked at our pianos, and his glance was stern and
high.

“Give up,” he cried, “your practising, your scales and
strummings, or
By all the Powers of Peace and Quiet I start a civil
war!”
Then out he burst and homeward rushed, whilst
Father’s trombone class
Performed with variations the Prelude to Haydn’s
Mass.

But how we thrilled with misery when at the dawn of
day,
As all our early practisers began their scales to play,
Their notes were put to silence by a bang and crash
and roar—
A musical bombardment that proceeded from next
door!
Our pupils fled with aching head, all hushed were scale
and song,
But still that cheap piano shrilled, still brayed that
brazen gong,
Till Father, scenting ruin near, and all our efforts
vain,
Instructed lawyer Simpkins an injunction to obtain.

**Then came the day, the awful day, our future to
decide;**

**Our Counsel he described our woes, our neighbour he
replied;**

**He called our school a nuisance, and he intimated
that**

The cataclysmic row he made was only tit for tat.

**“ Then give,” he cried, “ O puissant Judge ! injunctions
to restrain**

**These people from their ceaseless din, and I’ll be quiet
again.”**

**“ No English court,” the Judge replied, “ will aid such
selfish views;**

You meant your music to annoy, they did it to amuse!”

**Hurrah ! hurrah ! the day is ours ! In tuneful accents
tell**

**How we have that injunction won, and all our costs as
well.**

**Then let the Hebrew harp resound, and let the bag-
pipes bray ;**

**Our neighbour has arranged to move this coming
quarter day.**

**Ho! students of the tuneful art, heed not your neigh-
bours' wail,
Strum, strum the frisky exercise and gay chromatic
scale!
Though churlish cranks your industry in bitter terms
abuse,
The English law is on your side—you do it to amuse!**

THE BAR-LAMB'S ALPHABET.

A was an **Action** which prudence forbade ;
B was the **Brief**, for which nobody paid.
C was the **Costs**—and a pretty long bill!
D the **Defendant**, whose assets were nil.
E was the **Eminent Counsel** consulted,
F was the **Fuss** about **Fees** which resulted :
G was the **Grumbling**, which always takes place ;
H was the **Hurry** to get up the case.
I was the **Impudent** managing clerk,
J the new **Junior** who's making his mark ;
K the **K.C.** who got worried, and cussed :
L the **Lay Client** who bothered and fussed.
M was the **Motion** which sought to prevent
N a **Nefarious**, unprincipled gent
O from **Obtaining** an access to lands
P without **Paying** the **Plaintiff's** demands.
Q was the **Question** the judge would propound

R the Reply that was suitably found.
S was the Snappy Solicitor Suin'
T was the Terrible Temper he flew in ;
U was the Usher, who order restored
V was the Victory the plaintiff secured.
W the Witness who " can't recollect,"
X the 'Xtraordinary things he'd forget.
Y was the Yarn the defendant maintained,
Z was the Zero his spirits attained.

A VISION OF JUDGMENT.

METHOUGHTE that yn a slumbrous vision I
Came where the Courtes of Lawe impassyve
stande,

Rering their costlie structures to the sky
Mydde-waye betwene ye Citie and ye Strande.
Blacke was ye night, for many a darkling cloude
Enrapte fayre Luna yn its murky shroude.

Grete was the moaning rounde those precincts sterne
Of many peoples very drere to see,
And gretely did my herte within me yerne
To hear the doulours of that companie ;
For these were they that losing actions brought,
And al yn vayne ye Lawe's assystence sought.

Ye Childe Unborne was there yn pityous state,
And o'er the Rule againste Remotenesse sigh'd ;

And heires who on their heritage did wayte
Nor guessed that Shelley's case to them applyed ;
Al wedde to bitere Povertie were these
For that Lawe loves not perpetuities.

And wretched Creditores, al unawayre
Of wyves that cannot alienate their golde ;
And amorous youthes and co-respondentes fayre
Who founde the Judge beleaved not al they tolde :
And they who asked for Equitie, nor sawe
That Equitie muste alle-wayes followe Lawe.

Yea! there were otheres yn that grislie throng,
The Vendore who yn openne contracte solde,
And he who hys complaynt delayed too long
Tyl that at last a dozaine yeres were tolde—
Al these yn wedes of mourninge ful were dight
And cryed their sorrowes to the stillie night.

Then was I much astonied for the grefe
Of those about, and wearied bye ye presse,
For stille mee-seemèd yt were past belefe
That Lawe to these should offere noe redresse ;

So made I dole for that moste sorrie race
That cryed its greveance yn the Judgment Place.

Tyl that a Gracyous Ladye I espyed
Who semed not lovèd of that companie,
But when to her encountere strait I hied
Ful fayre her greting was, and then said she,
“ I am the Ladye Justice hight, and these
Are they whom Justice coulde not evere please.”

OMAR KHAYYAM IN LINCOLN'S INN.

I.

WAKE! for too tardy Yestermorn you rose;
Wake! though the Orient breeze so bitter blows;
Haste, for the Client in his dusty chair
Waits, and the Guinea in his pocket glows.

2.

Before the fogs of early Morning died,
Methought a Voice within the Chambers cried,
“ When all these Papers are prepared within,
Why lags the drowsy Counsel yet outside ? ”

3.

And, as the Cock crew, those who stood before
The Courts of Justice, opened wide the door

And cried, " Make haste, for it is Motion day ;
Your Turn, departed, will Return no more ! "

4.

Come, don the Wig, the Chamber stairs descend,
Let Brief and Book an air of Learning lend ;
You should have had a Case in Court to-day,
So, if you have not got it, then Pretend.

5.

Myself when young did eagerly frequent
Chambers and Court, and heard great argument
About this Point and that : but evermore
Came out as ignorant as in I went.

6.

You know, my Friends, with what a brave Carouse,
We made long since a Marriage in this House ;
When ancient Law, unto the Altar led,
Took dainty Equity to be his Spouse.

28

7.

I sometimes think the Law is never good
Save where by Chance it's been Misunderstood ;
And every new Construction that it bears
Serves but to bring the hungry Lawyer food.

8.

A Phrase, perhaps, divides the False and True ;
Yes ; and a single Precedent's the Clue—
Could you but find it—to the Settlement,
And peradventure to the Practice too.

9.

The Legal Hopes men set their Hearts upon
Are first fulfilled, and prosper ; then anon
A wicked Voice gives notice of Appeal,
The Court Above is crusty, and they're gone.

10.

Waste not your Speech then in the vain pursuit
Of This or That distinction and dispute ;

29

**Better advance your Cause with gentle words,
And, when the Court is sleepy, then be Mute.**

II.

**An undecided Air on R—m—r's Brow,
A Judgment that will liberal Costs allow,
The Judge inveigled, and the Client pleased—
Oh, Courts of Law were Paradise enow !**

12.

**Some for the Ermine of the Bench, and some
Sigh for the Leader's silken Robe to come ;
Then save the Cash, nor let the Clients go,
To taste the Loaf you first must earn the Crumb.**

13.

**There was a Case for which I got no Fee ;
There was a Sol. through whom I did not see :
A Little While to watch and wait in vain,
And then no more I checked the urgent D—.**

14.

Then to the mighty Master who on High
Doth tax the Costs, I raised my bitter Cry,
And murmured, "While in Luxury you live
Why should the Barrister a Pauper die?"

15.

And to the crowded Bar itself I cried,
Asking, "What rule hath any Inn to guide
Its little Bar-lambs struggling in the Dark?"
And "Each one for himself" the Bar replied.

THE LEGAL LOVER TO HIS LADY.

SWEET Angelina! from my prudent quill
Take an assurance of sincere good-will,
And note, ere your affection you commit,
That without prejudice these lines are writ.
Do not mistake my attitude though I
Kneel to your charms or for your favours sigh,
Bask in your smiles, all other joys dismiss,
Or risk my reputation for a kiss.
True, at your shrine Love's frankincense I burn,
But ask not for a token in return ;
Nor, bartering my passion, will demand
From your papa the promise of your hand.
No! more ethereal far my ardours rise!
One loving glance from out your azure eyes
Will all the longings of my soul content ;
Then why insist on ring or settlement ?
'Twere sweet, perhaps, to worldly joys decline

On bread and cheese and kisses daily dine,
But, dear ! would these erotic entrées quite
Contrive to satisfy your appetite ?
So, fairest girl, this billet-doux I send,
Harmless philandering is its only end ;
Nor, vengeful, think its terms in Court to bring
And damages from tender Juries wring ;
No English Judge would evidence admit
Which without prejudice was plainly writ.

LECTURES IN VERSE.

NO. I.

POWERS.

LIST, Students all! of Legal Powers I sing,
A Power unmastered is a dangerous thing;
And, like a Giant that turns Himself to rend,
Is apt in impotence and grief to end.

Now Powers, like servants, of two Classes are :
First, General Powers, too free and easy far,
Then Special Powers, that oft their duty shirk,
And say, "I can't do that, it's not my work."
A Special Power, too often, is a snare ;
Trust not the trim assurance of its air ;
For if you should, to serve your Private ends,
Appoint in favour of your Wife or Friends,

Or, by the voice of Creditors beguiled,
Enrich a Dying and Intestate child,
The English Law will disapprove your Greed,
And leave your Powers powerless indeed.

But, for the mind that Selfish ends pursues,
Callous Inaction is the mode to choose ;
Fail to appoint, when thus a Share will fall
To some weak Girl, who 's charmed to give you all :
And to the Grumblers state this simple Fact,
" The Law, whilst checking Fraud, can't *Make* me act."'
Yet, should you hold, Unused, a General Power,
What will your Feelings be in that sad Hour
When, Bankrupt, every Asset gone but it,
You see its Wealth employed to benefit
The thieving Tradesman, or usurious hound
Who else had got a penny in the Pound !

Beware, unless you would your Heirs deprive,
The Child Unborn who takes at twenty-five :
He, like the Peri, stands with longing eyes,
Barred from the Testamentary Paradise !
Neither, appointing to your Infant Son,

**Give to his Grandsons who reach Twenty-one
A Vested Interest, for the Law forbids
Such vague Remainders to Prospective kids.**

**So, if perchance on You a Power devolves,
Be slow your Judgments, virtuous your Resolves ;
Appoint with Prudence, or if not, be sure
That your Financial Prospects are secure :
The Rule against Remoteness keep in view,
And deeds that verge on Breach of Trust eschew.**

NO. II.

CHANGES IN THE LAW OF REAL PROPERTY.

IT is, good Sirs, our duty and delight
A century of Law to view to-night ;
To mark advance of Justice far and wide,
See ancient legal Cobwebs brushed aside ;
Watch land enfranchised, and the Wife of Means
Become the Owner of her Own demesnes.
First, shade of Darwin ! see the traces die
That link with Law man's Simian ancestry.
Life-tenants now no more their lot bewail
But, like the Missing Link, cut off the Tail ;
And 'neath the Settled Land Act's fostering care
Their acres sell to Jew and millionaire.
How blest their state ! but better still by far,
Those Ladies thrive, whom kindly Settlers bar

From alienation of their treasured hoard
 For debts on Lodging, Trinkets, Dress, or Board.
 No more enslaved, the Wife can proudly say,
 "'Tis mine to Spend, my husband's part to Pay."
 The legal mistress of her Real Estate,
 She leaves her wretched Creditors to fate ;
 For if she's *too* expensive—naughty pet !—
 Her husband *may* repudiate the debt.
 Next, note of ancient Easements the Grantee :
 In olden days, what would his feelings be
 When called by grudging Owners to explain
 In what his right to Privilege had lain ?
 He needs must mumble of a Grant mislaid,
 Which, Non-existent, still must be Obeyed.
 Now, need he fear ? If twenty years have flown
 Since first enjoyment of this Use he's known.
 He knows possession will Defend him best
 And calmly says, " My Lord, *j'y suis, j'y reste.*"
 Last great Reform, Land Transfer let us view ;
 A Century ago, this process too
 With Lease and Re-lease so was cumbered o'er,
 To buy—or sell—a pigsty was a Bore.
 'Twas said, the Owner then might proudly sit
 On mighty Sheepskins with his Title writ.

**The landlord of To-day no longer needs
This ponderous Sofa built of Flawless Deeds,
A daintier Camp-stool will his Weight withstand
Yclept in law, certificate of Land.**

NO. III.

VENDORS AND PURCHASERS.

TIS said, a world with nothing in to sell
Would be an Englishman's idea of Hell :
How urgent, then, that all should understand
The gentle art of how to purchase Land !

By Public Auction or by private Deal
A Vendor may to Purchasers appeal :
But should the former be the mode selected,
Be sure that legal rules are not neglected !
One prudent friend may at the auction keep
A guard for fear the Land is sold too cheap,
But no vile hireling must, at his volition,
Induce an air of spurious competition.

A Sale does not become a legal fact
Until by Contract it is firmly backed :

No pompous Parchment Justice here desires,
A simple Note is all that she requires ;
But, lest pedantic wits might find a flaw,
Be sure the terms you use are known to Law.
Three things there are on which to be precise—
I mean the Parties, Property, and Price ;
For should the Contract one of these omit
What would, I ask you, be the use of it ?

The Vendor who his business understands
A small deposit usually demands :
Then, should the other party change his mind,
He leaves a pleasing Souvenir behind.

These matters settled to his satisfaction,
It now appears the Vendor's time for action :
An Abstract of the Title is indited,
Where all its disabilities are cited—
The Easements, Charges, and Manorial Rights ;
The Rights of Way and neighbours' Ancient Lights—
Be frank and open, for by Law you must
Do all you can the buyer to disgust.

**The Purchaser must now his duty do :
Prove all the Abstract says is right and true,
Demand some Evidence on points obscure,
And pay for all the Vendor may procure.
For since such fads have many a bargain lost,
'Tis only fair the Buyer pays the cost.**

**Objections answered, and the Terms agreed,
We now proceed to drawing up the Deed ;
For Land, though bought, and all the money paid,
Stays where it is unless it be conveyed.
On fairest Parchment let your deed be writ,
And terse but lucid be the style of it :
This safely done, and all in order, then
Despatch the Fee-note, and lay down the Pen !**

