1873

Vice-Chancellor Bacon

Loyola Law School Los Angeles

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VANITY FAIR.

LONDON, FEBRUARY 8, 1873.

JUDGES—No. V.

THE HON. SIR JAMES BACON, VICE-CHANCELLOR AND CHIEF
JUDGE IN BANKRUPTCY.

VICE-CHANCELLOR BACON is a striking instance
of the blessed results of party government. Many
years ago he was a young man. He had inherited
the staunchest Tory principles, choice and chance had made
him a barrister, and Nature had denied to him the gift
of persuasive speech. So dreary, dull, and unimpassioned
a kind of oratory did he display that it was suspected
that he always knew more of his case than could be said
in words. No gibe could move or joke allure him from
the even tenour of his journeys through wildnesses of
facts and authorities. He had his duty to do by his
clients, and would do it though the Court of Chancery
should endeavour to escape and the Chancery Bar
should yawn. "Bacon," said Justice Knight-Brace,
"talks like an unpunctuated book bound in calf." And
so he did. But he talked withal to considerable
purpose, for his success was great enough to make his
clients forgive his eloquence, and he was known as one
of the most painstaking and trustworthy of Chancery
barristers. He was the kind of man who makes a
considerable reputation in a considerable time. But
when the considerable time had elapsed, when he
had won a leading and lucrative practice and was
at the zenith of his professional fame, it so happened
that the Tory party had no chance of recognising the merits of their own side. And so Mr.
Bacon, who had been made a Q.C. before the Corn
Laws were abolished, remained a Q.C. and nothing more
till the last Conservative Ministry in a final agonising
shower of places started him on a judicial career.
It was not a great start certainly that he then got. He
was seventy-one years of age, and had seen many
younger men grow up at the Chancery Bar whose reputa-
tion had eclipsed his—so that he might have expected
a special recognition of his merits. But it was only
possible to make him a Commissioner of Bankruptcy
and to give him with that a promise of the Chief
Judgeship of the Bankruptcy Court if such an office
should be created by a new Act. Men thought and
said at the time that the new Commissioner had not
been at all well treated or adequately requited for his
many years of fidelity to a hopeless party. This was in
1868; but little more than a year afterwards the office
of Chief Judge in Bankruptcy was created and he was
appointed to it, in another seven months he was
made a Vice-Chancellor, and it is barely a year since the
finishing-touch was put to his tardy honours, by his being
made a Knight.

Putting aside therefore the duties of knighthood,
Sir James Bacon is expected to fill in his own
person two offices, each of which demands the
whole powers of one man. The Bankruptcy Court
is of an importance and has an amount of work
to do which afford a gratifying proof of the commercial
pre-eminence of England. Its jurisdiction is both
primary and appellate with respect to that inability to
pay his way which is the glory and crown of the
modern merchant. And yet, the chief judge who
presides over its decisions has to divide himself between
those and the business of Equity. He cannot be in
two places at once, and it is not unnatural that he
should give the greater share of his time to Chancery,
leaving Bankruptcy mainly to the Registrars. There is
a saving of £5000 a year effected, but there is a con-
siderable loss of weight in the 'bankruptcy' decisions,
and an injury to their authority such as, if brought about
by a private person, would run the risk of being considered
a contempt of Court. This is all the more lamentable since
Sir James Bacon, who was not an eloquent advocate, is yet
an excellent judge. He satisfies the profession, which is
something; he abstains from moralising or sermonising;
he talks little of the principles of the Court in which
he most often presides; and his decisions, based upon
the applicable cases, are received with respect and con-

Jehu Junior.

JOHN TRUMAN'S DIARY.

MONDAY, February 3, 1873.—There is a sweet advertise-
ment in the morning and evening papers. Subscribers to
"the Tichborne Defence Fund" are informed that "If
"desired the names of the donors will not be disclosed." Has
the time arrived when we unblushingly publish that it
is dangerous in any way to become identified with the opinion that
a man should not be condemned without a trial, because
in certain self-willed persons insist that he may be?

By the way I was startled to hear yesterday from "one who
knows" that "Arthur Orton was a passenger by the last
"Overland Mail from Australia, and that he is now at Malta."

There will be nevertheless, I understand, or may be, a dispute
as to his identity, for he also has changed considerably during
a twenty years' residence in Australia. It seems that the last
( come-at-able) person who saw Arthur Orton alive in the fi-

wes, was Dr. Massey Wheeler, M.D. He first knew him in 1859,
then in 1864, and lastly in 1869 at Brisbane. Dr. Wheeler
states that Arthur Orton was already so wonderfully altered, in
1869 from what he was in 1864 that he (Dr. Wheeler) hardly
recognised him, and if Dr. Wheeler could hardly recognise him in
1869 it will be still more difficult to recognise him now. Dr.
Wheeler, moreover, is gone on a trip to the West Indies, but is
soon expected home, and must be an important witness at the trial.
I said, what many people feel, that my faith had been shaken in consequence of the changes of solicitors. "One who knows" answered, "Hopkins, Tichborne's first solicitor, swore he was "the rightful heir on his death bed. John Holmes, although "he does not now act for Sir Roger, was with him all through "the trial. I am trying in every possible way to help him. "He has in the same degree preserved the confidence of Mr. "Moojen and of Messrs. Baxter, Rose, and Norton. The "dispute with Mr. Gorton arose simply out of that gentleman's "bill of costs." Mr. Buckley Mathew, our minister at Rio, and "the British Vice-Consul there think they have given some important evidence in the Claimant's favour. "Superhuman efforts are "being made to dispose of him," added "one who knows"; "more is at stake in this ugly case than a trumpery baronetcy "and a few thousands a-year."

As to the fining and imprisonment of Mr. Skipworth I find "the general opinion is that if a judge is able to inflict such a "bill of costs." Mr. Buckley Mathew, our minister at Rio, and "and a few thousands a-year."

"unsafe state of things. To be sure it was a court of four judges, "was all very well for Chief Justice Gascoigne to commit a Prince "that case with Mr. Skipworth's case, as some newspapers have "done, is simply nonsense. Then it was the assertion of the "right and majesty of the Law against Might; but the Queen's "humble pie and go to the deuce! I have not much pity for "Judicial Committee of the Privy Council in favour of Major- "Mr. Knox speaks of the London and Middlesex Bench discomfiting and overthrowing Mr. Skipworth looks "of an artificial state of society."

Tell us something new, A. Anson. The "Authorities" have "last. Names of Authorities, Messrs. Barnacle and Company, "the case of Mr. D'avis, a Devonshire squire, whom he sent to "the State for money due very nearly two hundred "and her husband, who counts for nothing. Her ladyship was "secure their re-election to the House of Commons as long as "as there is any admiration for civil courage left in Britain."

"at once deprived of civil rights," al'ld in fact become outlaws. "intention, but what it was he (the Lord Chief Justice) was "bewildering. It was the most complicated complication he "unable to discover." Mr. Justice Blackburn agreed. In "was a court of four judges, and not one only; but I do not like this sort of proceeding. It "right and majesty of the Law against Might; but the Queen's "humble pie and go to the deuce! I have not much pity for "Judicial Committee of the Privy Council in favour of Major- "Mr. Knox speaks of the London and Middlesex Bench discomfiting and overthrowing Mr. Skipworth looks "of an artificial state of society."

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