

not the Postmaster General; we uniform the brakemen, but not the railroad presidents. If we are to have gowns, we should gown the constables or the attorneys, and let the judges be known, as kings and ambassadors, by the simplicity of their attire as gentlemen, without livery or uniform."

As against this attack we would like to set a portion of Mr. David Dudley Field's address to the New York Court of Appeals:—

"A badge of office has been worn by judges the world over. A custom so general must have a foundation in reason. It is possible, no doubt, for a rude sort of justice to be dispensed without ceremony or sign of office. We can imagine judges at one end of a table and lawyers at another, all sitting and covered, debating cases across the table, while a promiscuous crowd of visitors surges through the room, and it might happen for a while that the guilty would be punished, the innocent released, and the spoiler deprived of his spoil; but we think the scene must end in general confusion and contempt. The simplest rule of ceremony requires judges, counsel, and audiences to be uncovered; the judges to sit apart on raised seats, and the counsel to stand while addressing the court or examining witnesses. To this has been lately added, that the court and the bar exchange salutations as the judges take their places. Should there be any more? The answer depends upon a consideration of what would be the most becoming in the dress, language, and demeanor of those who participate in the administration of justice. We think that some insignia of office would befit the high judicial functions which you exercise, and that none can be found so appropriate as the robe, so unostentatious and conformable to the usage of our forefathers. The robe has been worn by judges from time immemorial * * * The judges of the Supreme Court of the United States have never entered the chamber where their august functions are performed, without wearing their robes of office. Marshall, Story and Nelson wore them. The garb is no more a badge of monarchical than of