

OPENING OF THE NEW LAW COURTS OF ENGLAND.

of the annalists when they speak of our great law-founder, Edward I., as the English Justinian. Even Victoria is not, or is not yet, the English Justinian. The work of final consolidation in our law, where the very fragments of the consolidation material already fill a library, is perhaps too vast a task for any reign, however long and however creative. That great task awaits the Trebonians and Justinians to come. It will be amply enough to place the name of Victoria beyond that of Edward, that she has given organic life to the whole judicial function.

This is, in law, the true boast of this reign; and it was to crown and symbolize this work by her personal authority that the Queen took her place in the Courts in person. Every layman who has dipped into Blackstone remembers that the Sovereign is the head of the law, present in theory in Court as Judge, and in early times present in fact. But the King, though present in person, and of right entitled to be present, to hear, and to try, is not, by the Constitution (that is, by custom) empowered to determine any cause or motion except by the mouth of his Judges, to whom he has committed his whole judicial authority. Henry Beauchamp, a great king and a great lawyer, would hear causes himself, and he swore dreadfully, "*per oculos Dei*," when he came to a knotty point—for your Norman King was a soldier of terrible passions. John, Henry, and the four Edwards sat and heard causes in the King's Bench; and Queens Consort did the same when acting as Regent. It was the troublesome learning of James Stuart which drew down on him the rebuke of the Bench when he wished to give judgment in lieu of his Judge. James, who thought he knew more philosophy than Bacon, and more theology than Hooker, was eager to prove that he knew more law than Coke. But the Judges interposed, and saved the Constitution. Like the legendary Judge who arrested the heir to the throne for contempt of Court, the Judges interrupted a King when about to infringe on their functions.

If Her Majesty had chosen on Monday to sit in court as Judge, at least so far as to hear some formal motion, it would have been in strict accordance with precedent, and the habits of some of her most illustrious ancestors. It would have given a new force and meaning to that which in these days is of rare and precious value.

The office of Judge in this realm is not only the most ancient office that any subject can hold, but it is independent of prerogative, arbitrary will, suffrage, election, Parliament, or House of Commons. It is far older than any electoral body or function known to us; it is utterly apart from any electoral body or authority; and it is the one great popular institution with which representation has nothing to do and nothing to say. In these days the progress of democracy is a fact; the extension of the representative doctrine and the electoral machine is as certain as the rising sun. Unwise men only will quarrel with it or defy it. But its place is politics, not law. Schemes of extending the suffrage belong to the House of Commons. The judicial system has a wholly different origin, a perfectly separate history. Democracies around us everywhere, in America and France, have cast, or are casting, their judicial, like their political system into the ever quickening vortex of the huge electoral mill.

For our English Judges there never was—let us hope there never will be—any *bene placito* as their tenure, whether it be the *placet* of Prince, caucus, or people. The ceremony of Monday will serve to remind us all that our judicial system, at any rate, does not ultimately rest upon a ballot-box. It is a remnant of the Old English polity which should never be mixed up in our modern political strife. It is the oldest civil organization in our State, and looks on the House of Commons itself as the elder race of gods used to watch the new. A republican and a puritan, so long as he loves good order, historic permanence, and personal dignity, must have felt some stir of sympathy within him as he watched the long line of ermined Judges pace down the storied hall of the Red King for the last time after so many centuries of continuous and illustrious toil by their forerunners in office within those memorable walls. And they, on the other hand, who care for the mystery of courtiers and heralds may have found some new authority in the office of Judge, when they saw, seated on the seat of judgment as the first and head of the Judges, the Sovereign in person, herself the heir of a House that has no equal in modern times in antiquity and power; for, through every change and growth of this Empire, it has carried down the blood of the first chief who led the West Saxons across the seas, through a hundred