

taken, but nonsuited the plaintiff on a ground which he said he was astonished to find had not been taken by either of the very learned counsel for the defendant, but which in his opinion was conclusive. In another case Byles was for the plaintiff, and Edwin James for the defendant, in an action on a bond tried before Chief Justice Tindal. Byles was a long time in opening his case and examining his witnesses, until the chief justice became restless. Still more restless was Edwin James, who wanted to go elsewhere. Byles, seeing his impatience, whispered to him, 'give me judgment for the principal, and I will let you off the interest.' Accordingly a verdict was taken for the plaintiff for the amount of the bond without interest. Afterward Edwin James asked Byles why he had foregone the interest? 'You need only have put in the bond,' said he, 'and you would have had both.' 'That was just the difficulty,' said Byles, 'the bond was not in court.' In those days adjournments were not so easily granted as now, and in any case the costs of the day would have exceeded the interest. A reputation for successes like these made Byles a formidable adversary. On one occasion at Norwich he had for an opponent a counsel whose strong point was advocacy rather than law. Byles, who was for the defendant, went into the court before the Judge sat, and in the presence of his opponent he called to his clerk, 'What time does the midday train leave for London?' 'Half-past twelve, sir.' 'Then mind you have everything ready; and meet me in good time at my lodgings.' 'But, Serjeant,' said the plaintiff's counsel, 'this is a long case; it will last at least all day.' 'A long case!' said Byles; 'it will not last long; you are going to be non-suited.' The advocate, who stood much in awe of his opponent's legal skill and knowledge, spoke to his client. The result was that the case was settled for a moderate sum, and Mr. Byles caught his train.

Mr. Justice Byles was a strong Tory, and had a horror of Judicature Acts, the fusion of law and equity, and other modern innovations which were floating in the air in 1873. He declared that he would not remain an hour longer on the bench than his fifteen

years. On the first day of Hilary Term, 1858, he took his seat on the bench of the Court of Common Pleas, and on the first day of Hilary, 1873, his resignation arrived. The moment was inconvenient for the appointment of a new judge, but the judge could not resign before, and he would not wait a moment. Of his career on the bench it is enough to say that he was acute, courteous, and upright, as he was kindly in private life. His name is not connected with many great decisions, but he took part in the case of *Chorlton v. Lings*, in which it was decided that women did not obtain Parliamentary votes by the representation of the people act, 1867, in virtue of the new franchise conferred on 'every man.' His judgment is an example of his rather quaint and old-fashioned judicial style. 'No doubt,' he says, 'the word man in a scientific treatise on zoology or fossil organic remains would include men, women and children as constituting the highest order of vertebrate animals. It is also used in an abstract and general sense in philosophical or religious disquisitions. But in almost every other connection the word man is used in contradistinction to women. * * * Women for centuries have always been considered legally incapable of voting for members of Parliament, as much so as of being themselves elected to serve as members. In addition to all which, we have the unanimous decision of the Scotch judges. And I trust their unanimous decision and our unanimous decision will forever exorcise and lay this ghost of a doubt, which ought never to have made its appearance.' The following anecdote is also floating around:—A learned counsel on one occasion was pleading a cause before Sir John Byles, and made a quotation from a work, 'which,' said he, 'I hold in my hand, and is commonly called 'Byles on Bills.' Sir John Byles: Does the learned author give any authority for that statement? Counsel, referring to the work: No, my lord, I cannot find that he does. Sir John Byles: Ah! then do not trust him; I know him well."