

JUSTICE SILENCE.

wants to say, and we all know that this is one of the most beautiful characteristics of the perfect judge. Before him the youthful limb of the law may lay down the most novel doctrine without fear of contradiction, and may indulge to his heart's content that fondness for thoroughness and "first principles" which distinguishes youthful limbs, as in the case of the one who in moving for a "Final Order" began with a sketch of the jurisdiction of the Court of Chancery. Silence never descends to undignified contention with counsel, nor does he take a malignant pleasure in spoiling their neatest propositions with untimely and embarrassing queries. In truth he feels no overweening confidence in his own legal abilities, and discreetly forbears to meddle with points of law. In this he presents a striking contrast to Justice Shallow, who is always rushing recklessly into argument, only to lose himself in a maze of reasoning, and to expose himself to scorn and derision. It is thus that Shallow is betrayed into such startling dicta as that the Statutes of Limitation are not in force in this province, or that a man who swears on a Roman Catholic Bible is legally disqualified from speaking the truth. Again, while Shallow's passion for talking and the sense of his importance lead him to aggravate the punishment he is about to inflict upon offenders, by scourging them freely with his tongue, Silence adds no such unkindness. He acts upon counsel such as the good Don Quixote gave to Sancho Panza, when about to assume the government of his island: "Him you are to punish with deeds, do not evil-entreat with words; for the pain of the punishment is enough for the poor wretch to bear, without the addition of ill language." By such a course does Silence conduce to his reputation, for the public who frequent the magistrate's court love fair play, and take a respectful interest in criminals. The thoughtless complain

that Justice Silence is aggravatingly slow in making up his mind; but so was Lord Eldon, who was a respectable judge, and slowness is necessary to caution. But if he is slow in coming to a decision, having decided, he is immovable. When the dread sentence, couched in the fewest possible words, has passed his lips, no law of the Medes and Persians was ever more irrevocable. The decision, delivered with the firmness of conviction and after patient hearing, satisfies the public mind, and is never weakened by the indiscretion, on the Justice's part, of explaining the reasons on which it is based.

A general officer in the army, a friend of Lord Mansfield's, once came to that great man saying that he had just been appointed Governor of one of the West India Islands. This, he said, made him very happy till he found he was not only to be Commander-in-Chief, for which he thought himself not unfit, but that he was also required to sit as Chancellor and decide cases, whereas he was utterly ignorant of law, and had never been in a court of justice in his life. How he was to perform his judicial duties with decent success he was troubled to think. "Be of good cheer," said Lord Mansfield; "take my advice, and you will be reckoned a great judge as well as a great commander. Nothing is more easy. Only hear both sides patiently: then consider what you think justice requires, and decide accordingly. But—*never give your reasons*—for your judgment will probably be right, but your reasons will certainly be wrong." Here, then, we have the great secret of magisterial success—"never give reasons." It is by pursuing a course like that suggested by Lord Mansfield to his friend, that Justice Silence has gained a well-merited fame. The Justice who hopes for a similar reputation, must conform himself to the model of this respectable man: must emulate his patience, his gravity, and his reticence. By steadily