

dotes, of the judges of the past generation, beginning with Cockburn and ending with Jessel, and including some great names of lawyers—like Benjamin—who were very near the Bench but did not quite reach it. Cockburn, the first on the list, will always, we think, be a memorable figure in the modern history of the English bench. A scholar, especially a master of modern tongues, a wit, an orator, a gentleman of fascinating presence, he had also great industry and great powers; and every gift he had he used to its fullest capacity. Indeed, he was as a young man given up to all the pleasures of the great world of London. "Whatever happens," he is reported to have said, "I have had my whack," a sentiment which has been uttered more elegantly but to the same effect in classic poesy and in English literature as well. It is the opinion of the reporter of these judges that the reputation of having passed a stormy youth gave Lord Cockburn a certain popularity. This is possible. Public favor is very eccentric; it is given to extremes. Pitt and Fox, respectability and recklessness, shared between them a great popularity. Disraeli and Gladstone were men certainly of very opposite characters, yet each commanded public support. Reckless "good-fellowship" and evangelical rectitude, each has a certain constituency, the boundary lines of which it is not easy to draw. There is a window in the robing room of the Castle of Exeter, out of which Cockburn, when on circuit, had once to escape. He did not willingly choose that circuit in after years. To the last he continued to be a man of fashion as well as a man of law:—

"Cockburn's days and nights during the term were spent with a regular irregularity. He would return from his work at court and after dinner he would be found at the opera or a concert indulging his love for music; or at a reception, or perhaps he entertained a party of his own friends, indulging, it might be, the prima donna of the day, at the famous table of which he was the life and soul. He always went to bed between one and two in the morning, with a nightcap of whiskey and water. His habit of moderate hours and strict temperance was in a life the duties

and pleasures of which were both laborious, perhaps the cause of his reaching his seventy-eighth year. He did not rise early in the morning, but just in time to take a hurried breakfast and dash into his carriage with the words 'To Guildhall as hard as you can go.'"

His two great cases were the Tichborne case and the Washington treaty, or Geneva arbitration affair, both of which have been impressed on the public mind. But the professional mind will probably retain longest his marvellously industrious and learned judgment in the Franconia case, which bears upon our own claim of territorial jurisdiction in the matter of the fisheries. The decision in the Franconia case has always seemed to me to have been misunderstood on this side of the water as being adverse to the claim of territorial jurisdiction, a marine league from shore, in the matter of the fisheries. Now, the case was discussed in three courts under various aspects, and Mr. Benjamin, who may be taken to have been the ablest counsel in the case, expressly gives up the argument against fishery jurisdiction, and confined himself mainly to the point of the jurisdiction of the English Admiralty court, either in criminal cases or in the form of action brought under Lord Campbell's act against the owners of the Franconia.

Mr. Justice Lush was a judge of quite another character. • His name is not suggestive of sanctity, but he was a regular preacher at a Baptist chapel in Regent's park. But he did not carry his peculiar theology into court, his only exhibition of difference from other judges being that when he sentenced a prisoner, instead of "And may God have mercy on your soul," he would say "And may you be led to seek and find salvation." But he was not austere and, like a fine old English gentleman all of the olden time, he kept up the delightful, but dangerous habit of finishing a bottle of port after dinner. He would have been wiser had he stuck to claret which, when properly corked, insinuates itself into the intellect without disturbance and prolongs conversation without shortening life. Of Baron Cleasby, who does not figure largely, one good characteristic anecdote