

JUDICIAL COMMENTS ON JUDGES.

costs, but owing to the equivocal conduct of his financial agent, "attributable either to gross ignorance of his duty or to a graver charge of want of fidelity to his employer," he regretted that, as could be done under the law in England, he could not order the agent to pay the costs. Possibly some change may be made here in this respect, though this would seem to be the only case where there has been any suspicion of bad faith on the part of an agent.

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Scattered through the reports are to be found criticisms and dicta of the judges upon their fellows and predecessors, which are of the greatest interest and of the highest value to lawyers. Judges, as judges, are best known to the leaders of the bar who practise before them; and when these leaders are promoted to the bench they can best indicate the salient characteristics, the peculiar excellences of the judicial utterances of their predecessors. By an acquaintanceship with such observations we gain all the insight of contemporaries into the strength and weakness of the masters of the law. There are judges and judges. When there is a conflict of authority, the judgment of the greater lawyer may turn the scale. And a like effect should follow where one of the decisions is that of a judge peculiarly skilled in that particular branch of the law which is under consideration.

Nowadays every legal subject is being embodied in a separate treatise, and we suggest as a novelty that some indefatigable scribe should compile a book on "What the judges say of the judges." As a specimen of what can be done in this direction, we proceed to give a collection of extracts jotted down from the

reports, interspersed with some curious details culled from other sources. The *olla podrida* we trust will not prove too severe reading for the languid hours of vacation.

ALEXANDER, Chief Baron.—"He was undoubtedly a very eminent lawyer, and a judge perfectly acquainted with the principles of equity." Romilly, M. R., in *Padwick v. Hurst*, 18 Jur. 764. "He had been a Master in Chancery, and had great experience of equity pleading," per Hatherly, C., in *Warwick v. Queen's College*, 18 W. R. 1099. (He was appointed judge when seventy years of age, and after being twelve years out of practice: 4 L. T. O. S. 506.)

ALVANLEY, Sir Richard Pepper Arden, Master of the Rolls, and Chief Justice of the Common Pleas.—"He to a very sound judgment joined a very accurate knowledge of the law of real property," per Lord Ellenborough, in *Goodtitle v. White*, 15 East. 198. "One of the safest guides in Westminster Hall," per Best, C. J., in *Morton v. Cowie*, 4 Bing. 248.

ASHURST, J.—"He was always reckoned a learned judge," per Park, J., in *Balme v. Hutton*, 1 Cr. & M. 310. (In personal appearance he was remarkable for a long, lanky visage, whereupon Erskine framed the distich:

"Judge Ashurst, with his lanthorn jaws,
Throws light upon the English laws."

BATHURST, Lord Chan.—"He was imperfectly conversant with equity principles; unendowed with any vigour of intellect, and relied on the Registrar (Mr. Dickens) and the Master of the Rolls (Sir Thomas Sewell) for his judgments. See 16 Law Mag. O. S. 280.

BAYLEY, Baron.—"Eminent in all matters of law, pre-eminent as an authority in matters of practice," per Williams, J., in *Pitcher v. King*, 9 Jur. 349.

BULLER, J.—"Of whose high legal character all the profession formed a very just estimate," per Park, J., in *Balme v. Hutton*, 1 Cr. & M. 310. (He became judge at 32; his dicta, his doubts, and the inclination of his opinion command respect. He often presided in Chancery for Lord Thurlow. See 17 Law Mag. O. S. 27).

BURTON, J. (an Irish Judge).—"He was one of the most eminent of modern lawyers," per Martin, B., in *Brook v. Hook*, 19 W. R. 509.