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We have always had more or less respect for Bliss Carman and his writings, but we cannot be blamed if we have lost confidence in the perpetrator of the following verses:

A Ballad of St. Kevin.
Saint Kevin was a gentleman,
He came from Tipperary;
And woman was the only thing
That ever made him scarey.

For Kevin was a tender youth,
And he was very simple;
He feared the wiles of maiden smiles,
And fainted at a dimple.

But when Kathleen at seventeen
Came down the street one morning;
The luck of man came over him,
And took him without warning.

Afraid to meet a foolish fate
By green sea or by dry land,
He fled away without delay,
And sought a desert island.

But even there he felt despair;
For happiness is only
The hope of doing something else;
And he was very lonely.

He vowed to lead a life of prayer,
Because that he had lost her;
And every time he thought of her,
He said a *Pater noster*.

Yet hard it is for man to change
The less love for the greater;
And every time he reached Amen,
He must go back to *Pater*.

And so he grew a year or two
Disconsolate and holy,
While friends he'd known long since had
Grown Papas and roly-poly.

Until one day, one blessed day,
A-moping like a Hindu,
He saw Kathleen in mournful mien
A-passing by his window.

He threw away his rosary,
His *Paters* and his *Aves*;
For love is stronger than the wind
That wafts a thousand navies.

The holy man went forth to war,
But not against the devil,
He led the maid within for shade,
And treated her most civil.

He gave her cakes, he gave her wine,
He set his best before her;
And then invited her to dine—
Thenceforth—with her adorers.

Her little head went round for joy;
She tried to kick the rafter;
So Kevin was a saint no more,
And happy ever after.

SOME JUDGES.

Of the great men who have adorned the English Bench, worn the collar of St. Simeon (I), or sat in the marble chair "over against the midst of the marble table," at the upper end of the great hall of William Rufus, many have been distinguished no less as statesmen, soldiers, and ecclesiastics, than as leaders of that profession which Hooker has been pleased to describe as the "mother of peace and joy." Odo, the first Chief Justice, officiated by turns at mass in the royal chapel, as Supreme Judge in the King's Court, and in command of troops employed in putting down insurrection.

Among early legal luminaries one fell fighting valiantly at the siege of Acre; another, from whose corpse Wallace ordered as much skin to be taken as would make a sword-belt, died a soldiers' death on the banks of the Forth; Scrope, Chancellor to Richard II., was engaged at Crecy and Neville's Cross; C. J. Fortescue fought by the side of Morton, afterward Archbishop of Canterbury, on the blood-stained field of Towton; and even as late as 1685 the infamous Jeffreys set out on his Western Circuit armed, not only with a commission of Oyer and Terminer, but also with authority to com-

mand the forces in chief. The language of these ancient sages smacked somewhat of association with camps, if at least one may judge from what is recorded of John de Mowbray (*temp. Edward III.*), who called aloud from the Bench to the Bishop of Chester, a defendant in an action tried before him, "*Allez au grand diable!*"

Before the days of Mary, the judges rode to Westminster Hall on mules, and Mr. Justice Whyddon, in the opening year of her reign, was the first to bestride a horse in the solemn procession. In 1673, however, Judge Twisden, to the great consternation of his brethren, "from want of gravity in the beast and too much in the rider," was "laid along in the dirt" on a like occasion, since which time these cavalades of mounted lawyers have come to an end. Riding, however, till superseded by driving, remained the only way of going Circuit, for professional prejudice ran strongly against pedestrian circuitizers and many good stories have been told of great lawyers who in those early years when—

"Slow rises worth by poverty deprest," found it difficult to raise funds for the purchase of a horse. In days more recent Mr. Justice Byles, well known for his work on *Bills*, was accustomed when at the Bar to take a ride every afternoon. The sorry appearance of his steed, however, roused the mirth of the Temple, and the horse was generally called *Bills*, to afford opportunity for the alliterative combination, "There goes Byles on *Bills*;" if, however, report speak true; the animal was known to master and clerk under another name, and when a too curious client inquired the sergeant's whereabouts, the reply was given with clear conscience that he was "out on *Business*."

A good story is told of Byles after he was raised to the Bench. The judge was one day trying a man for stealing, when a medical witness was called, who stated that in his opinion the prisoner was suffering from kleptomania, "And your lordship of course knows what that is." "Yes," said Byles quietly; "it is a disease which I am sent here to cure." Prisoners, it has been said, think much of the rank of those who pass sentence of death upon them, and the sheep-stealer of bygone days preferred that his doom should proceed from the lips of a Chief Justice. Lord Campbell mentions a case where a sergeant presided on the Oxford Circuit in place of the judge taken suddenly ill, and a man was capitally convicted. Being asked as usual whether he had anything to say, he replied, "Yes, I wish to say that I have been tried before a journeyman judge."

Buller, who wore ermine at thirty-two and whose idea of Heaven was to sit at *Nisi Prius* all day and play whist all night, was once going the Oxford Circuit, and was asked when met by the sheriff whether he was a *bona fide* judge (the functionary made one word only of *fide*), as they had been so often fobbed off with sergeants in those parts. Satisfied on this head, the sheriff ventured to pursue his inquiries, and asked whether at the last place visited he had been to see the elephant. "Why no, Mr. High Sheriff, I cannot say I did, for a little difficulty occurred; we both came into town in form, with trumpets sounding, and a question arose as to which of us should visit first." It was Buller who decided that a husband might chasten his wife with a stick no thicker than his thumb, and his portrait by Gillray as Judge Thumb for a long time adorned the print-shops. Some wearers of the ermine have been specially popular with criminals. "Who is the Judge of 'Soize'?" asked Sykes, offered his choice between sessions next week and assizes a month hence. "Baron Cleasby," said the clerk. "Oh, then I'll go to 'Soize,'" rejoined the criminal; "Cleasby is the judge for me."

Speaking of sheriffs recalls the fact that it was only the other day that guards of policemen, paid out of county rates, were substituted for bands of javelin men equipped by those officials; and it may not be generally known that the Sheriff of Northumberland at one time furnished a special escort with the judges who rode across the wild border country from Newcastle to Carlisle, a regular receipt being given by the Sheriff of Cumberland when their bodies were safely delivered to him. The corporation of Newcastle down to a period comparatively recent, used to present the judges with a sum of money to defray the additional expenses of this journey, and Lord Denman was the last to receive it in the form of a gold Jacobus. The Chief Justice had several of these coins, which he kept and used as whist counters.

Children Cry for Pitcher's Castoria.

Lawyers are prone to punning. Perhaps one of the best legal puns is attributed to Lord Chalmersford when, as Sir F. Thesiger, he objected to the mode of examination of an opponent's witnesses. "I have a right," maintained his antagonist, "to deal with my witnesses as I please." "You may deal as you like but you shan't lead," was the reply. Chalmersford it was, by-the-by, who walking down St. James Street one day, was thus accosted: "Mr. Birch, I believe?" "If you believe that, sir, you will believe anything," replied the ex-Chancellor as he passed on. Even the sedate Blackstone, in his commentaries, remarks with much gravity that landmarks on the seashore are often of signal service to navigation; and the saying of Chief Justice Wright, when visiting Magdalen College, Oxford to the President (Hough): "Sir, you must not think to *huff* us," is well known. Richardson (1635), going the Western Circuit, had a great flint flung at his head one day by a condemned criminal, which luckily did him no worse harm than to knock off his hat. "You see now," said he to some friends who congratulated him on his fortunate escape, "if I had been an upright judge then had I been slain." He was, in fact, leaning low upon his elbow at the time, and so escaped. Bradshaw, it is said, fearing violence on the king's trial, had, besides other defences, a thick big-crowned beaver hat lined with plated steel, to ward off blows. The hat is still preserved in the Ashmolean Museum in memory of the day—

"When England's monarch once uncovered sat,
And Bradshaw bullied in a broad-brimmed hat."

Chief Justice Cattlin (1571), from whom the Spencers, Rasselss, and many of the greatest English families are descended, when sentencing a prisoner convicted as a go-between in the correspondence between Mary of Scotland and the Bishop of Ross, thus addressed him: "The good seedsman hath sowed in you good gifts, but as it is said in the gospel, then came the enemy and he sowed darnel, cockle, and noisome weeds. Such wicked seedsmen have been in England. If they had sown the right seed for their own use, the seed of *hemp* and *felt* of it, then had they received according to their deserving, *hemp* meet seed for such seedsmen."

In violent and abusive terms Jeffreys thus passed sentence on the saintly Baxter: "This is an old rogue, a hypocritical villain who hates the Liturgy, and would have nought but long-winded cant without a book;" whereupon, suddenly turning up his eyes, the judge clasped his hands and began to sing loudly through his nose, in imitation of what he supposed to be the prisoner's mode of praying. Jeffery drank as he swore, like a trooper. "My lord," said King Charles significantly, as he took from his own finger the bloodstone ring which he gave him, as it is hot summer, and you are going Circuit, I desire you will not drink too much." Of eight hundred and forty-one prisoners spared after Monmouth's rebellion and transported, many were sold on his account, and he calculated that after all charges paid they would average £15 a head. Edward Pridaun paid him £15,000 for his liberation, with which he purchased an estate, subsequently known in the vulgar tongue as *Acelanda*, the field of blood. After Jeffreys had been many years in his grave, his grand-daughter, travelling the western road, was so grossly reviled by the peasantry that she durst not venture to proceed to the scenes of the Bloody Assize. A contemporary of Jeffreys was the odious Scroggus, whose name, uttered by angry nurses, has roused the terror of generations of English children.

One of the briefest yet not least emphatic of sentences was passed by Baron Martin on a hoary-headed sinner convicted many times of felony: "You are an old villain, and you'll just take ten years penal servitude." The remark of Lord Rames, a Scotch judge, to Matthew Hay cannot be said to err on the side of over-much sympathy. The trial was just concluded, and the prisoner, with whom the judge had been in the habit of playing chess, had been found guilty of murder at Ayr, 1780, when his lordship exclaimed as the verdict of the jury was returned: "That's checkmate for you, Matthew!"

Some judges have enjoyed an unfortunate reputation as hanging judges, and one of the most repulsive specimens, Sir Francis Page, has been thus handed down to posterity in these lines of Pope:—

"Slander or poison, dread from Delia's rage,
Hard words or hanging, if your judge be Page."

He lived to be an octogenarian, and in his later days replied in answer to an inquiry **K&C's Pills** tone and regulate the bowels

as to his health, "My dear sir, you see how it fares with me: I just manage to keep hanging on, hanging on." Lord Ellenborough (the first judge to remove from the neighborhood of Russell Square to the Westend) was considered somewhat severe in disposing of criminal cases. One day at an assize dinner, he was offered some fowl; his lordship intended to try beef. "I'm sure you'll like it, my lord," said Jekyll (afterward Master of the Rolls): "it is well hung beef."

Jekyll, by the way, bequeathed £20,000 to found a sinking fund for payment of the National Debt, on which it was remarked that he might as well have tried to dam up the middle arch of Blackfriars Bridge with his full bottoned wig. It was Mansfield who thus characterized this patriotic legacy, of whom we are told that he one day directed a jury to find a stolen trinket of less value than forty shillings, that the thief might escape the capital sentence; the jeweller however demurred saying that the fashion alone cost him twice the money. With solemn gravity the judge replied, "As we ourselves stand in need of mercy, gentlemen, let us not hang a man for fashion's sake." The testy judge has been most effectively laughed down by Dickens's caricature of Gaselee's peculiarities of manner under the punning sobriquet of Mr. Justice Stareleigh.

In marked contrast stands out the matchless good temper of Baron Graham, of whom it was said that "no one but his seamstress could ruffle him." It was customary in his day to suspend judgment in criminal cases till the close of the assizes, and then deliver the sentences all in a lump. A man had been accidentally omitted in the list of capital punishments, of which he was reminded on coming to the end—"Oh, yes, I see, John Thomson; John Thomson, I beg your pardon; you also are to be hanged by the neck until you are dead, and may the Almighty have mercy on your miserable soul also." Hardwicke's courtesy was one day pointedly shown when he observed Cromwell's grandson standing in Westminster Hall listening to the Great Protector being vilified; instantly the judge rebuked the speaker, saying, "I observe Mr. Cromwell standing outside the bar and inconveniently pressed by the crowd; please to make way for him that he may sit by me on the bench."

It has been cited as a remarkable proof of the reverence of the English people for the law, that during the Great Rebellion, judges went circuit, and jails were delivered as in a time of profound peace. But in the confusion which followed the death of the King it was different, and on the 31st January, 1649, Westminster Hall was in a state of dire perplexity, no fewer than six of the twelve judges refusing to sit again. Nothing daunted by a difficulty so unforeseen, Cromwell announced that if he could not rule by red gowns he would rule by red coats. During the Protectorate royalist practitioners took their revenge by refusing to write Oliver with a capital O, and many nibbled the toast floating at the top of the cup that they might mutter as they drank, "God send this *crumb* well down." One of the Commonwealth judges, Oliver St. John, was sent as ambassador to the Hague, where however, he met with anything but an enthusiastic reception; a son of the Queen of Bohemia publicly called him a rogue and a dog, and the Duke of York struggling with him which should first pass through a turnstile, snatched off his hat and flung it in his face, exclaiming the while, "Learn paricide to respect the brother of your king;" to which the judge calmly replied, "I regard neither you nor the person of whom you speak but as a race of fugitives."

Lord Shaftesbury in the reign of Charles II.—the last judge who was not previously a regularly trained lawyer—rather astonished the profession by the dress he wore when seated in the marble chair: "an ash-colored gown, silver laced and full ribboned pantaloons displayed without any black in his garb." Sitting in court in the dog days, Lord Norbury once selected for its coolness a dress which he had worn at a masquerade ball of Lady Castlereagh's; oppressed by the stifling atmosphere and forgetful of his inner raiment, the judge threw back his judicial robe just as he was pronouncing sentence of death upon a gang of prisoners, his solemn accents contrasting painfully with the strange garishness of his costume. In our own day Baron Martin finding the heat exceedingly great on a summer circuit, divested himself of wig and robes, and even then feeling the cushion of the chair uncomfortable warm, replaced it by a soap box. Campbell having on one occasion to speak sixteen hours, obtained permission (upon condition that it was not to be drawn into a precedent) to re-

move his wig a distinctive ornament of the English barrister introduced from Paris by the lawyers of the Restoration.

Though "Apollo and Littleton seldom lodge in the same brain," it is a great mistake to suppose that a deep study of the law extinguishes all other tastes—that

"Where once such fairies dance, no grass doth ever grow."

Literature has often solaced the leisure hours of lawyers. To Warham Erasmus dedicated his "*S. Jerome*"; Wolsey was a patron of letters; Hatton was a dramatic author; Clarendon wrote the "*Rebellion*"; Somers, poetry; North, biography; Harcourt was the friend of Prior, Gay, Arbuthnot, and Pope; Thurlow associated with Cowper, Crabbe and Johnson; Eldon was an Oxford Essayist; Erskine wrote a novel, and more recently Denman, Talfourd, Campbell and Brougham have made for themselves a reputation in the walks of literature. Mansfield writhed under a false quantity. "My lord," said a Scotch advocate, "I have the honor to appear as counsel for the curators." "Curators Mr. Crosby, curators!" groaned the judge. "I do wish our countryman would pay a little more attention to prosody." "My lord," readily replied the advocate, "I can assure you our countrymen are very proud of your lordship as the greatest senator and orator of the present time."

A counsel before Baron Alderson, moving to enter a *nolle prosequi* on the last day of the term, pronounced the *e* long. "Pray, sir," said the judge, "remember that this is the last day of term, and don't make things unnecessarily long." Errors in pronunciation serve to recall the fact that Sir George Jessel encountered occasional difficulties with the letter *h*. He was one day examining a French witness through an interpreter as to the characteristics of a very poisonous chemical compound. "And what if you eat it," said Jessel. "*Si vous le mangez, Mon Dieu; ce n'est pas pour manger*;" and it was some time before he could induce the interpreter to inquire what would happen "*Si vous l'achuffez*."

Manifold have been the forms of recreation indulged in by distinguished lawyers. Dyer (1580), we are assured, when ruffled by any annoyance in the discharge of his duties sought solace by playing upon the virginals; Fitzjames kept up an old college friendship with Wolsey when he was a simple country parson near Yeovil, and was actually engaged in the brawl at the fair, when his reverence got drunk and was by-and-by set in the stocks by Sir Amyas Paulet. Erskine was a great lover of animals; a favorite dog attended him to all his consultations when at the Bar; a pet goose followed him as he walked about his grounds, and two leeches, which had been applied to him when he was once dangerously ill, called Home and Cline, after the names of two celebrated surgeons, were kept in a glass bowl and exhibited to his particular friends.

Stowell gloried in Punch and Judy; Camden, who had an undignified habit of gartering up his stockings while counsel were most strenuous in their eloquence, loved cider and novels; Wickens amused his leisure by book-binding; Jessel catalogued funguses, while Maule was singularly apt in picking locks with a piece of wire, an art which he had acquired by the frequent loss of his keys when at the Bar. Baron Martin's sporting proclivities were well known. "Don't be hard on me, my lord," said a prisoner to him one day; "perhaps your lordship will accept a beautiful gamecock which I have at home." The judge hid his mouth with his hand, in order to conceal a smile, and passed a not very severe sentence, adding, "But mind, you must not send me that gamecock." Tenterden, on the other hand, strongly disapproved of sporting cases. "We," said Brougham, appearing before him in an action to recover the amount of a wager on a dog-fight, "were minded that the dogs should fight." "Then I," replied the Chief Justice, "am minded to hear no more of it. Call the next case."

Good living—occasionally perhaps too good—has not been unappreciated by many occupants of the Bench. "A dinner lubricates business," said Stowell whose favorite dish was beefsteak and oyster pie, as Eldon's was liver and bacon. Thurlow was very fanciful about his fruit, and being dissatisfied on one occasion, caused the whole of a very fine dessert to be flung out of window upon the Marine Parade, Brighton; and Ellenborough is supposed to have been once influenced in a judgment, concerning sailors employed in the lobster-fishery being privileged from the press-gang, by his love of lobster sauce with turbot. Ellenborough, by the way, as a volunteer, could never get out of the awkward squad, nor understand with which leg to step off on the word "march,"

even though the sergeant with the aid of a lump of chalk essayed to teach him the difference between the right and left foot.

A very good story is told of the loss of his lordship's wig. Lady Ellenborough, a renowned beauty, on one occasion accompanied the judge on circuit, on the distinct understanding that she should not encumber the carriage with handboxes—his abhorrence. During the first day's journey Lord Ellenborough, stretching his legs, chanced to strike his foot against something under the seat. It was a handbox. Down went the window and out it flew. The coachman, thinking the box had fallen out, at once pulled up, but his master furiously roared out the order to "drive on." On reaching the next assize town, Lord Ellenborough proceeded to equip himself for the Bench. "Now," said he, "where is my wig?" "My lord," replied the attendant, "it was thrown out of the carriage window."

When Lord Northington was Chancellor, he requested the king's permission to discontinue evening sittings in his court in order that he might finish his bottle of port in peace; but ere he died he paid the penalty which port so often exacts from its votaries, and suffered

"Pangs arthritic that infest the toe
Of libertine excess."

—pangs which Eldon declared he did not so much mind below the knee, provided they were *ne plus ultra*. Stowell and his brother Eldon were in the habit of dining together, the first day of term, at a tavern near the Temple, and in later life the former recalled these dinners to his son-in-law, who observed, "You drank some wine together, I have no doubt?" "Yes," was the reply, "we drank some wine." "Two bottles, perhaps?" "More than that." "What, three bottles?" "More." "Why, sir, you don't mean to say that you took four bottles?" "I mean to say that we had more, and now don't ask any more questions." Sound was the dictum of Chief Baron Thomson, who replied to the barrister who observed that after a good dinner a certain quantity of wine does no harm. "True, sir, it is the *uncertain* quantity that does the mischief."

In marked contrast to the majority of the judges of the Georgian period, Lord Kenyon was very mean; all the year round it was Lent in his kitchen and Passion week in his parlor; his spits, it was said, were always bright, for nothing ever turned on them; and when the income tax was imposed, Lord Ellenborough said that Kenyon, who was far from nice in his habits, intended in consequence to lay down his pocket handkerchief. It was rumored, indeed, that he never had but one, which he had found in the pocket of a second-hand waistcoat which he had bought of Lord Stormont's valet the first time he had occasion to attend a levee. His shoes were frequently much patched, and one day a question as to the quality of shoes supplied being tried before him, the judge suddenly inquired of a witness, "Were the shoes anything like these?" exhibiting his own. "Oh, no, my lord, better and more genteel." Kenyon joined heartily in the laugh evoked.

His fondness for introducing supposed classical quotations was so inveterate that George III. one day at a levee advised him to stick to his good law and leave off his bad Latin; advice, however, which he could never be induced to follow. He is reputed to have thus with solemn pathos on one occasion addressed a deeply edified grand jury, "And now, gentlemen, having discharged your conscience, you may return to your homes in peace with full assurance of duty well performed, and as you lay your heads on your pillows you may apply to yourselves the words of the ancient philosopher, *aut Caesar nullus*."

In a blasphemous case he is stated to have thus thrown light upon the subject: "Above all, gentlemen, I cite to you the Emperor Julian, so celebrated for every Christian virtue that he was called Julian the Apostle."

Here are samples of his favorite utterances: "In advancing to a conclusion on this matter am resolved *stare super antiquas vias*;" "we will look into the act with eagle's eyes and compare one clause with another *nosctur a sociis*;" "it is as plain as the nose upon your face, nevertheless *latet anguis in herba*." Small wonder that the judge, seeing one day the learned Dr. Parr in his court interrupted a sergeant who practised before him with the excuse, "We don't talk the best Latin in these courts, brother."

To several other judges also has been ascribed the address to a dishonest butler convicted of stealing wine from his master's cellars, that he had for years been accustomed to feather his nest from his master's bottles.

Kenyon even studied economy in the hatchment put up on his house after his

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