

CHIEF JUSTICE WHITESIDE.

dinary character, exceeded any of the *causes celebres* of the Victorian age. As the chivalrous advocate of Theresa Longworth in the Yelverton case, Mr. Whiteside delivered one of the most splendid addresses ever spoken; and it has been related that when, overwhelmed with the plaudits of his countrymen, he hurried over to Parliament, the great advocate was the object in the British House of Commons of an ovation unique in its annals, being received as he entered the chamber with general and enthusiastic applause, amidst which a grave member for the city of London, carried away by the spirit of the hour, exclaimed, in a tone audible throughout the entire House, "England is proud of her Irish orator." In 1865, under Lord Derby's third administration, Mr. Whiteside was re-appointed Attorney-General, and, after holding that office for a few weeks, was, in 1866, elevated to the dignity of Lord Chief Justice of Ireland, on the retirement of Chief Justice Lefroy, on whose behalf he had, previously, so generously and ably spoken in the House of Commons; and that position he continued to hold until, at the age of 72 years, the great old man passed away in the full vigour of his intellectual powers, and mourned by his countrymen of every class and opinion—rich and poor, learned and simple alike.

The late Lord Chief Justice can hardly be said to have been a great judge or a profound lawyer, but he was an eminently constitutional magistrate, and

"To him the humblest right that cheers the hut,

Outweighed all treasures of the golden East."

His veneration for Coke and the ancient masters of our jurisprudence was intense, and so intimately had he imbued his mind with the spirit of their teaching that often when his exposition of the letter of the law failed in perfectness he yet, as it were instinctively, reached a sound conclusion. But, his judgments on the whole are not such as to command a lofty legal estimate. That which will, perhaps, be found to display his powers at their best, however open to controversy may be the decision at which he arrived, appears to us to be his judgment in *O'Keefe v. Cardinal Cullen* (7 Ir. L. T. R. 100), which has been exclusively recorded *in extenso* in what he himself but lately called "that valu-

able publication, the *Irish Law Times*" (*Willes v. L. & N. W. Ry.*, Ir. R. 10 C. L. 103). Neither can we claim for him a position of a superior order in literature; but, the work which was the fruit of his sojourn in Italy won a success in its day, and exhibited some ability; while the magazine sketches written in his early manhood, and recently re-published, evince much acuteness of perception and pungency of humour. However, though he had always a cultivated taste for literature—a taste which was curiously displayed during the State trials of 1843, when he insisted on the reading of the exquisite little lyric, "My beautiful, my own"—yet, his labours as a *littérateur* were merely recreations, and serve but to show the catholicity of his highly-cultured intellect. That he could wield his pen at times, even to the last, with rare incisiveness and nerve is shown by his recent correspondence with the Treasury, in reference to Mr. Blackham's appointment (printed *in extenso*, ante, p. 485). Several lectures, delivered at public institutions, also remain, and further evince the versatility of his genius. His career and characteristics as a politician it comes not properly within our province to discuss, but it is allowed on all hands that he was ever true to his convictions, and that he was a consistent and honourable political opponent. He was a ready, fearless, and effective debater, but, as a parliamentary orator failed on the whole to equal his reputation as a forensic advocate. Beyond measure his greatest legislative achievement was the introduction of the Irish Common Law Procedure Act, 1853; nor should it be forgotten that the Act of 1856, moreover, was to a great extent an embodiment of his suggestions. That in itself constitutes no inconsiderable claim to national remembrance, and it shows that, however hostile might be the fine old chief to the pretentious schemes of modern law-reform, his predelection for the ancient ways prevented him not from joining in the march of real improvement. But it is as an orator, above all, that Whiteside will be remembered in after years. Matchless his rhetoric, brilliant his dialectic power, impressive and impassioned his language; every variety of forensic eloquence was at his command—humour, pathos, passion, stern sarcasm, scathing invective, wit in its raciest vein,