

JUDICIAL COMMENTS ON JUDGES.

Court proved more lenient to the executrix, than to the executor in *Doner v. Ross*. Here the executrix was not left remediless on account of her error in permitting judgment to be entered against her for the full amount of the claims.

Willis v. Willis, 20 Grant 396, also shows the impropriety of paying off creditors in full, where there may be a deficiency. "All payments beyond *pro rata* payments are a misapplication of funds." Even if the representative advances funds of his own to meet pressing claims, he can only charge against the estate the amount which would have been properly paid on a *pro rata* distribution.

On the whole it would seem that the effect of the act will be to throw upon the Court of Chancery the burden of administering all estates of which the assets and liabilities are of any importance.

JUDICIAL COMMENTS ON JUDGES—Continued.

HARDWICKE, Lord.—"I state that as the opinion of that great man, (for such he was both as a common lawyer and as judge in Equity). Lord Hardwicke," per Lord Eldon, *Princess of Wales v. Earl of Liverpool*, 1 Wilson's Ch. Ca. 124, and see *Ex p. Cridland* 2 Rose, 166. "I am old enough to remember that great judge, though but for a short time, before he left the Court of Chancery; and the knowledge of those who lived before me only fortified me in the opinion I formed of him, that his knowledge of the law was most extraordinary; he had been trained up very early in the pursuit; he had great industry and abilities, and was, in short, a consummate master of the profession," per Lord Kenyon, in *Goodtitle v. Harvey*, 7 T. R. p. 416.

HEATH J. (C. P.).—A judge "eminently versed in the knowledge of conveyancing," per Lord Eldon, in *Maundrell v. Maundrell*, 10 Ves. 263. "He possessed great knowledge of this branch of the law." (i.e. real actions) per Park J., in *Wooley v. Blunt*, 9 Bing. 640. He was singled out (with Chamber J. and Law-

rence J.) by Williams as a great lawyer; he combined the science of law with considerable common sense. Woolrych "Serjeants," p. 690.

JEFFRIES, Lord Chan.—Lord Langdale said of him, "that in all the decisions he pronounced he was considered as high authority as a lawyer. No one of his decisions had ever been overruled since." This, however, is rather over-stated. See 45 L. Mag. 291, 2.

JEKYLL, Sir J.—Upon a question of testamentary law regarding a legacy, Sir R. P. Arden, M. R., said "Sir Joseph Jekyll was a very great judge upon all questions of this nature." *Morley v. Bird*, 3 Ves. 630. "A man of consummate knowledge," per M. R., in *Milbourne v. Milbourne*, 1 Cox 248. "A high authority," per Cottenham, C., in *Barber v. Barber*, 2 Jur. 1030.

KENYON, Lord.—"He was peculiarly versed in the law of real property," per Lord Eldon, in *Goodright v. Rigby*, 2 Dow. 257. "Lord Kenyon possessed great information on this subject," (i.e. protection of copyright from piracy) per Lord Eldon, in *Mawman v. Jegg*, 2 Russ. 399. As M. R., his decrees were sometimes overruled from an obstinate adherence to rigid rules of law and precedents. As C. J., his judgments are stamped indelibly on the laws of England. As a lawyer, equal to Lord Mansfield; 17 Law Mag. O. S. 265; 18 ib. 49.

KING, Lord Chan.—"He was as willing to adhere to the common law as any judge that ever sat in Chancery," per Lord Hardwicke, in *Le Neve v. Le Neve*, 3 Atk. 654. More of his decrees were reversed than those of any other Chancellor during the same period of time; many of his judgments were impeached or qualified by later decisions. 13 Law Mag. O. S. 309, 328.

LANGDALE, Lord, M. R.—One of the best judicial authorities upon the practice of the court, per Spragge, V. C., in *Irving v. Boyd*, 15 Gr. 160.

LEACH, Sir John, V. C. & M. R.—He was familiar with equity practice, but decided too rapidly, so that many appeals arose therefrom. He was unrivalled in dictating minutes of decrees, and disposed of cases of account in a masterly manner. 16 Law Mag. O. S. 13, & 12 ib. 427. Sir S. Romilly says he was deficient in knowledge as a lawyer, and that all he knew was acquired by his daily practice; 24 Law Mag. 461. Lord Brougham records that Lord Eldon's court was called that of *Oyer sans Terminer*, and V. C. Leach's that of *Ter-*