

## VICE-CHANCELLOR BACON.

So little expected was the retirement of Vice-Chancellor Bacon on the morning of the day he retired that, when the news spread, it seemed to come with almost dramatic suddenness to all. Very well did the Attorney-General discharge the duty that fell to him on such short notice, and extremely touching was the reply of the last of the Vice-Chancellors. One great distinctive feature in Vice-Chancellor Bacon was the perennial freshness of intellect which characterised him. His body might be feeble and show traces of the operations of time on it during the whole of the nineteenth century, and two years of the eighteenth, but that keen intellect remained clear and bright as ever, and a match for any of the "young men" who practised before him. One remarkable proof of his power of mind was his ability to adapt himself to every change in the law. In this respect he differed remarkably from Kelly—the last of the Chief Barons. As related in "A Generation of Judges," Chief Baron Kelly, although he never opposed the Judicature Acts, yet simply ignored them, except so far as they altered the details of practice. It would have been sacrilege to speak of the Exchequer *Division*, the High Court of Justice, or the Supreme Court of Judicature before him. Nothing could exceed his astonishment and indignation to be told when he obtained a new *puisne* that his proper title was Mr. Justice Hawkins. He simply refused to allow him to be so addressed. If the ancient title of Baron was denied, he should be called simply Sir Henry Hawkins, a style by which he is still known among officials who served in the Exchequer Court. We need hardly point out how different in this respect was Vice-Chancellor Bacon. This trait in his character was all the more remarkable as it was not till he was over seventy years of age that he was made a judge. So many and such good anecdotes about him have been told us, and have appeared in the papers, that we cannot forbear repeating and extracting a few for the benefit of those who may not have heard them. For instance, the patience the Vice-Chancellor displayed in listening to the cases that came before

him may perhaps be well explained by his remarks to a junior who was expressing his regret at having detained the court so long. "Don't apologise to me. You haven't detained me. I am bound to be here, and either listening to this case, the next, or some other. I have no reason to suppose that the next case will be less uninteresting than this." Anyone casually observing the Vice-Chancellor in court would have supposed that he was not paying much attention. That this was not so he often showed in the readiness with which, in delivering judgment, he marshalled the facts and the evidence, and by the remarks he often made to counsel. One very good instance of this was told us. The Vice-Chancellor was remarkable for the purity of his English, and bad English was to him as annoying as a bad construe is supposed to be to the senior classic. A well-known junior, not famous for the elegance or correctness of his diction, was applying for the payment out of a certain sum of money which was in court; the Vice-Chancellor sitting in his well-known apathetic manner. "There is a sufficient sum of money *laying* in Court, my lord, to —." "What?" interrupted the Vice-Chancellor, suddenly wakening up. "I was saying, my lord, that there is a sufficient sum of money laying in court to —." Here counsel was again interrupted, and made to repeat it once or twice again, to the intense amusement of those present, after which the Vice-Chancellor pushed aside the papers and said, "I should be very sorry to disturb such a profitable fund," and refused the application. We believe the learned counsel does not know to this day whatever there was to laugh at. The following struck us as being remarkably illustrative of him:— On one occasion a very pertinacious advocate, having drearily gone through one part of his case, said, "Then, my lord, we come to the matter of the accounts, to which I desire to direct your lordship's attention." "This is not the place for it; the accounts cannot be taken here, they must be discussed in chambers." "There are only three items I wish to mention." "Three more than it is my duty to consider now; three more than I propose to consider." "There is one item