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 wildernesses 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-Bruce, "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 reputation 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 £500 a-year effected, but there is a considerable loss of weight in the bankruptcies' 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 confidence."

JEHUS JUNIOR.

JOHN TRUMAN'S DIARY.

MONDAY, February 3, 1873.—There is a sweet advertisement 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 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 flesh was Dr. Massey Wheeler, M.D. He first knew him in 1859, then in 1866, 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, 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; he has the best (from personal knowledge) 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 Marryat, the Registrar at Bir, and the British Vice-Consul there think 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."

To the rest, the chatter of the clubs is very painful, unless one laughs at it. Nobody seems to see that we are passing through an awkward and singularly complicated crisis; that liberty and justice are in danger just now of being smothered by black coats, stupidity, and the conventional laws of an artificial state of society. I should smile away my own fears if they were not shared by such a man as John Stuart Mill.

TUESDAY, February 4.—All the judges complaining of "bungling legislation," Mr. Justice Mellor remarked "it was impossible for human skill to find words more calculated to puzzle anybody" than those of an Act of Parliament. The Lord Chief Justice said he had never in the whole course of his life seen a more confused and puzzling Act. It was utterly "bewildering. It was the most complicated complication he had ever met with. The Legislature must have had some difficult " puzzle anybody" than those of an Act of Parliament. The Lord Chief Justice said he had never in the whole course of his life seen a more confused and puzzling Act. It was utterly "bewildering. It was the most complicated complication he had ever met with. The Legislature must have had some difficult " impossible to discover." Mr. Justice Blackburn agreed. In his lite seen a more confused and puzzling Act. It was utterly " impossible to discover." Mr. Justice Blackburn agreed. In this at first begin their worldly strife.

AN ANSWER TO LAST WEEK'S DOUBLE ACROSTICS.

1. C enz D
2. O enz N
3. L yna S
4. I enz E
5. I enz E
6. I enz E
7. O enz S
8. N enz S

—CRIMSON HAIL.


6. An earlier object which should reveal. In heavenly men shows inequality.

CHOKER.


2. A name which for life is assumed,
3. To carry much weight it's presumed;
4. With a plan for the equalisation of chances.
5. With salt also in this you'll eat.
6. A kind of saltatory motion,
7. That men with their mistakes may men commit.
8. A name which for life is assumed,
9. Who with it set young Liverpool on fire.
10. The undeveloped rudiments of life

—CRIMSON HAIL.

THURSDAY, February 6.—Dined with Lady Mary Golightly and her husband, who counts for nothing. Her ladyship was enamelled, and Lord Norton remarked that "she wore rose- coloured mourning for her youth and beauty." It was a birthday dinner, and we wished Lady Mary a happy new year.

Only one?" she asked, laughing. The conversation turned on pretty Mrs. Harman, and somebody said, "She is good, admirable, clever, yet all the ladies turn their backs on her." "Ah!" smiled Lady Mary, languidly, "see what it is to have appearances against one." The Dean of Ripley complained that the name of the Deity was used too frequently in public speaking. "Must we refer to Him," asked Demurester, dryly, "as the person who shall be nameless, Mr. Dean?"