

to Christian generosity, are still sufficiently poetic to see a glimpse of "good in all things."

Moreover, it is our duty and pride to add, that if among the body of legal gentry there are to be found such enormities as "sharp practitioners" and "pettifoggers"—scoundrels who seek to render law a matter of injustice, and who use that which was intended to prevent injury and robbery as the means of plunder and oppression—who regard it as their interest to retard, rather than advance justice, and who love equity and its long delays simply on account of the iniquity of its costs—if there be such miscreants as these included among the legal profession, there are, on the other hand, the most noble judges of the land comprised among its members; and granting we should estimate the true dignity of a vocation by those who are at once the most honorable and honored types of it, we must candidly admit that there is no office that sheds so pure and brilliant a glory upon our nation, as that filled by the righteous and reprobless band of English gentlemen who occupy the judgment seats of this country.

For whilst in every other kingdom the judge is but little better than a quibbling and one sided advocate—a government hireling, trying his hardest to convict the prisoner—the British arbiter weighs, with an exquisitely even hand the conflicting testimony in favor of and against those who are arraigned at his tribunal, and with a gracious mercy casts into the trembling scale—in cases of indecision—the lingering doubt, so as to make the evidence on behalf of the accused outweigh that of his accusers. Nor can even the most skeptical believe that it is possible for governments or private individuals to tempt our judges to swerve from the strictest justice between man and man, by any bribe, however precious, or by any worldly honors, however dazzling. Indeed if there be one class in whose iron integrity every Englishman has the most steadfast faith—of whose Pilate-like righteousness he has the profoundest respect, and in the immaculateness of whose honor he feels a national pride—it is the class to whom the high privilege of dispensing justice among us has been intrusted, and who constitute at once the chiefs and the ornaments of the profession.—*Criminal Prisons of London.*

EXTRACTS FROM LORD BROUGHAM'S LETTER TO THE EARL OF RADNOR.

"Brougham, October 15th, 1862.

"But as to the last session in its legal and law-amending aspect, it really must be allowed to have done more than might have been expected, considering the degree in which all men's minds were absorbed by the cruel, unjust, and unnecessary civil war of the Americans, the distressed condition of Lancashire, the struggles of the Italian Kingdom, not to mention the distraction of our great international Exhibition. Some really useful amendments of the law were effected, of no great pretensions; for the less unassuming ones are far from being undeniable improvements."

"But the Act of by far the greatest pretension, for facilitating the transfer of real estate, is by many experienced persons expected to prove a failure. Certainly, such a bill should have been subjected to the fullest discussion, both of professional men, through whose instrumentality it must be worked, and of the community at large, for whose dealings it is intended. There could have been no harm whatever in a year's delay, for letting the plan be considered during the long vacation, and no use in hurrying such a measure through Parliament at the end of the session. The great Incorporated Law Society urged strong objections to it, alleging that it was permissive, and no one with a good title would take advantage of it, and holding that it would be inoperative except in creating offices with large salaries. I am very far from concurring in all the objections made, and still less in the sarcasm which has been ventilated, that the bill was hurried through in order to pro-

vide a set-off to the Bankruptcy Act, which has proved a total failure. This failure is fully admitted, and by all; but I consider the attempt to improve our conveyancing as conscientiously made, and heartily wish it may succeed, though I have stated now, as I did at the Social Science Congress, the objections to its hasty enactment, and my preference for the plan reportedly presented in the shape of bills, extending to estates of every kind the procedure with customary property, by which, as Mr. Fawcett has explained from his large experience in customary courts, the cost of conveyance of the largest estate does not exceed a few shillings and the dispute of a title is almost unknown.

"But all the defects in late measures, and the great occasion for legislation upon other matters, as well as for arrangements in our judicial procedure requiring no new law, though imperatively required, lead to the absolute necessity of a department for performing the duties of Minister of Justice. Such a department would have prevented the omissions and bad provisions in the recent Acts, and would secure the proposal of measures required, beside the inestimable benefit of presiding over the preparation of all bills, with the consent of the Government and of individual members. We are indebted to Mr. Napier, the able and excellent ex-Chancellor of Ireland, for his persevering efforts on this subject in different sessions as long as he continued in Parliament. In 1853 and 1855 he met with little support; but in 1856 he obtained the consent of the Commons to a modified resolution. The year after his triumph was complete. He carried, all but unanimously, an address for the establishment of a separate and responsible department of Public Justice, supported strongly by Lord Palmerston and Lord John Russell, who recommended the Queen to return an immediate answer that the "subject should receive that attentive consideration which its importance demands." I therefore naturally, before the end of the session, called for information as to what had been done in the five years since the "attentive consideration" had been promised; and a private communication from a leading member of the Government apprises me that nothing whatever has been concluded. It may, however, be hoped that this important step, so strongly recommended by the Commons and by the two chief Ministers, will at length be taken; and there is assuredly no lack of duties for the department. Nevertheless, even if the establishment of it should be delayed, some of these duties are so urgent that they must be discharged without such help."

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"You have lately seen a scandal in Scotland; the agitation over great part of the country on the subject of a conviction for murder. Petitions for pardon, numerous signed, are sent up, and a meeting was held at Glasgow, attended by thousands, to pass resolutions in favour of such an application nominally, but really against the learned judge and respectable jury who tried the indictment. The Home Secretary, in whose department the consideration of such a petition is, happens to be a lawyer; but this is a mere and a rare accident. His two predecessors were not; and I do not recollect an instance of a lawyer in practice holding that office. Ought not this and all such cases to be brought before the Department of Justice? But this case, and the scandal of the agitation upon it, in all probability never would have arisen had the attempt I so often made succeeded, to extend my Evidence Act to defendants in criminal cases, on their desiring to be examined, and of course subjected to the sifting of cross-examination. It is plain that the woman convicted would have desired to be examined, and her sifted testimony would either have led to an acquittal or confirmed the verdict; in either case the public mind would have been satisfied. The only objection ever urged to this extension of the Evidence Act is, that any party declining to take the benefit of the law would be supposed to be guilty for that reason. But surely the judge