

## CHIEF BARON POLLOCK.

The judges are probably the best known of our public men. A great politician addresses the House of Commons a certain number of times in the course of a session, but to the public at large he is but a name, representing particular political opinions. Even when he addresses a public meeting or makes an after-dinner speech, he is more or less of an actor. A judge, on the other hand, transacts all his business in public. He is one of the shows not only of London, but of every country town, and is constantly brought into direct personal relations not only with every member of a large and most active profession, but with men in all ranks of life and on every sort of subject. He is, moreover, perfectly independent of those with whom he has to deal. His position is as secure as law and public feeling can make it. If he is ill-tempered, lazy, tyrannical, or even merely disobliging, he can indulge his feelings without any special risk. No man can with perfect impunity give so much offence or do so many and such deadly injuries as an ill-disposed judge, nor is any man so continually on his trial. It is pleasant to reflect that under these circumstances the fifteen judges are, with hardly an exception, exceedingly popular not only with the Profession to which they belong, but with the public at large, and we shall doubt whether any ever took with him into retirement a larger share of hearty affectionate admiration than the kind old man who, after presiding over the Court of Exchequer for nearly a quarter of a century, retires into private life full of freshness and vigour, and surrounded as closely as ever man was by all that should accompany old age. No doubt the Chief Baron had his failings. He had been so consummate an advocate at the Bar that he never quite threw off his old habits. He belonged to that class of judges who distinctly take a side in the course of a case, and make no mystery to the jury of the opinion which they have formed. It may admit of a good deal of argument whether this habit does or does not favour substantial justice.

To hit the exact line between fairly directing and unduly pleading from the bench is very difficult. Certainly, the attempt to be scrupulously neutral often ends in puzzling the jury, and in suggesting doubts to them upon points which in reality are quite plain. Whether or no the Chief Baron always hit the golden mean, no one could possibly doubt of the goodness of the motives by which he was actuated. He may sometimes have been a little too much of an advocate, but he was always an advocate for what appeared to him the cause of justice, truth, and good morals, and of these he was no bad judge. There were two characteristics about his behaviour on the bench which no one could mistake—his extraordinary gifts, and the extreme kindness, and even tenderness, of his nature. When fairly roused in a case which put him on his mettle,

he would speak with a vivacity, a choice of language, and a dignity and power of manner which recalled the old leader of the Northern Circuit in its best days to those who had known him before he was a judge. His lighter gifts were singularly winning. He was full of humor. The solemn orations which he used to make on Lord Mayor's day—a distinct and separate oration for each new Lord Mayor—were as good as a play, and will long form a pleasant tradition in Westminster-hall. His knack of committing innocent forgeries was another specimen of the general adroitness and dexterity of mind and body which distinguished all that he did. He once directed a letter to a barrister in a hand so exactly like that of the barrister himself (and a wretchedly bad hand it was) that his correspondent supposed that he must have left at his chambers an envelope addressed to himself. His talents, however, were not the most characteristic points about him.

We should doubt whether after all his long career he had an enemy in the world, or even a casual acquaintance who did not feel towards him as a friend. Every tone of his voice, every expression that he used, when the occasion required it, was full of good nature and warmth of heart, though without a trace of weakness. He belonged to a race and generation which is hardly being renewed, but the felicity of his career will always be exceptional. A man who is distinguished from one end of life to the other—who, from being senior wrangler, develops rapidly into being the leader of the Northern Circuit, Attorney-General, and Chief Baron—is, as the phrase goes “commoner in fiction than in real life.”

Those who had the opportunity of seeing from day to day how very pleasant such a reality may be, learnt something from it which they are not likely to forget.—*Pall-Mall Gazette*.

## UPPER CANADA REPORTS.

## PRACTICE COURT.

(Reported by HENRY O'BRIEN, ESQ., Barrister-at-Law)

## JONES V. PRENTICE.

*Arbitration—Award—Verbal consent to enlarge time for making award.*

*Held*, that a verbal consent to an enlargement of the time for making an award is sufficient under C. L. P. Act, s. 171.

[P. C., E. T., 1866]

In Hilary Term last, *M. C. Cameron*, Q. C. obtained a rule calling on the plaintiff to show cause why the award made herein should not be set aside on the following grounds:

1. Because the award was made when more than three months had elapsed after the order of reference [which was silent as to time] and after the arbitrator had entered on the reference

2. Because the arbitrator improperly received