MR. SERJEANT SPANKIE.

By George Stead Veitch, M.A., Litt.D.

Read 12 February, 1931.

A LADY once stood before the Maison Carrée at Nîmes, gasped at its architectural perfection, and exclaimed with emphasis "No! I don't believe it!" For quite other reasons the name of Mr. Serjeant Spankie stirs a scepticism as emphatic and as prompt. It has the air of being too good to be true, of a name successfully imagined. Mr. Serjeant Spankie might properly have been standing counsel to the Duke of Plaza-Toro; he might have been briefed in Bardell *v.* Pickwick, or retained by that eminent attorney Mr. Oily Gammon; but up to the moment of verification it is hard to accept him as belonging to fact rather than fiction. Spankie has something in common with the names cited with confidence as examples of Dickens' love of the grotesque until they meet the eye in the pages of a tattered directory or over a shop in some by-street of old London. The name seems inherently improbable, yet it happens to be true.

By name and history Mr. Serjeant Spankie is vouched for by reputable witnesses. He was a successful journalist, an advocate of repute in the English courts, an ornament of the Bar at Calcutta, and a member of the House of Commons in the first reformed Parliament. He contributed a few columns to *Hansard*, that burial-place of British eloquence against which there is no appeal; some of his professional utterances were enshrined at the public expense in the ungenial literature of proceedings before parliamentary committees; and he died respectably in Russell Square. He deserves, moreover, a minor place among the creators of modern Lancashire, for it was he who gave the Liverpool and Manchester Railway Bill of

1826 its final impetus through a committee of the House of Lords.

Yet Mr. Serjeant Spankie has no place in that national Valhalla called *The Dictionary of National Biography*; he is given only passing mention in Pulling's *Order of the Coif*[1]; and the ungrateful Woolrych did not count this zealous defender of the brotherhood of serjeants sufficiently eminent to be included in his *Lives of Eminent Serjeants-at-Law*.[2] Some facts of Spankie's career are now elusive, but enough can be gathered through generous help[3] and a little patience, and it seemed worth while to draw them together as a modest offering towards the much-needed Dictionary of Liverpool Biography.

Robert Spankie was a son of the manse: indeed, a grandson of the manse, for both grandfathers were ministers of the Kirk of Scotland. His father's father, Thomas[4] Spankie, M.A., born in 1711, was minister of Coupar-Angus. He died on 3 May, 1778, when Robert was four years of age. About his marriage in 1736 to Margaret Inglis there seem to cling some vague and mysterious suggestions of romance. Thomas Spankie's

[1] Alexander Pulling, *The Order of the Coif*, London, 1884.

[2] Humphry William Woolrych, *Lives of Eminent Serjeants-at-Law*, 2 vols. 1879.

[3] I wish gratefully to acknowledge assistance in tracing the facts of Spankie's career from Sir James C. Irvine, C.B.E., LL.D., F.R.S., Principal and Vice-Chancellor of the University of St. Andrews; P. L. Bushe-Fox, Esq., of Cambridge; Dr. Hubert Hall; Miss E. B. Sainsbury; Mr. W. T. Ottewill, of the India Office; Mr. George H. Bushnell, University Library, St. Andrews; Mrs. H. M. Best, M.A.; Mr. F. E. Hyde, M.A., Ph.D.; and Mr. Robert Hutton, M.A., Librarian of King's College, London. When this paper was already prepared for press, a belated letter in *The Times Literary Supplement* (1 Oct., 1931), appealing for help in tracing (i) a portrait or sketch of Spankie, (ii) the motto on his Serjeant's ring, drew an answer about the ring from Mr. Bushe-Fox, and was also the means of putting me in touch with several of Mr. Serjeant Spankie's descendants, who courteously gave me their help. I am particularly indebted to Spankie's granddaughter, Mrs. Hornsby, of Bedford, for all the illustrations, and for much other assistance. I have also to thank Mrs. Davidson, Miss Frances M. Carter, F. M. Spankie, Esq., and W. M. Spankie, Esq., for helpful letters: as also Stephen Wheeler, Esq., for answering several questions.

[4] 'Thomas' has been questioned; 'James' is suggested.

first son, but second child, also named Thomas, was born on 26 January, 1743.[1] He was ordained minister of Falkland of Old Kilgour, in the Presbytery of Cupar, in September, 1770, and in that charge he remained until his death, at the age of forty, on 9 May, 1783.[2] On 30 April, 1772, he had married Margaret, daughter of Robert Bryce, of Dron in Perth, "one of the ablest and most conscientious ministers of the Church."[3] Thomas and Margaret Spankie had a family of six children, five sons and one daughter. Their second son Robert, the first to survive childhood, was born on 17 April, 1774.[4] Robert's elder brother, James, died at the age of five. As Robert then became the oldest in the family he is sometimes described erroneously as his father's eldest son.[5] All six children would appear to have been born in Falkland. Robert Spankie came, then, from that nursery of famous men, the Kingdom of Fife, and from a little burgh of some celebrity, for legend has it that Falkland had once been held in the course of his tempestuous career by no less a person than Roy Roy Macgregor.

About the earliest stages of the training that prepared Robert Spankie to best the Sassenach in the battle of life we know nothing. But there must have been good oatmeal in his porridge. He went up to the University of St. Andrews while still a boy. When he signed the matriculation roll of the College of St. Salvator and St.

[1] *Fasti Ecclesiæ Scoticanæ*, ed. Hew Scott. Revised ed. V (*Synods of Fife, and of Angus and Mearns*), 258.

[2] *Ibid.*, V, 154.

[3] *Ibid.*, IV (*Synods of Argyll, and of Perth and Stirling*), 202 : cp. V, 154. Robert Bryce, son of a shoemaker at Blairlogie, *m.* 20 Dec., 1742, Helen (*d.* Edinburgh, 13 May, 1802), *da.* of Bailie John Shiells, brewer, Portsburgh. Margaret, *b.* 8 Oct., 1843, was the eldest of the six children of Robert and Helen Bryce.

[4] *Ibid.*, V, 154.

[5] E.g. in the admission register of the Inner Temple. The confusion was perhaps helped by the fact that Robert's youngest brother, *b.* 28 July, 1782, was called James Shiells.

Leonard on 19 February, 1789, his age was given as sixteen.[1] In fact he was not quite fifteen, and if he entered, as was customary, at the opening of the session, in the previous November, he was then only fourteen and a half. At the time this was not, in itself, unusual. John Campbell, the future Lord Chancellor, entered the same University with a bursary of £10 in November, 1790, when he had just turned eleven and was two years Spankie's junior as an undergraduate and five and a half years his junior in years. John Campbell and his brother George, about two years his elder, went to St. Andrews virtually in the charge of an old nurse. What is remarkable in Spankie's case is that he was at once able to enter the Senior Greek Class. Campbell looked up to him with youthful admiration, and records that he was considered "by far the cleverest man of his year."[2]

It is probable that Spankie stayed at the University until 1792.[3] He is then lost to sight for a short time, but reappears in London, well before the end of the century, already firmly established as a journalist. He began as a reporter for the *Morning Chronicle* under James Perry.[4] Perry was an Aberdonian who had endured great hardship and was still having a stern battle

[1] Matriculation Roll St. Andrews.

[2] Hon. Mrs. Hardcastle, *Life of John, Lord Campbell*, I, 45 (a fragment of autobiography), and St. Andrews Records.

[3] This seems to be a fair deduction from the fact that he paid Library dues (as a Ternar) from 1788–9 to 1791–2. That he entered the University as a Ternar implies that his means were narrow. His teacher in the Senior Greek class was Professor Hill. John Hunter (afterwards Principal) was his Professor of Latin. Despite his abilities Spankie does not appear to have proceeded to a degree. (Information supplied by Sir J. C. Irvine and Mr. G. H. Bushnell.)

[4] Mrs. Hardcastle, *op. cit.*, I, 45. After leaving St. Andrews, he is said to have been for a time in Edinburgh, on the staff of a newspaper, in which his writings attracted Perry's notice. See *The Son of a Fife Manse, Robert Spankie, Sergeant-at-Law, Attorney-General of Bengal*, by Jean L. Watson. This is an undated pamphlet of 4 small octavo pages, apparently reprinted from a newspaper. It was lent to me by Mrs. Hornsby, who thinks it was based on family information.

to make his paper a success. But London Scots are a remarkable corporation of mutual assistance, and Perry gave his young compatriot a helping hand, perhaps the more willingly as Spankie was certainly reliable and at first was probably cheap. As a reporter he gained the name of being "one of the quickest shorthand writers of his day."[1] Perry is celebrated for having organised the relay system of reporting. He made a point of giving full, prompt and accurate reports of parliamentary debates, and his young men certainly played to his hand. To escape with his report from a rush of members who impeded his exit from the old House of Commons Spankie once swung himself over the rails of a balcony and dropped 16 or 18 feet into the hall below. Wright, an old Messenger of the House, who had seen the feat, made good use of the story many years after, during the Finsbury contest at which Spankie stood for Parliament.[2]

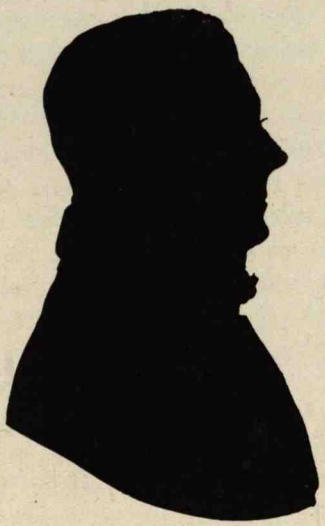
Spankie throve like the industrious apprentice that he manifestly was. By 1800, if not before, he was acting as Editor of the *Morning Chronicle* for Perry, and he had possibly become part proprietor of the paper.[3] Perry had had a long and bitter struggle to keep it afloat. He was short of capital at the outset, and his friend and slightly more moneyed partner, James Gray, had died young. It is not impossible that Perry still required more capital. A thrifty Scot might have been able to put a useful sum into the business, though Spankie must have been lucky and active, as well as saving, if he had gathered much capital in eighteenth-century journalism within a maximum of eight years. That he was a partner is confidently asserted, but it is on the whole safer to regard the assertion as conjecture. What seems much more

[1] *Times*, 4 Nov., 1842.

[2] *Ibid.*, 5 Nov., 1842. A similar story, or the same story with variations of detail, is related by Jean L. Watson, *op. cit.*

[3] Campbell, *loc. cit.*, says part proprietor. *Times*, 4 Nov., 1842, says editor.

FIG. 2.



MR. SERJEANT SPANKIE.

(Found amongst family papers by *Mrs. Hornsby*, and believed to be a silhouette by an amateur.)

likely is that Perry had consented to give him a percentage of the profits in order to retain his services or to reward him for some editorial duties.

As Spankie had been helped, he helped others. When John Campbell, who had found his way to London, tried to "set up author" in order to evade the family design of thrusting him into the ministry, he renewed his acquaintance with Spankie, and about 1798 "formed an intimate friendship with him." Spankie got Campbell work to do for the *Chronicle*, and in October, 1800, started him on a brief but vigorous career as a dramatic critic. But Campbell was only using his pen to buy for himself a way to the greater opportunities of the Bar. Here, again, Spankie helped him. In December, 1803, he got from Sir James Mackintosh a letter introducing Campbell to William Tidd, most famous of special pleaders.[1] Tidd's *Practice of the Court of King's Bench*, on which two generations of lawyers were reared, is well known from a remark of Mr. Uriah Heep: "Oh, what a writer Mr. Tidd is, Master Copperfield!" Mackintosh's letter got Campbell a place in Tidd's pupil-room, and thereby set his feet upon the uncertain ladder of the law.

Spankie soon attempted to climb the ladder himself. He tested his eloquence in a debating society called "The Athenians," presided over with some pomp by a Mr. Phipps, a City merchant, but including several legal aspirants, afterwards well known, chief of whom were two future occupants of the Woolsack, Campbell himself and Thomas Wilde, afterwards Lord Truro. "... Galled with being considered 'a gentleman of the press,'" says Campbell, Spankie "was now studying for the Bar. ... He spoke with great force and considerable fluency, but the effect of his speaking was dreadfully marred by a most discordant voice and a revoltingly coarse Scottish accent, which to his dying day was in no degree mitigated,

[1]Hon. Mrs. Hardcastle, *Life of John, Lord Campbell*, I, 45, 56, 134.

although he took lessons in elocution from the celebrated Thelwall, and spared no pains to train himself as an orator." [1] The celebrated Thelwall was, of course, John Thelwall, orator, poet and reformer, not the least of whose titles to remembrance is that he was a pioneer in the intelligent treatment of the deaf and dumb. He could teach the dumb to speak, but he could not rid a Scot of his accent.[2]

It did not lie in the mouth of Jock Campbell to preach on accents. No effort could rob him of his own—possibly because it is notoriously difficult to rob a Scot of aught that he possesses. But Campbell was apt to speak the truth about his friends, not always in charity. In this case the habit jars, for Spankie continued to do him kindly service. When Campbell was "called" he lent him a fine horse to ride the circuit, which Campbell lamed, and made hot haste to return.[3] When a brief interlude of political fortune brought the Whigs to office and Erskine to the Woolsack, Spankie tried to get for Campbell a useful income as Commissioner of Bankrupts.[4] And if he failed it was through no fault of his own but through the fault of the Whigs in failing to keep long enough in office. There may have been other services unrecorded, for one gets the impression that Spankie thought no trouble too great if it would help a friend.

Spankie himself was admitted a student at the Inner Temple on 22 January, 1803,[5] and was called to the Bar on 1 July, 1808.[6] Of his career during the five years of his preparation for the Bar, or for five years after his call, nothing is known.[7] Probably little is discoverable.

[1] Hon. Mrs. Hardcastle, *Life of John, Lord Campbell*, I, 142.
[2] It remained a hindrance to the end. *Times*, 4 Nov., 1842.
[3] Mrs. Hardcastle, *op. cit.*, I, 200. [4] *Ibid.*, I, 180.
[5] Records of the Inner Temple; *Ann. Reg.*, 1842, pp. 299–300.
[6] *Ibid.*
[7] Except that he had a poor circuit in the spring of 1813, with two or three briefs at most, according to a rather boasting letter of John Campbel., written on 19 April. Mrs. Hardcastle, *op. cit.*, I, 294.

FIG. 3.

MRS. ROBERT SPANKIE
(EUPHEMIA INGLIS).
(Photographed from a miniature.)

It may be that he found the legal pathway thorny. He next appears on the record as a bridegroom. He did not exactly follow the recipe of that "most susceptible Chancellor" who became engaged to "a rich attorney's elderly, ugly daughter," but he did the next best thing. On 29 December, 1813, he married Euphemia Inglis, daughter of John Inglis, Merchant of Mark Lane,[1] for eighteen years, from 1803 to 1821, a Director of the East India Company, and in 1814 its Deputy-Chairman.[2]

Spankie's marriage may not have been designed to woo fortune as well as a bride. Indeed it is possible that his marriage had been delayed by family burdens. His father died when he was nine, and he may have had to help his sister and three brothers, all younger than himself. There are indications that one brother was for a time in some way under his care in London.[3] His mother lived until 1811,[4] and he may have had to contribute to her support. All this is conjecture, but it may have had as much to do with his comparatively late marriage as the equally conjectural uncertainties of the law. Nevertheless it is plain that his marriage brought fortune. It opened the way to Indian legal business. In June, 1814, he appeared before a Select Committee of the House of Commons in support of a bill "To make further Regulations for the Register of Ships built in India." Barristers of course never advertise, and are distinguished for their shrinking modesty. But even a barrister may publish a book if he is prepared to lose money. Spankie printed his speech in an independent

[1] *Gent. Mag.*, Vol. 83, Pt. II, 699, and N.S. *v.* 18, pp. 650–5. The wedding was at St. Olave's, Hart Street. Another daughter married Mr. Chalmers of Auldbar, Forfarshire.

[2] *Ibid.*, and information supplied by Mr. W. T. Ottewill, of the India Office.

[3] William, four and a half years Robert's junior. But there is scarcely any evidence about William. See, however, Mrs. Hardcastle, *op. cit.*, I, 67.

[4] She died at Edinburgh, 29 May, 1811.

quarto volume of 55 pages.[1] It is now unreadable, but it served its turn. One need make no doubt that, coupled with the wise choice of a father-in-law, it opened a path to profit and distinction in India.

Be that as it may, on 2 July, 1817, Robert Spankie was elected Advocate-General in Bengal by a unanimous ballot of the Court of Directors.[2] By statute the holder of this office was vested also with the functions of Attorney-General to the King [3] and is sometimes referred to as the Attorney-General in Bengal. A patent was therefore issued to Spankie giving him precedence of all other members of the Calcutta Bar.[4] Later in the year 1817 he sailed for India in the *Prince Blucher*,[5] accompanied by his wife and a Miss Margaret Inglis, possibly

[1] *The Substance of a Speech delivered by Robert Spankie, Esq., before a Select Committee of the House of Commons, on the 24th and 27th Days of June*, 1814, *in summing up the evidence in Support of a Bill "To make further Regulations for the Registry of Ships built in India,"* London [1814]. There is much matter about this bill in *C.J.*, LXIX, 100–475. It occupied the attention of the House at intervals from 4 Dec., 1813 to 18 July, 1814, when it was defeated by the device of postponing it beyond the date of prorogation. The references to it take up a considerable part of the two columns under the heading East India in the index to this volume of *C.J.*, and are not without interest, though *Hansard* is silent on both the beginning and the end of these proceedings.

[2] Court Book of the E.I.C., Vol. 125, pp. 293–5. Spankie was introduced to the Court of Directors and sworn on 9 July, 1817, *ib.*, p. 334. His appointment was notified to the Governor-General in a dispatch of 6 Aug., 1817. *Bengal Dispatches*, Vol. 75, p. 599.

[3] By 53 Geo. III, cap. 155. The statute does not explicitly confer the title of Attorney-General, but it might be held that it conferred it constructively, for it gave to many acts of the Advocate-General a like authority and effect to those of the Attorney-General in England. See, however, §§ 100–103, and 111.

[4] *Asiatic Journal*, 1818, VI, 214. A new patent of precedence was required on the accession of George IV, and application for it was ordered to be made to the Lord Chancellor in a letter of which the draft was approved at a Court of Directors on 3 Jan., 1821. Court Book, vol. 128A, p. 912. Neither the original patent, nor its renewal, is recorded in Haydn's *Book of Dignities*. The claim of the Advocate-General to a patent is considered in a letter of George North, written from Bombay, to James Patterson, Chairman of the E.I.C., 23 June, 1823, and in E. Owen to Peter Auber, 23 July, 1823. Miscellaneous Letters Received, vol. 151, pp. 221 and 428–9.

[5] Letter from the E.I.C. to the Governor-General, 29 April, 1818. *Bengal Dispatches*, vol. 78, p. 286.

her relation.[1] On 30 January, 1818, he took up his appointment in Bengal.[2]

Between Spankie's arrival and the resignation of his predecessor in September, 1816, the duties of his office had been done by the Standing Counsel to the government, Robert Cutlar Fergusson, whose curious career had not lacked variety. In early life Fergusson had called himself a reformer and had been called a Jacobin. He had been tried, along with the Earl of Thanet, for aiding a notorious political offender to evade arrest. Rightly or wrongly, he had been convicted, sent to gaol for a year, and fined £100. Afterwards the ex-gaolbird had gone to India where he was busily making his fortune in the law. As if to complete the ironic turns of his career, he later entered Parliament on the profits, held legal office in two administrations, and died in the odour of sanctity and the Privy Council.[3]

Plainly the Calcutta Bar was a fruitful field and Spankie also tilled it with profit. His official salary was Rs 24,000, or £2,784 per annum, possibly raised later to Rs 30,000 or £3,480.[4] There were some fat fees in addition. For work on the reform and consolidation of the Customs Regulations, which he could not remain to complete, Spankie was nevertheless paid a fee of nearly

[1] Permission to take Mrs. Spankie, Miss Inglis and a native female servant was granted by the Court of Directors on 23 July, 1817. Court Book, vol. 125, p. 362. Permission seems to have been required under Geo. III, cap. 155, §§ 33–38. There is a strong presumption that Miss Inglis was a relative of Mrs. Spankie, but it is not quite impossible that she might have been a distant relation of Spankie, since his father's mother was born Margaret Inglis.

[2] The *Prince Blucher* reached Calcutta on 28 Jan., 1818, after about 5 months at sea. Spankie was admitted to the Bar of the Supreme Court at Calcutta, took the oath, and presented his patent of precedence on 30 Jan., 1818. [*Asiatic Journal*, 1818, VI, 215, 214, but cf. the conflict of dates, *ib.*, 218.]

[3] Haydn, *Book of Dignities*, 213, 937; T. B. Howell, *State Trials*, XXVII, 822–958; *D.N.B.* Fergusson's own analysis of his case is given in Howell, 958–986. James Mackintosh was his junior counsel. For Fergusson's speeches at the Calcutta Bar see *Asiatic Journal*, *passim*.

[4] Personal Records, vol. VII, 351 (India Office).

£1,200 without a murmur from the Company.[1] This was not all. He engaged in general practice at the Bar. "A sound and learned lawyer," says an Indian eulogist, "his fame spread far and wide." ". . . Many and glorious were the forensic frays he fought in the sanctuary of justice." There is here a touch of oriental rhetoric. But we need not doubt that within five years he had made a "pretty large fortune."[2]

If fortune favoured lawyers the climate did not. Of two successive Chief Justices at Calcutta the first died within a year and the second within a few weeks of landing in India. Spankie was luckier than this. He stood curry and climate for nearly five years. But in July, 1823, finding his health much impaired, he had to return to England.[3] At home he seems quickly to

[1] E.I.C. to the Governor-General, 17 Nov., 1826. [*Bengal Dispatches*, vol. 103, p. 331.]

[2] "Bengal, Past and Present," *The Journal of the Calcutta Hist. Soc.*, IV, 614–15. Spankie's share in "forensic frays" is harder to trace than Fergusson's. He made an after-dinner speech, in reply to the toast of "The Bar," at a farewell to Mr. Stuart, who retired from the Supreme Council of Bengal in 1823. The report is a bald summary of the conventional valedictory eulogies, and it is, indeed, difficult to tell what Spankie actually said. As he was replying to the ninth toast it probably mattered little to his audience, and it must have mattered even less before the company rose, for nine other toasts followed. This is all that I have found and it was scarcely worth finding. *Asiatic Journal*, 1823, XVI, 76.

[3] I have not found the date of his resignation, but his intention to resign was known in England by October, 1823, as is proved by the Letter Books of the E.I.C. Spankie embarked, with his family, in H.C.'s ship *Royal George* (Captain Biden) on 5 July, 1823, and returned by way of China, where he visited Mrs. Spankie's brother, Robert Inglis, a merchant at Canton and Macao. Robert Spankie, junior, was born at Macao. Apparently the *Royal George* left China 8 December, 1823, and returned direct, without touching India. It was reported "off Dover," 24 March, 1824, and anchored at Gravesend 1 April, 1824. (Information of Mr. Ottewill, derived from the log of the *Royal George*, and of Mrs. Hornsby, from personal knowledge. See also *Asiatic Journal*, XVII, 474.) Care must be taken not to confuse the *Royal George* (Captain Biden) with another *Royal George*, also owned at the same time by the E.I.C., which left Calcutta for England 1 January, 1824 (*ib.*, XVIII, 79). In January, 1824, John Pearson was appointed Advocate-General, *Gent. Mag.*, 1824, vol. 94, pt. I, p. 79. The *Asiatic Journal*, 1824, XVII, 212–13, adds "in the room of R. Spankie, Esq., who has resigned that office." The new appointment was notified to the Governor-General in a Public Dispatch of 11 February, 1824.

have recovered a measure of health. He returned to the Home Circuit, and on 5 July, 1824, became a Serjeant-at-Law,[1] thereby entering the order of the coif, which for some years longer was to enjoy exclusive privileges in the Court of Common Pleas. Custom dictated that the new brother should present to each Judge and senior Serjeant a gold ring, bearing a motto.[2] In their mottoes—since they had to go round a ring—clearly the Serjeants had to be brief—probably for the last time. Mr. Serjeant Spankie's was "Bonis legibus, judiciis gravibus."

Hereafter Spankie's career seems to have marched prosperously. Soon after his return he was installed in a house in Russell Square,[3] a region favoured by lawyers, where mural tablets still celebrate Lord Denman and Sir Samuel Romilly, and until an ugly hotel of late obscured a pleasant house another still commemorated Lord Chancellor Loughborough. Spankie returned to the parliamentary Bar and appeared for the Railway Bills of 1825 and 1826.[4] He was granted a patent of precedence immediately after F. Pollock in 1830,[5] and

[1] *Ann. Reg.*, 1842, pp. 299–300; Pulling, *op. cit.*, XXV; Haydn's *Book of Dignities*, p. 413.

[2] See Mr. Serjeant Robinson's *Bench and Bar, Reminiscences of one of the Last of an Ancient Race*, especially chs. 22 and 23. Mr. Bushe-Fox has kindly pointed out that Spankie's motto is recorded in *The Times*, 6 July, 1824, and in *Bingham's Reports*, II, 165. This motto differs, as will be seen in the illustration, Fig. 2, from the motto on Spankie's bookplate.

[3] At first number 40: by 1830 changed to 36. Whether this was a real change, or merely one of the infuriating changes of numeration common at the period, I have not been able to determine.

[4] Proved 30 January, 1843. The text has been examined at Somerset House.

[5] Michaelmas Vacation, 1830. It seems clear that this must have been a renewal, for though Haydn does not record previous grants, the entry follows a batch of renewals, consequent on the accession of William IV in June, 1830. Frederick Pollock's precedence was from Easter, 1827, immediately after John Campbell's. Haydn, *op. cit.*, 416. Serjeants held by writ; King's Counsellors by patent. A patent of precedence gave the holder certain rights of pre-audience and the same privileges as a K.C., but he was able to "plead against the Crown," which a K.C. could not do without a "licence to plead." *Ib.*, 349, and Robinson, *loc. cit.*

was advanced to King's Serjeant in 1832.[1] In July, 1831, his Indian connection still holding good, he obtained the lucrative post of Standing Counsel to the East India Company.[2] Later, if not earlier, he appeared before the Privy Council.[3] On the Home Circuit he seems to have grown into good practice. When the future Serjeant Ballantine joined the circuit as a young junior in 1834, Spankie shared the lead with Serjeant Andrews.[4] But Ballantine had little personal remembrance of him, possibly because he was gradually withdrawing from the circuit in favour of more lucrative openings in town.

Ballantine has perpetuated a legend which may be called " the Myth of Miss Manning " or " The Absence of Miss Smith." The tradition of the circuit was that, " after he had passed the meridian of life," Spankie married a charming young lady. The poet-laureate of the Home Circuit celebrated the match in these lines :

> " When Miss Smith was twenty
> She had lovers in plenty ;
> When Miss Smith got older
> Her lovers grew colder ;
> Then came Serjeant Spankie
> And Miss Smith said ' Thankie.' " [5]

But it is common ground that either Ballantine or the circuit rhymester put Smith because it wasn't Smith.

[1] Haydn, *op. cit.*, 413.

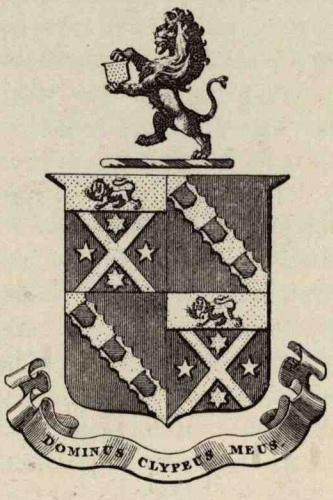
[2] *Gent. Mag.*, 1831, Part II (v. 101, 76). It seems to have been rather unusual for a Serjeant to hold this preferment. See *Gent. Mag.*, 1814, Part II, 672, which records the appointment of J. T. Bosanquet as Standing Counsel *vice* W. Adam " raised to the degree of a serjeant-at-law."

[3] On 23 May, 1835, he made a speech before the Judicial Committee of the Privy Council in defence of the Regulations for the Press in Bengal. *Journal of the Calcutta Historical Society*, IV, 615.

[4] *Some Experiences of a Barrister's Life*, by Mr. Serjeant Ballantine, ed. 1890, p. 46. Miss Inglis was, in fact, " a City beauty and toast." As she died about May, 1872, at the age, it is believed, of 86, she was born in 1785 or 1786. Presumably, therefore, she was 27 or 28 at the time of her marriage in December, 1813.

[5] Ballantine, *op. cit.*, 299 (II, 141–2 in ed. 1882).

FIG. 4.



Robert Spankie.

(Photographed from a Bookplate in the possession of *Mrs. Hornsby*.)

Ballantine makes plain, in a note, that Smith was put because " the description given of the young lady's waning attractions was much opposed to the fact." What was the fact ? The Indian eulogist, already quoted, presumes a second marriage [1]; by implication Ballantine suggests, though he does not assert, a marriage which could only have been a second marriage ; and colour is given to the notion by an assertion in an obituary notice that Spankie married a Miss Manning, daughter of a London merchant.[2] Miss Manning has been sought in vain, and it is now clear that she did not exist, though the origin of her ghostly appearance to an unknown biographer it is beyond the present writer to trace.

But was there ever an original Miss Smith ? Spankie, as we know, was married to Miss Inglis in 1813. His age was then 39, and not until nearly eleven years later was he a Serjeant. Once one might have taken 39 to be, in Ballantine's phrase, past the meridian of life, but with the passage of the years one acquires a prejudice against this unhealthy opinion. On two grounds, therefore, any hypothesis which identifies Miss Smith and Miss Inglis must be rejected : Spankie was neither a Serjeant nor past the meridian of life when he married her. But if it does not relate to the first marriage it can relate to no other, for there was no other. This is proved by Spankie's will, made 1 November, 1840, almost exactly two years before his death on 2 November, 1842.[3] Now Miss Inglis was called Euphemia.[4] The principal beneficiary under Spankie's will is his wife, Euphemia, and one of the executors was his brother-in-law, Robert Inglis. Had Euphemia died and Robert Spankie married again within the two years after the will was made, the will would have been invalid and there would have been

[1] *Calcutta Hist. Soc., loc. cit.* [2] *Times*, 4 Nov., 1842.

[3] See below, p. 64.

[4] This is clear from the record of the baptism of her son Thomas in the Register of St. George's, Bloomsbury, where she is so named.

no probate of it. The total absence of Miss Smith, by that or any other name, seems to be proved beyond reasonable doubt. With slight verbal changes we might borrow the words of Mr. Chesterton's Father Brown about the absence of Mr. Glass. "I suppose there never was anybody so absent as Miss Smith. . . . She was absent from the Nature of Things. . . ."

Like most barristers of his time, and possibly of any other time, Spankie had parliamentary ambitions. At the first general election under the Reform Act of 1832 he stood for Finsbury as a Whig, and he was elected [1] along with Robert Grant,[2] afterwards Governor of Bombay, whose brother Charles was in the Whig Cabinet. Of the three defeated candidates the one who stood next to Spankie on the poll was a remarkable man, Charles Babbage, inventor of the calculating machine which was one of the wonders of the age.

Spankie sat in Parliament for only two years, being elected in December, 1832, and losing his seat at the election of January, 1835.[3] He presented one interesting petition and made five speeches. The petition was from Henry Hetherington, famous as an opponent of the stamp duty on newspapers, who complained of prosecution and imprisonment for issuing unstamped publications. Spankie made no speech beyond the necessary words of introduction and explanation, though there was afterwards a lively debate.[4] Only two of his speeches are really political. They were separated by exactly three weeks, and in them he managed to speak on opposite sides of the same question. The first, his maiden speech, was not very well heard, and is perhaps ill reported. It appears to be in favour of the repeal of that "stuffy expedient," the

[1] H. S. Smith, *Parliaments of England*, I, 208.

[2] Commissioner of the Board of Control since 6 Dec., 1830. Haydn, *op. cit.*, 253.

[3] Smith, *loc. cit.*

[4] Friday, 15 Feb., 1833, *Hansard*, 3rd Series, XV, 768–770.

window-tax, which he said the people had been led to expect as one of the first acts of a reformed Parliament. Spankie was extremely critical of the Whig government, and in this division he voted against it.[1] In the brief interval before his second speech he shifted his position. He said that he "should be happy when the time arrived that both the taxes on houses and windows could be dispensed with." Meantime to repeal them before some substitute had been found involved "a breach of faith with the national creditors."[2] In other words he supported the ministry in resisting repeal.

His remaining three speeches can all be classed as in some degree professional. In the first he defended an Irish judge, Baron Smith, in whose defence there seems to have been singularly little to be said. Spankie believed that he was protecting the independence of the judges, as a good lawyer should, in resisting an enquiry to which the ministry had consented. If the case must be tried, he argued, let it be heard at the bar of the House, and if Baron Smith "should be doomed to perish, let him perish in the face of day," a piece of sounding rhetoric which was spoiled by the fact that the face of day was just what Baron Smith most clearly shunned.[3] The other speeches were mere legal conservatism. One was against a needed and inevitable amendment in the law of imprisonment for debt by the reform of an old process which did little or nothing to assist the actual recovery of what was owing to the creditor. Spankie thought it

[1] Tuesday, 30 April, 1833, *ib.*, 812–13. For whole debate, 758–837. The general argument is mixed up with a dispute about the reduction of the tax on malt, which had been carried against the Government on 26 April. Cf. 689–692, 716 and division list on 717–18. On the present occasion the government succeeded in the division, 355–157.

[2] Monday, 21 May, 1833, *ib.*, XVIII, 27: whole debate 11–32. The government was successful by 273 votes against 124, *ib.*, 32–3.

[3] Thursday, 13 Feb., 1834. The motion for enquiry was carried, 167–74, Spankie voting in the minority. *Ib.*, XXI, 272–350; division list, 350–2; Spankie's speech, 329–331.

would "let loose a spirit of adventure which nothing could restrain." [1] The other was against the Prisoners' Counsel Bill, to enable a prisoner's advocate to make a speech on his client's behalf instead of being confined to a mere cross-examination of witnesses, prolonged to gain as much of the effect of a speech as the dexterity of counsel could achieve or the somnolence and indulgence of the judge would permit. Spankie thought that if speeches were allowed the Courts would be turned into "a scene of ingenious display." [2] It may be admitted that this has sometimes been noticed since speeches have been the rule, but it may equally be doubted whether greater ingenuity is displayed in making a speech when one is supposed to be making it than in making a speech when one is supposed to be doing something else. Both the reforms which Spankie opposed have long since been effected with advantage, and have increased not merely the efficiency and humanity of the law but its hold upon the esteem and respect of the public. One of Spankie's incidental assertions fills one with doubt. He held that the judge watched the interest of the prisoner. This is probably more true to-day than it was in 1834, but even in recent times there have been cases in which it has been difficult to observe any very conspicuous guardianship of a prisoner's interest by the presiding judge.

Spankie's legal conservatism had some counterpart in his politics. From the first he took an independent line towards the Whig government which he had been chosen to support, and perhaps he was not wholly without justification. But he certainly moved to the right rather than to the left. When the ministry fell in 1834, and "the hurried Hudson" sped to Rome to call Peel to office, Spankie refused to "participate in the cry of

[1] Thursday, 22 May, 1834. *Ib.*, XXIII, 1228.
[2] Wednesday, 4 June, 1834. *Ib.*, XXIV, 162–3: whole debate, 158–169.

lamentation." In an address to his constituents, which was at least twice reprinted, possibly as an aid to the new Conservative ministry, he declares his dread of further change which might strike at the Church or the Lords, or involve substantial extensions of the Reform Act of 1832. "The tyrant *aggregate*" might be no better than the "tyrant *sole*," he says, and "his nerves must be weak indeed who is deterred from doing his duty because he may be reviled as a Tory. . . ." [1]

His constituents at Finsbury certainly reviled him as a Tory at the ensuing election. During the canvass a Finsbury tradesman told him that he would sooner vote for the Devil than for a Tory. "But," said Serjeant Spankie, with an insinuating smile, "suppose your friend does not go to the poll." [2] In 1835 the favoured candidates were two Radicals, Thomas Wakley, who had been defeated in 1832, and Thomas Slingsby Duncombe, a somewhat swashbuckling windbag, given to bluff, bombast and untidy rhetoric. It has been shrewdly suspected, though it is perhaps incapable of proof, that he was the living original of Mr. Gregsbury, "the great member of Parliament," who professed ignorance of the meaning of the word gammon, but showed on a celebrated occasion that he knew as well as his betters that a political deputation was a noun of multitude, meaning many, but not signifying much. It will be recalled that Mr. Gregsbury offered Nicholas Nickleby the post of secretary, coach, crammer, press-agent, toady and trumpeter at the magnificent salary of fifteen shillings a week, and that a not invariably

[1] R. Spankie, *To the Electors of the Borough of Finsbury*, 4to, London, 1834. Another print, 8vo, London, 1834. Yet another, dated 24 November, 8vo, Manchester, 1834. "Spankie's admirable addresses have ensured his defeat." *The Greville Memoirs* (ed. 1905), III, 197.

[2] Quoted in J. B. Atlay, *Victorian Chancellors*, I, 114 *n.* But the same anecdote has been fathered on Wilkes, and in substance is probably as old as electioneering.

sensible young man had for once sense enough to decline the offer. The oratorical styles of Mr. Gregsbury and Mr. Duncombe bear to each other a striking family resemblance.[1] Duncombe had the reputation of neglecting to pay his debts. His fellow Radical, Mr. Wakley, was accused of having burnt down his house in order to cheat an insurance company. During the canvass Spankie was told by an elector that he was pledged to vote for Duncombe and Wakley. "I only hope," retorted Spankie, "that you may have one for a debtor, and the other for a tenant."[2] But no amount of cleverness could save Spankie from the wrath of Finsbury. Duncombe headed the poll, Wakley came second, Spankie was more than a thousand votes behind him.[3] The first two were elected and Spankie lost his seat.

It may be that Spankie was not the kind of man to adapt himself readily to political life at the age of fifty-six. His few parliamentary exploits do not suggest that he would ever have been a great success in the Commons, or that he had really gained the ear of the House. But the loss of a seat in Parliament may be disastrous to an ambitious barrister, not merely politically but professionally. Certainly Spankie was never promoted to a judgeship. But it is by no means sure that the electors of Finsbury are to be blamed for that. Spankie was a hard-headed and indomitable advocate who was not to be easily set down, and who clung to his clients' interests with the persistence and tenacity of a bull-dog. In Liverpool we have good reason to be grateful to him for that. But in all probability he was not a great lawyer,

[1] *Nicholas Nickleby*, ch. XVI.

[2] Ballantine, *op. cit.*, ed. 1890, p. 299. There is another version of this story, with slight verbal differences, in *The Greville Memoirs* (ed. 1905), III, 202–3. There is an account of the election from Duncombe's point of view in *The Life and Times of Thomas Slingsby Duncombe*, edited by his son, T. H. Duncombe, vol. I, ch. X.

[3] Smith, *op. cit.*, I, 208.

though he may have been a great advocate : a technical distinction not always overlooked when promotions are made to the bench. " His talents as a lawyer," says the writer of an obituary notice in the *Times*, " were not considered of the first order." [1] None the less he seems to have been freely " tipped " for promotion in 1835, when there was a vacancy in the King's Bench. Lord Lyndhurst considered him, and when another name was suggested he replied that " Serjeant Spankie had suffered much for their party, and deserved to be considered." [2] This was taken to refer to his recent defeat at Finsbury, but probably Lyndhurst was thinking as much of the usefulness of Spankie's address to his electors in 1834 as a Tory pamphlet. " That Spankie was to be the new judge," we are told, " was certainly the current opinion for some time." But the prize ultimately went to Mr. Serjeant Coleridge, father of the more famous Chief Justice, and it does not appear that Spankie was ever seriously considered again for judicial honours.

Once again, however, he did come into some public prominence as a defender of the order of Serjeants. It is on this account that Woolrych, a zealous partisan of the privileges of the order, may be considered a little ungrateful in omitting Spankie from his biographies of eminent Serjeants. In April, 1834, Brougham had issued a rather arbitrary order, probably in excess of his powers as Chancellor, which swept away the right of the Serjeants to exclusive audience in the Court of Common Pleas. That antiquated monopoly was without much practical justification, and was ripe for death. But it is one thing to make the right reform, and quite another to do it in the wrong way. Five Serjeants, of whom Spankie was one, went to great trouble and cost

[1] *Times*, 4 Nov., 1842. But cf. the judgment of his Indian appreciator that he was " a sound and learned lawyer." *Calcutta Hist. Soc.*, IV, 614.
[2] *Random Recollections of the Midland Circuit, apud* Atlay, *loc. cit.*

in amassing the historical, legal and antiquarian learning required to defend the threatened privileges of their order.[1] At the enquiry which followed it is clear that Brougham was proved wrong and the Serjeants right. But the Court had already been thrown open and it was thought inexpedient to restore the monopoly. So the committee of enquiry delayed its report until the knot could be cut by an Act of Parliament which formally abolished the exclusive privilege of the Serjeants in 1837, and the legal committee of the Privy Council avoided the necessity of making a report which could have been no less than a censure of the former Lord Chancellor.

Spankie's grip and tenacity as an advocate were, in all probability, never better shown than in the work he did for the Liverpool and Manchester Railway Bill. He was led, on the side of the company, by Mr. Adam, one of the most experienced lawyers at the parliamentary bar. But much of the examination and cross-examination of witnesses was done with great skill by Spankie. In 1825 he made the concluding speech on the evidence for the bill. It is a concise, luminous and convincing summing up of the case for the Railway, showing clearly the saving to be expected from it in expense and the gain in celerity. "Every hour must be saved," he said; "for every hour that is lost we must answer. Nothing is more true than that the saving of time is the greatest of all economies, and contributes most to the public good."[2] In 1825 his pleading was in vain. But in 1826 he triumphed before the House of Lords, largely through his skill in cross-examination. Nobody can read the evidence without realising that he riddled the case of his opponents. So successful was he that on the question

[1] A general account of this dispute is given by Atlay, *op. cit.*, I, 434–6. References to it by contemporaries are too numerous to be cited in full.

[2] *Proceedings of the Committee of the House of Commons on the Liverpool and Manchester Railroad Bill*, Session 1825, p. 327.

FIG. 5.

THE SPANKIE FAMILY.

(Photograph from a sketch made by *Mrs. Spankie* during her residence in Calcutta.)

of the employment of the locomotive engine the Lords intimated that they would not need to hear the evidence that he could have called in rebuttal of the criticisms and opinions that had been heard against it. So far as final success in the Lords was due to the case made before the committee, the main credit must be given to Spankie for the decided victory of 1826.[1]

There is reason to think that among his legal cronies Spankie was good company.[2] Unhappily most of his quips are lost. Of a contradictious advocate, nicknamed "General Issue," presumably because that was the plea when there was nothing else left to wrangle about, he said "If I were thrown upon a desert island with him and a bear, I would prefer the bear's company."[3] It is certain that no such verdict would have been passed upon Spankie himself. When he died on 2 November, 1842, after an illness in which he had suffered greatly for some days, he died "deservedly respected by the whole Bar."[4]

That Spankie had some oddities is made plain by his will. It was sworn at under £35,000, and presumably his estate did not fall far short of that amount. It argues some thrift, for he had not been called until he was turned 34, and he had made a slow start. Moreover he had ten children, six girls and four boys.[5] To the boys he gave a good education. Thomas, the eldest, graduated at Cambridge, became a Captain in the Bengal Native Infantry, and wrote the appendix to Robson's

[1] *Lords Paper* 68 of 1826, vol. 209, pp. 139 *sqq.*, in the copy in the Library of the House of Lords, to which I had access by the courtesy of Mr. C. T. Clay, M.A.

[2] Campbell said that Spankie was reputed to be "the most agreeable companion in the profession of the law." Mrs. Hardcastle, *op. cit.*, I, 45. He was a member of a club called the "Beeswing" where Campbell heard the best conversation he ever listened to, but where the drinking was "tremendous," *ib.*, I, 411.

[3] Quoted by Atlay, *op. cit.*, II, 87 *n.*

[4] *Times*, 3 Nov., 1842.

[5] See Appendix.

Great Sieges of History which describes the sieges of Delhi and Lucknow. Robert was at Eton under Hawtrey, proceeded to the East India Company's College at Haileybury, and subsequently rose to be a judge of the High Court in India. John graduated from Merton College, Oxford, and entering Lincoln's Inn became a barrister-at-law. The career of James, the youngest, has not been fully traced. He entered the East India Company's service, and would seem to have died young. But it seems safe to assume that his father did as well by him as by his brothers. Once educated, Spankie expected his sons to stand upon their own legs. He left his money to his wife and daughters, for it was "most advantageous," he explained, that his sons "should rely on their own industry." They might, it was true, draw an allowance of £100 a year, but were admonished to think well before doing so, as it would reduce the income of their mother. The daughters were to live with their mother: stress is laid upon this, but it need not be assumed that the mother was a lady with whom nobody would live except under some strong inducement. The object was to encourage family feeling and keep the home together. While at home the daughters were to contribute to the family expenses: if one decided to live alone she lost half her income: if one married she was to receive a third of her share of the capital—a dower of perhaps £500 to £600.[1] On the whole it was the kind of will which the common law practitioner draws for the profit of the Chancery Bar. Incidentally it may be mentioned that will and codicil provided an array of executors ultimately numbering thirteen, though in the order of nature it was not likely that all could or would act at one and the same time. It may be taken that the ruling passions of the Scot were strong even in the expectation of death—

[1] Proved 30 Jan., 1843, "sub £35,000 special probate." There was another probate in 1872.

provision for far-off contingencies, the conviction that a man should make his own way in the world, and an overmastering, if oddly expressed, belief in the solidarity of the clan.

APPENDIX

SPANKIE'S FAMILY

SPANKIE had ten children, four sons and six daughters, all of whom were alive when he made his last will, 1 Nov., 1840.

1. THOMAS, *b.* 25 Sept., 1815, *bapt.* 21 Jan., 1816 (Register, St. George's, Bloomsbury, Mdx.); *ed.* Reading School, Berks; *matric.* Trin. Coll., Cambridge, 1833 (Rouse Ball and Venn, *Adm. to Trin. Coll.*, IV, 382, and application form, 29 March, 1837, India Office); Lieut., 48th Bengal Native Infantry, joined 8 Oct., 1839 (*Army List*, 1840); retired with rank of Captain, 6 Aug., 1856 (*Army List*, 1857, p. 242); *m.* at Great Yarmouth, 20 May, 1846, Clementina Louisa, 3rd *dau.* of Mortlock Lacon, Esq. (*Gent. Mag.*, N.S. 26, July–Dec., 1846, p. 196; contributed to Robson's *Sieges* (London, 1858).

2. MARGARET, *b.* 25 Nov., 1816; *bapt.* 24 May, 1817 (Register, St. George's, Bloomsbury, Mdx.).

3. EUPHEMIA, *b.* 29 May, 1818 (*India Register*, 1819, 2nd ed., p. 460); *bapt.* 7 Jan., 1819.*

4. FRANCES, *b.* 29 Oct., 1819 (*Bengal Directory*, 1820, App. 128; *India Register*, 1821, 2nd ed., p. 470); *Asiatic Journal*, 1820, IX, 625); *bapt.* 5 Feb., 1821.*

5. ISABELLA, *b.* 7 Oct., 1820 (*Bengal Directory*, 1821, App., p. 116; *India Register*, 1821, 2nd ed., p. 454; *Asiatic Journal*, 1821, XI, 509); *bapt.* 10 Nov., 1821.*

6. AGNES, *b.* 26 Sept., 1821 (*Bengal Directory*, 1822, App., p. 75; *India Register*, 1822, 2nd ed., p. 458; *Asiatic Journal*, 1822, XIII, 407); *bapt.* 10 Nov., 1821.*

7. JOHN, *b.* 9 Oct., 1822 (*Bengal Directory*, 1823, App. 84; *India Register*, 1823, 2nd ed., p. 459; *Asiatic Journal*, 1823, XV, 422—the *Register* has it under 26 Oct., I think by a typographical mischance); *bapt.* 10 May, 1823*; *matric.* Merton Coll., Oxford, 2 Dec., 1841; B.A., 1846; M.A., 1849 (Foster, *Alumni Oxonienses*, 1715–1886, IV, 1331); admitted student, Lincoln's Inn, 9 Nov., 1846 (*Records of Lincoln's Inn*, II, 230); called to the Bar, 22 Nov., 1849 (Foster, *Men at the Bar*); *d.* 1901 (presumably: he is in *Law List*, 1901; omitted 1902).

8. ROBERT, *b.* 12 Sept., 1823, at Macao, China, during the visit of his parents to his uncle, Robert Inglis; at school he was called "the Chinaman" (information of Mrs. Hornsby, his daughter); *bapt.* 6 June, 1832 (Register, St. George's, Bloomsbury, Mdx.); *ed.* Eton, Haileybury; nominated for I.C.S. by George Lyall, director of E.I.C., 31 Dec., 1841 (*Petitions*, 1841, no. 44, and documents in support of his application for admission to the service, India Office); *m.* at Auldbar, Forfarshire, Mary Stewart Blakely, eldest *dau.* of the Very Rev. the Dean of Down, 28 April, 1847 (*Ann. Reg.*, 1847, Chron., 183; *Gent. Mag.*, 1847, Pt. II, 80); first arrived in India, 13 July, 1844; passed through usual stages until promoted Joint Magistrate and Deputy Collector, first grade, at Agra, 1852; officiating or appointed Magistrate and Collector successively at Benares, Cawnpore and Saharanpore; officiating Civil and Sessions Judge at Saharanpore, 1858, afterwards at Fazakabad, Meerut and Jounpore; Judge of the High Court, Allahabad, 7 May, 1867 (*Army* (*India*) *List*, 1871, p. 682); retired 1882 (*India List*, 1882, pp. 18, 28; 1883, p. 28). At his retirement he was the Senior Civil Servant of the first class in India: the next on the roster was two years his junior in service. Some of his juniors, *e.g.* Sir Richard Temple, had retired five years earlier. Most of the service details are abbreviated from information supplied by Mr. Ottewill.

9. JAMES SHIELS, *b.* 3 May, 1825; *bapt.* 6 June, 1832 (Register, St. George's, Bloomsbury, Mdx.); Shiels should possibly be Shiells; appointed to I.C.S., 1847 (*India Register*, 2nd ed., 1847); first stationed at Chittagong, 1849 (*India Register*, 1849); various appointments until 1860 when he was Magistrate, third class, and Joint Magistrate and Deputy Collector at Malda (*India Register*, 1860); Magistrate and Collector (2nd grade) at Cuttack (*Indian Army and Civil Service List*, 1861, 2nd ed., p. 6); Joint Magistrate and Deputy Collector at Sarun, 1862 (*ib.*, 1862, p. 6); in 1863 listed without stated appointment (*ib.*, 1863, 2nd ed., p. 6); disappears from Seniority List, 1864 (*ib.*, 1864, 1st ed.); as he never appeared in the Civil Annuity List the presumption would seem to be that he died about 1863.

10. HELEN, *b.* 22 Sept., 1827; *bapt.* 6 June, 1832 (Register, St. George's, Bloomsbury, Mdx.); *m.* Robert Montgomery of Over, Cheshire, 2nd *s.* of Robert Montgomery of Edinburgh, at Paddington, 23 Jan., 1855 (*Gent. Mag.*, XLIII, pt. I, 409).

One of Spankie's grandsons followed a legal career in India: GEORGE THEOPHILUS, law reporter, *s.* of Robert Spankie

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(No. 8 above), *b.* Allahabad, 1849; admitted student of Lincoln's Inn, 9 Nov., 1868; called to the Bar, 6 June, 1871 (Foster, *Men at the Bar*, where the record of George Theophilus is apparently assigned to his uncle, John Spankie; *Records of Lincoln's Inn*, II, 332). *The Indian Law Reports, Allahabad Series*, . . . Reported by . . . G. T. Spankie, etc., 1899, etc., are in the British Museum.

* Dates of baptisms at Calcutta, supplied by Mr. Ottewill from the India Office Ecclesiastical Returns (or Registers), certified to be true copies of the originals. Mr. Ottewill's discovery of the log of H.C.'s ship *Royal George*, giving the ages of the children, resolved all doubts as to the order of their birth.

I have abbreviated above the titles of the *East India Register and Directory*, and of the *Bengal Almanac and Annual Directory*.

Baptisms in England have been taken direct from the Register of St. George's, Bloomsbury, Mdx., which have not been printed.