

amount of judicial business; and except when engaged in the Cabinet, he devoted himself with unremitting zeal to his judicial duties. Much of his business was in the hearing of interlocutory motions, but these practically had the effect in many cases of final *décrees*. After the Vice-Chancellor's Court was established, counsel were in the habit of bringing forward before Eldon motions in causes pending before the vice-chancellor for the purpose of getting his opinion, and thus saving the expense and delay of further proceedings. And counsel would frequently frame a bill for an injunction or a receiver for the purpose of bringing on a motion before the chancellor, and thus obtain his opinion upon the subject-matter of the dispute. So great was the respect of the bar for his opinions that his decisions upon these interlocutory motions were often taken as final and conclusive between the parties. And there hardly seems sufficient ground for the statement attributed by Brougham to certain wits of the time—that the chancellor's court was the court of *oyer sans terminer*, and the vice-chancellor's that of *terminer sans oyer*.

He continued to hold the great seals until the dissolution of Lord Liverpool's ministry, in 1827, when, owing to the illness of Liverpool, Mr. Canning was called to the head of the government, and all the anti-Catholic members of the Cabinet, including Eldon, tendered their resignations, which were at once accepted. He continued to sit in the Court of Chancery for a period of three weeks, disposing of causes that had been argued before him, and on May 1, 1827, he surrendered the seals to the king at Carlton House. He had held the office longer than any of his predecessors, the total duration of his chancellorship, including both terms, lacking but a few weeks of twenty-five years.

Lord Eldon passed from the court which he had so long adorned into private life with the good wishes and esteem of the entire bar. Indeed, from his first entry into the law he had been a favorite with both branches of the profession. And this continued during his occupancy of the woolsack, notwithstanding his somewhat miserly distribution of professional honors. One of the especial prerogatives of the English chancellors is that of rewarding merit at the bar by nominating deserving barristers to the honor of King's Counsel, a rank entitling

the recipient to don the silk gown and sit within the bar. Eldon had himself obtained his promotion after only seven years' practice, while Campbell complains of his withholding from him the coveted silk after he had been twenty years at the bar, and for several years the leader of his circuit; and mentions other instances of still greater injustice. He was, too, severely blamed for withholding their well-earned professional advancement from Denman and Brougham, who had given mortal offence to George IV. by their spirited defence of Queen Caroline.

He was also much criticised for his inattention to the social duties of his station, and his neglect of the hospitalities usually extended to the profession by the chancellors. And, to one familiar with the rigid etiquette of the English bar in matters of this nature, it is not surprising that these charges assumed more serious importance than their cause would seem to demand. But despite his faults of omission in these minor details, he had so endeared himself to the entire profession that his surrender of the seals was universally regretted.

The limits of this paper will neither permit an extended review of his judicial career nor admit of an exhaustive analysis of his character as a judge. It is only proposed, therefore, to sketch in brief some of the leading characteristics of his judicial record. Nearly fifty closely-printed octavo volumes of reports contain the record of his decisions as an equity judge. Next to the profound knowledge amounting to a complete mastery of the science of equity, as well as of its practice and procedure, which is apparent upon every page of these reports, their most noticeable feature is the proneness of doubt which Eldon everywhere displays. In this respect he has become proverbial. Again and again he sums up a case in the most masterly and comprehensive review of the principles and precedents applicable to the questions involved, only to conclude with an expression of his doubts as to the correctness of his own views, and a desire for further and more mature consideration. In an opinion fairly luminous with its profound insight into the equitable principles which should govern the case, he would challenge the admiration of the entire bar who were listening, only to end with an expression of his doubts and a *curia*