

"in the presence of a policeman."—
The Brief, Eng.

*

LORD ESHER.—On the 13th August the Master of the Rolls, the Rt. Hon. Lord Esher, who is the oldest judge on the Bench, attained his 80th birthday, having been born at Lenham, in Kent, on August 13th, 1815. The learned judge was educated at Westminster and Caius College, Cambridge, was called to the Bar at Lincoln's Inn in January, 1846, and was created a Queen's Counsel in 1860. He was appointed Solicitor-General in February, 1868, and was made a judge of the Common Pleas in August of the same year; he was appointed a Lord Justice of Appeal in November, 1876, and in April, 1883, was promoted to the high office of Master of the Rolls. He is a good judge, but many persons would be pleased to know that he contemplated retirement.

*

IRRITABLE JUDGES.—It must irritate a judge, says the editor of the *Green Bag*, to hear counsel pretending to quarrel, knowing that it is merely Pickwickian, and that they will drink together most amicably at recess. It must irritate a judge to hear counsel floundering awkwardly in some matter with which he happens to have been perfectly familiar before said counsel was born. It must irritate a judge to hear counsel cite such-and-such a case as the "leading case," when he knows that it is founded on a case of his own twenty years earlier. It must irritate a judge to be cautioned how he decides this case

—that the eyes of the community, and particularly of the counsel, are upon him. It must irritate a judge to have to listen hour after hour, and day after day, and year after year to interminable beatings of the same old straw. And so on *ad infinitum*. But the Bench has certain opportunities for vengeance. Thus Mr. O'Connor, who was too apt to lecture the Court, and caution them about the awful consequences of deciding against his view of the law—which, of course, in the nature of things, must always have been the right view—irritated the Court of Appeals (or at least Judge Allen) in the famous Tweed case about cumulative sentences, and Judge Allen irritated that great lawyer a great deal more by quoting from a former argument of his in another case to the direct contrary, and adopting that as the infallible rule of law. Mr. O'Connor would not speak to the Court as they passed by for a long, long time. We must not be too hard upon our judges. They are not angels, not even Jobs. Frequently when they appear impatient, and are really irritated, it is because of a manifest waste of public time by unwise counsel. It may be that in the multitude of counsel there is safety; there certainly is tediousness. As we generally kick our judges up to the Bench in order to get rid of their rivalry at the Bar, and divide their business, we should be very long-suffering with them. If poets and judges are an *irritable genus*, we must put up with them patiently.—*The Brief*, England.