

LORD WESTBURY.

feats of a clever lad and a clever man. His was no case of drudgery working up to ability; of experience supplying the want of talent; of luck and 'backing' substituted for genius. He had as keen and bright an intellect as nature ever bestowed on man. Logical force, exquisite precision, abnormal memory, apt language—these were among the gifts or qualities which lifted Richard Bethell to the leadership of the bar, and gave Lord Westbury eminence as a judge. He was, as might be expected from the possession of such powers as these, a man of marvellous independence of thought and of judgment. He was the reverse of a slave to precedent. His judgments, indeed, are remarkable for their omission of reference to decided cases. In them broad principles and doctrines are asserted, and legal heresies are denounced in language bold, novel, and uncompromising. His arguments at the bar were the forerunners of his judgments on the bench. Had he held the Lord Chancellorship as long as Lord Eldon did, and been as thoroughly unchecked by other judges, he would have worked the law into new grooves, and changed much of the substance of our jurisprudence. From such results the law has been saved by the authority of other judges, and perhaps to the advantage of the law. But, as it is, Lord Westbury has left the impress of his almost revolutionary genius on the jurisprudence of the country, and has taught lawyers the rare art of thinking and judging for themselves.

In Parliament, in earlier days, both in the House of Commons and in the House of Lords, the oratory of Sir R. Bethell and of Lord Westbury could make itself felt. Unfortunately, the possession of unrivalled powers of sarcasm, capable of being expressed in tones of voice and with a manner by no means calculated to alleviate its bitterness, tempted him into assaults which his victims were not likely to forget or to forgive. But during the last five or six years of his life Lord Westbury was rather a popular character in the House of Lords. Age had softened his disposition, and his speeches always contained a fund of wit and humour, while his conversational powers were an unfailing source of amusement and entertainment in the intervals of business. His sincere regard and friendship for

Lord Cairns also drew him from anything like strong partisanship in the House of Lords, and he seemed to strive rather to act the judge than the advocate in the political questions before the House.

To Lord Westbury is due the credit of some of the most important Acts of Parliament of modern times. The greatest marvel in accurate and ingenious legislation—we mean the Succession Duty Act—owed its passage through the House of Commons to the acute and precise explanations of the bill which he, as Solicitor-General, gave in aid of the Chancellor of the Exchequer. He also had the care of the Probate and Divorce Acts, and of the Fraudulent Trustees Act of 1857. His Bankruptcy Act of 1861 can hardly be reckoned a success; but the working of the measure was ruined by the false policy of erasing from the bill the clauses constituting a Chief Judge in Bankruptcy, contrary to the earnest advice of Sir R. Bethell. His warnings proved true, and in 1869 Parliament assented at last to what he had proposed eight years previously; and, although much injury has arisen from the persistent blunder of the Government in not appropriating a judge to the Court of Bankruptcy, yet the injury would have been far greater if no judge at all had been appointed.

We cannot close our criticism on the career of Lord Westbury without recalling his ardent and honourable exertions in establishing some system of education and examination for the bar. To his initiative is due the present activity of the Inns of Court, which bears a very marked contrast to the absolute inertia which prevailed before he interested himself in the question.—*Law Journal*.

Another Wisconsin man has fallen a martyr to the law which allows a woman to procure a policy of insurance on her husband's life. The companies remark, that under the present mixed condition of chemical expert testimony, it would be throwing good money after bad to dispute the claim, although they know where she bought the strychnine.

Of the present United States Senate it is stated that out of the 74 members, 46 are lawyers.