

solemn surroundings which give point to the judicial joke; and the man who is able to convulse the back benches in his own court generally finds that he is a dismal failure as a mere after-dinner speaker.

A GOOD JOKER—A BAD JUDGE.

Prima facie the judicial personage who is always seeking to make fun of the case before him makes a bad judge. Be he ever so wise and impartial, his wisdom runs grave risk of being effectively concealed from the anxious litigant whose troubles, either directly or indirectly, are made the sport of the crowd of idlers who hang about the law courts. Did not Lord Chesterfield say: "Humour is the property of those who possess it, and very often the only property they have?"

To be humourous is not the province of a judge. Lord Bacon in his celebrated essay "*Of judicature*" impliedly, if not expressly, exercises humour on the Bench. He wrote: "Patience and gravity of bearing is an essential part of justice, and an over-speaking judge is no well-tuned cymbal. . . . The parts of a judge in hearing are four:—to direct the evidence; to moderate length, repetition or impertinency of speech; to recapitulate, select and collate the material points of that which hath been said; and to give the rule or sentence. Whatsoever is above these is too much, and proceedeth either of glory and willingness to speak, or of impatience to hear or of shortness of memory or want of a stayed and equal attention." If the element of fun must be introduced where questions involving life, liberty, character, or the possession of property are at stake let the fun come from the Bar or the witness. It may well be that some cases deserve to be treated with ridicule, but that ridicule should not come from or be suggested by the judge. The writer once heard a member of his own profession actually laugh a murder case out of court; but that was done in spite and not with the assistance of the presiding judge.

LIGHTER TOUCHES.

While judges remain human—and hitherto no mechanical equivalent has been found—it were impossible to exclude the ele-