

LORD JUSTICE JAMES.

the efficient education of those entering the legal profession.

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The Right Honorable Sir William M. James, Lord Justice of Appeal, who died in London on the 7th ult., was born in Wales, was educated at Glasgow University, was a pupil of Sir Fitzroy Kelly, and was called to the Bar in 1831. In 1869 he was made Vice-Chancellor, and the next year raised to the Court of Appeal. The *Law Journal* thus speaks of the late Judge:—

“The late Lord Justice was a judge of the best class—a class which, unfortunately, by reason of the conditions upon which judges are made, is never too numerous. We have frequently seen on the bench men as highly gifted as Lord Justice James, and as highly cultivated; but it is a common observation of judges thus highly qualified that they would appear to have applied their talents to almost every branch of knowledge except the science of law. There are often men with as much learning as the late Lord Justice to be found among the judges, but they are too frequently mere lawyers whose lightest reading is Butler’s ‘Hudibras.’ Lord Justice James was a man of great powers of intellect widely applied, but concentrated on the law. He did not, like some judges who have been placed in eminent positions on the bench, look upon his duties as a somewhat tiresome necessity of his situation, or as ground upon which he must tread warily through consciousness of great gaps in legal knowledge or want of sympathy with legal modes of thought. He loved the law, and he was confident of his legal powers. He applied a considerable knowledge of life, great powers of expression, and a vivid imagination to the illustration of the subject in which he was entitled to have a voice. Few judges have been so thoroughly imbued with the great first principle, from which there are on the bench so many temptations to depart, that law is essentially a science of general application, and not a patchwork to be made up piece by piece as occasion arises. A judge of this character fills satisfactorily the position in the social economy to which he is called, and his loss cannot easily be replaced.

The solid merits of Mr. James were sometime in coming to the front. He was a stuff gownsmen for twenty-two years, and it was sixteen years more before he became a judge. A want of fluency in speaking,

and a candour of mind which denied him the advocate’s faculty of seeing only one side at a time, impeded his success at the bar. Those who heard him on the bench were surprised at his want of success as an advocate. But, in fact, his speaking, as has been said of others, was like a man who is choosing among a bundle of sticks for the proved weapon, and who always finds the right one, and not that of an orator capable of carrying an audience away with him. His critics might have said of him that he was a judge at the bar and an advocate on the bench, so forcible and imaginative are some of his judgments. Probably he was sometimes carried beyond the bounds of the strictest judicial propriety by an indulgence in the power of stinging language, of which he was a master. A good example of his judicial style is supplied by a passage from the case of *The Canadian Oil Works Company*, 44 Law J. Rep. Chanc. 723.

Although possessing a full knowledge of case law no judge set his face so strongly as Lord Justice James against the practice, from which equity jurisprudence has suffered so much, of deciding according to the direction in which half a dozen previous cases, none of them directly in point, seem to suggest. Lord Justice James, in fact, although no judge was more full in giving his reasons and dealing with all the arguments advanced, arrived at his conclusion instinctively. His habit of making up his mind early in the argument led to a noticeable judicial fault. So soon as he had made up his mind, he was apt to be impatient to deliver himself of it; and it was sometimes difficult to get a further hearing. Such faults as a tendency to over-colouring in language, due to a strong imagination, and an occasional liability to impatience of argument, due to a desire to save public time, were largely outweighed by the Lord Justice’s judicial excellences. Few judges were more honest than he on the bench. We do not speak of moral honesty, which is happily common to all, but of the rarer virtue of intellectual honesty. He never sought to get rid of a case upon some trifling technicality, but, if possible, pronounced on the merits. The phrase ‘unnecessary to decide’ was seldom in his mouth; and conscious of his own powers, he even went out of his way to untie judicial knots. His name will be added to legal history as that of an intellectual giant who did much to give breadth, strength, and uniformity to the system of English jurisprudence.”