

LORD JUSTICE THESIGER—THE LASH.

the impression of a man who was always worked up to the highest pressure of his powers, both physical and intellectual. He was not one of those of whom there have been many examples in English legal history—men who made their way, in spite of adverse circumstances, by force of genius and perseverance alone. He was rather one who, being placed in the best situation for success, was quite equal to the situation, and succeeded. He would not have succeeded had he not possessed great industry and conscientiousness. Those who sent their briefs to Mr. Thesiger knew that the law and facts would be mastered by him. He acquired by labour what others had by intuition, and was able to equal and sometimes beat them in the race. He had not the facility for picking up facts as the case proceeded, and perceiving the law as if by intuition; but, by hard work, he made himself practically almost as effective a forensic ally as if he had been gifted by nature with these qualities. The process he pursued was in the highest degree creditable to his powers of application and self-constraint; but it required great bodily and mental exertion. Without any wild theorising, it may well be supposed that under this strain the machine wore out. The rest which the bench supplied—coming, although it did, much earlier than any one born under inferior auspices could have expected—was not sufficient to restore the balance. He was not long enough on the bench to make a judgment of his judicial capacity possible. The moral qualities which had served him so well at the bar asserted themselves in the higher position. He was patient, dignified, and painstaking. It fell to his lot to prepare several of the judgments of the Court of Appeal in the cases in which he took part, and they are examples of close reasoning and clear expression. He also exhibited great independence of judgment. As recently as last February he differed in opinion from the Master of the Rolls and Lord Justice Baggallay in the case of *In re Hallett's Estate*, 49 Law J. Rep. Chanc. 415, being of opinion that the Court of Appeal ought not to overrule a previous case decided in the same Court—an opinion in which it is not presumptuous to say that he was

supported by professional opinion. The judgment on the career of Lord Justice Thesiger will be that he deserved success; that he was in a position to attain it; and that, in availing himself to the full of his opportunities, he displayed qualities of a high order.—*Law Journal*.

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On the 15th ultimo one of the most brazen-faced ruffians who ever stood up in a British court suddenly wilted and uttered a scream, on hearing the terms of the judge's sentence, and was taken away in a fainting condition. He had no defence. The evidence against him was conclusive. He was sure of conviction and of a severe sentence, and he knew it. But he was not prepared for one part of the punishment prescribed by Mr. Justice Stephen. He screamed and almost fainted, not in view of the twenty years of penal servitude, but because the judge ordered, as a fitting prelude, thirty lashes from a cat-o'-nine-tails. This man had robbed and attempted to murder by drugging, and then throwing from a railway carriage, a travelling companion, in whose confidence he had artfully ingratiated himself. It was a premeditated crime of the most heinous kind. It would have ended in murder but for the inability of the assassin to eject his victim from the car before the train stopped. The ruffian then escaped with his booty, but was followed by the half-stupefied, badly-injured man, who staggered upon the platform and gave an alarm which led to the capture of his assailant. This strange affair took place in a car (of the London underground line), of which the two men were the only occupants. Mr. Justice Stephen, in passing sentence, said it was "the most cowardly and brutal outrage that had ever been brought under his notice." He marked his sense of horror, as well as made the sentence a wholesome caution to all other minded desperadoes, by prefixing the thirty lashes to the twenty years' imprisonment. The prisoner would not have flinched from the incarceration, but he winced terribly under the judgment of the cat, as if he already felt her nine tails raising whales on his back. It is the uniform experience of British judges that corporal punish-