

## THE BANNER OF OLD ENGLAND.

BY A SQUATTING CI-DEVANT OLD SOLDIER.

THE Banner of Old England!—that in doughty days of yore  
Respect commanded, when it waved on the sea or shore,  
That Nelson, Collingwood, and Hoste, upheld with valor high,  
And Marlborough, and Wellington, triumphant caus'd to fly,  
Must, in our sad degenerate days, with frequent insult meet—  
Savage wild, and Frenchman stunk, with scoff our Flag now treat.  
Oh, for the sturdy days of yore! Old England's stalwart time—  
When proudly wav'd Saint George's Cross in all and ev'ry clime.

Oh! for the days of Poitiers, Agincourt, and Cressy too;  
Of Blenheim, Ramillies, Nile, Spain, Trafalgar!! Waterloo!!!  
When France's Lilies were crush'd low beneath the Lion's tread,  
And Albion's glory, bright as light from heaven, pure lustre shed;  
But savage and pert Gallia now, both on the shore and deep,  
Impudently our once proud flag with saucy insult heap.  
Oh! for the sturdy days of yore—Old England's stalwart time,  
When proudly wav'd Saint George's Cross in all and ev'ry clime.

Oh! Banner—under which my sire and kinsmen bravely fought,  
From Egypt down to Waterloo—how bitter is the thought,  
That dastardly cold policy should blight the laurels won  
By Nelson, Collingwood, and Hoste—Marlborough, Wellington!  
God grant we may again behold undauntedly unfurl'd  
The banner of Old England bid defiance to the world,  
As in the glorious days of yore—Britannia's stalwart time,  
When proudly wav'd St. George's Cross, in all and ev'ry clime.

## THE RIGHT HONOURABLE FRANCIS BLACKBURNE.

MASTER OF THE ROLLS IN IRELAND.

(From the Dublin University Magazine.)

THE life of this eminent man and distinguished judge presents, until its official years, but few incidents for biography to record, notwithstanding the troublous times through which he has passed, and the high position which, by his own exertions, he has gained. His has been the happy lot to attain political influence without embarking on the troubled sea of political strife; to rise in times the most agitated to the highest office of his profession by the mere force of his character and his learning, without ever having been, in the ordinary acceptation of the word, a politician—and without having attached himself in his career to any political party in the state, to have the highest executive office in the administration of the law in Ireland conferred upon him, not because he had political claims to be rewarded, or political support was to be conciliated by the appointment, but because the confidence felt by the profession and the public in the character, learning, and integrity of the individual, made his accession to such an office an addition of character to the administration which selected him. The even tenor of such a life presents few incidents compared with those which chequer the eventful history of those who have risen to eminence by engaging in the political contests of their country. Yet such a life is one assuredly not the least happy for the individual, nor perhaps the least useful to the country.

Mr. Blackburne, the present Master of the Rolls in Ireland, was born in the year 1782, at Footstown, in the county of Meath, a county in which his family had been old and respectable residents. The rudiments of his education he received at the school of the Rev. Hugh Nelson, in the village of Dunshaughlin, near his paternal residence. When he was about thirteen years old that part of the country was disturbed by the insurrectionary movements which, throughout some of the central and northern counties of Ireland, preceded the great outbreak of 1798; and from the lawless attacks of the defenders, his family were obliged to remove for shelter to the metropolis—an event which, in all probability, very materially influenced the future destinies of the boy, in whose way the advantages and the ambitions of a residence in the metropolis were thus thrown. We have heard it said, we know not with what truth, that if the defenders had not driven his father from the county Meath, his ambition for his son would not have extended beyond leaving him to succeed, as a country gentleman, to a not very large, and in all probability not unincumbered paternal property. In Dublin, in common with many other men who have since risen to eminence, he completed his school education, at the then celebrated school of the Rev. William White, and in the summer of 1798 entered as a student in the university.

The college calendar sufficiently attests the distinctions which marked his university course. He graduated at the spring commencements of 1803, upon which occasion he obtained the gold medal. Like most of the men of that day who have risen in after life to eminence, he numbered a scholarship among his undergraduate honours, having obtained first scholarship in 1802. As a classical scholar his character must have been high; and it is recorded as a singular tribute to his classical attainments, that although at that period honours in classics were confined, by the ordinary rules of the university to the two first years of the undergraduate course, in the same year in which Mr. Blackburne obtained the high distinction of first scholarship, an extraordinary premium was awarded him by the board for distinguished answering in classics.

In the historical society then existing in college, Mr. Blackburne was a constant and a distinguished debater, and obtained its medals both in oratory and history. Those who were his contemporaries there, speak of him as being remarkable for the information which he showed upon every question of discussion, for a clear and concise style, and for that same melodiousness of voice which lent such a force and a charm to his addresses at the bar, and which still contributes largely to the fascination that belongs to many of his judgments on the bench.

In Hilary, 1805, before the expiration of his scholarship, that poor and most unworthy provision which our university makes for classical attainments, he was called to the bar; and although without the advantages which many young men have in studying under the tuition of a pleader or conveyancer, his entrance into the business of the profession was not slow. He selected the home circuit from its including his native county. The very first circuit which he went, brought him some little business, which, fortunately for him, gave rise to arguments in the superior courts. Some kind words from the bench attracted attention to a really able argument which he had the good luck to have the opportunity of making in one of these cases; and although, like others, he had to wait for years before the full tide of professional prosperity flowed in, from that period his business began gradually but steadily

to advance. In ten years from the date of his being called, he is said to have been in what is termed full business at the outer bar—business which increased so much afterwards, that his health was sinking under its accumulations, until, in 1822, a silk gown gave him rank in his profession, and relieved him from the most toilsome portion of its labours. A promotion certainly delayed some years beyond the period when the judgment of his own profession and his character and business had fully entitled to the distinction.\*

If, however, the first step of promotion was slow, its consequences came rapidly. In 1823 he was selected by Lord Wellesley to administer the insurrection act in the counties of Limerick and Clare. To these arduous duties he was appointed on the advancement of Sergeant Torrens to the judicial bench. These difficult and, in some degree, unpopular duties, he discharged with firmness and impartiality until the year 1825; giving full satisfaction to all parties in his administration of the law.

Promotion in his profession followed rapidly on success which so amply proved him fitted for its higher dignities. In 1826 he was appointed his Majesty's third Sergeant-at-Law, on the elevation of Mr. Sergeant Lloyd to the office of Insolvent Commissioner, vacant by the death of Mr. Parsons; from this he rose in his turn to be second Sergeant, on the resignation of Mr. Lefroy, in February, 1830.

During these years his professional reputation was steadily and rapidly advancing. His character as a sound and accurate lawyer ranked among the foremost in his profession; and the value placed on his powers as an advocate is proved by the fact that he was oftener perhaps than almost any other man at the Irish bar employed upon special retainers after he left his circuit.

During this portion of his life it was his lot to be entrusted by the Government of Lord Wellesley with an inquiry into the cause and progress of some of those party riots terminating in bloodshed which about that period too frequently disgraced some parts of the north of Ireland. Such was the confidence felt in his integrity and moderation, that the appointment of Mr. Blackburne on such a mission was hailed by the leaders of the Roman Catholic party as an act of justice to Ireland, and as proof that the intentions of Government were equitable and humane.

In the autumn of 1830, the ministry of the Duke of Wellington was broken up. On Lord Grey's accession to power, Joy and Doherty, the Attorney and Solicitor-General of Canning's selection, who had been retained in their offices on the return of the Duke of Wellington to power, were promoted by the incoming ministry, the one to the Chief Barony of the Exchequer, the other to the Chief Justiceship of the Common Pleas. The vacant place of Attorney-General was conferred upon Mr. Blackburne, and he became the first Attorney-General of the Whigs.

For four years he continued to hold this place, during times of extraordinary excitement, when the power and prerogatives of the Attorney-General could not slumber with safety to the public peace. The winter of 1830 was marked by the commencement of the agitation for repeal, in the face of the "Algerine" enactment which gave the Lord Lieutenant the power of suppressing meetings by proclamation. Lord Anglesey was then Lord Lieutenant—Mr. now Lord Stanley, Chief Secretary for Ireland. The history of those remarkable months cannot be written in a sketch like this. The scenes which took place in Dublin during that winter, beginning with the day when the once popular Anglesey made his public entry into Dublin in October, amid the groans of the populace, who assailed the Highland soldiers who lined the streets with cries of "Swiss Guards," down to the 31st of January, the day on which an immense procession of the trades attended Mr. O'Connell in triumph to Kingstown, to the water's edge, on his way to Parliament, would form a curious and instructive chapter in the general history of Ireland. Few periods would present so many graphic pictures of striking incident, so many scenes of deep and powerful excitement, as the skilful hand of an actual observer—none other could attempt it—might portray from the recollection of that winter's meetings. Its processions, its banners, its manifestoes, its thousands thronging round the statue of King William, with their sashes of orange and green, the banners of the congregated trades, and last, not least, the good-humoured but somewhat grotesque figure of "Counsellor" Costello, President of the Trades' Union of Dublin, with a huge sash round his person, and mounted on a white horse as large in proportion and as raw-boned as the rider, marshalling the entire host—all these things would form a picture that, if painted as it might be, would far surpass the imaginary scenes of many a popular fiction.

It was a time of great anxiety—of some danger, and of more alarm. The demeanour assumed by the people was not so pacific as during the recent agitation; and every attempt at agitation being promptly met by an exercise of the extraordinary powers with which the Government was then armed, the appearances of a collision between the law and the repealers were much more frequent and threatening than of late. That the Government wielded those powers with consummate skill, firmness, and prudence, to repress the agitation, all calm thinkers will now admit. To the prudence and discretion of the man who then filled the office of Attorney-General, upon whom the responsibility of advising these proceedings devolved, the country is largely indebted for its tranquil escape from the dangers that appeared so fierce.

The Algerine act—as in deference to popular prejudice we have termed it—which received the royal assent on the 5th of March, 1829, empowered the Lord Lieutenant, by his proclamation, to make any meeting or any association in Ireland illegal. Of the powers of this act Lord Anglesey freely made use in opposing the fierce agitations for repeal with which Mr. O'Connell commenced the winter of 1830. The ingenuity of the popular leader to baffle and evade the proclamations was exerted to the utmost. Processions, appointed to one point of rendezvous, were proclaimed down from the castle in the morning, and dexterously directed to another point, and to a professedly different object, by a manifesto from Merriam-square, at noon—associations changed their name and pro-

\* Mr. O'Connell, in his examination before the Parliamentary Committee in 1825, bore a remarkable testimony to the character of Mr. Blackburne. Speaking of the injustice done to Roman Catholics by excluding them from silk gowns, he instanced the hardship of his own case in having his juniors promoted over his head, and added, "Mr. Blackburne is my junior, certainly high in the profession. But this could never create a jealousy in my mind. He is one of the best lawyers at the bar."

posed to vary their objects with a rapidity that almost outstripped that of the proclamations by which, as fast as they arose, they were suppressed—meetings abandoned on one day were convened for the next. Vigorously, however, and steadily, the determination of the Government grasped the Proteus of agitation in every changing form; and never was the fable of Proteus so completely verified. With a perseverance as untiring as the devices by which they were met, the powers of the act were put in force, until, so far exhausted were the shifts of agitation that it was attempted to be carried on by a series of breakfasts at the different taverns of the metropolis, at each of which speeches were to be pronounced; and when the activity of the Government met even this novel species of public meeting with its ubiquitous proclamation, it was gravely proposed to moor a large vessel beyond the legal limits of Ireland to which the operations of the act was limited, and there hold the forbidden meetings of that agitation which could find no resting-place on land—a project which the uncertainty of winter weather in all probability prevented being carried into actual operation.

In this extraordinary struggle it would have been surprising if some of these devices did not fall within the section of the act, which extended the prohibitions of the proclamation to any continuation, under any device, of the association at which it might be aimed.

Early in the month of January, Mr. O'Connell and seven of his associates were arrested and held to bail on a charge of having violated the act, and, at the commencement of the Hilary term, bills of indictment, including counts for a misdemeanor in violating the act, and also for unlawful assemblies, at common law, were preferred against them, and found by the grand jury of the city of Dublin, in the Queen's Bench.

To this indictment Mr. O'Connell and his associates were called on to plead. To the counts of the indictment which charged them with an offence against the act—the only ones in the indictment upon which the crown could calculate on a conviction—they demurred, to those which charged them with an unlawful assembly they pleaded not guilty. The questions intended to have been raised upon the demurrer were legal questions on the construction of the act of parliament, which would not be understood by the generality of readers. One upon which Mr. O'Connell is said, we know not how truly, to have relied with confidence, in opposition to the opinion of his own counsel, was this, that as one section of the act gave a meeting fifteen minutes to disperse, after being ordered by a magistrate, under the authority of the proclamation, to break up, no offence against the act was complete until this order was given, and the fifteen minutes had elapsed. The Attorney-general, however, promptly met them on the demurrer. The usual preliminaries to its argument had been gone through, and the day for the argument itself approaching, when an application was made to the court that the traversers might withdraw their demurrer, and plead to the indictment: thus resting their defence on an issue of fact instead of law.

This motion was earnestly resisted by the Attorney-general; but on full debate, was granted by the court. It was resisted principally on the grounds that the time for a trial had now passed, and that therefore the traversers ought not to be permitted to avail themselves of an artifice to procrastinate their trial. This, however, was met by the rule of court, that the traversers should be ready for their trial at the *Nisi Prius* sittings after that term; and when the Attorney-general still urged that he had lost the advantage of a trial at bar, which it was then impossible to obtain, the court, ever anxious to extend every indulgence to the accused, met this by an arrangement, that though the case must then be heard at *Nisi Prius*, and nominally before the Chief Justice, the other three Judges should sit with him as assessors, upon the occasion of this trial.

Preparations were now anxiously made for the great contest before a jury. That contest, however, on the part of the traversers was declined. On the very last day of Hilary term, the plea of not guilty to all those counts charging them with an offence against the act, was withdrawn, and a plea of guilty substituted for it; with the intention, however, still professed, of trying on a writ of error those questions of law which had been abandoned on the demurrer.

With the plea of guilty all that could be accomplished in this stage of the proceedings was gained. It was, of course, impossible to call up the traversers for judgment until the ensuing term. A *nolle prosequi* was entered on the remaining writs of the indictment to which the plea of not guilty was still on record, and the traversers were held over to come up for judgment on the first day of the ensuing term.

Before that day arrived, unexpected events brought the prosecution to a close. With the expiration of that session of parliament the act was to expire, its provisions being intended to be but temporary. The session of parliament came to an unforeseen and premature termination. The reform bill, in the interval, was introduced by Lord John Russell in the month of March; and the ministers, who carried its second reading by a majority of one, were on the first amendment proposed by General Gascoigne, defeated in the committee by a majority of eight. This occurred in April, and was instantly followed by a dissolution of the parliament, which had only been elected at the general election of the preceding July.

By this unexpected dissolution, the act of 1829 expired before the day on which those who had pleaded guilty to a violation of its provisions, were to be called up for judgment. In these circumstances, it was impossible to pass sentence on men, under an act which was no longer for any purpose in force; and by this singular good fortune, Mr. O'Connell and those indicted with him were relieved from the consequences of their plea.

The country has not yet forgotten the excitement that followed that memorable appeal to the people. New combinations of parties arose. Mr. O'Connell, by a speech, the most masterly, with one exception, which he ever delivered, and his party by their votes, rendered the most essential service to the reform ministry; and in the great struggle which convulsed the empire on the rejection of the reform bill by the Lords, the agitation for repeal for a time was not renewed.

But the office of Attorney-general was destined not to be a sinecure. With the summer of 1831, with the progress of the Reform struggle, arose the most formidable conspiracy that had yet appeared in Ireland—the general conspiracy against tithes which soon disturbed the peace of the entire

country. The massacre of the police at Carrickshock, on the 14th of December, 1831, was the most hideous feature in this melancholy scene. It became Mr. Blackburne's duty to prosecute the parties against whom bills were found for this daring murder. But one trial took place at the spring assizes of 1832, although bills were found against thirteen persons. On this occasion, Mr. Blackburne had the mortification to hear a gentleman of rank and station, when called on the jury, declare on his oath, that he would not, if sworn on the jury, venture under any circumstances to convict. A verdict of acquittal was the result in the first trial, and the Attorney-general applied to the court to postpone the remaining trials to the next assizes—an application to which the court acceded. At the next assizes, the jurors having repeatedly disagreed, the Attorney-general declared, that he had done his duty by the country, and declined to proceed any further with the prosecutions.

Judged by the reports of these trials, the conduct of the Attorney-general supplies a perfect model of what ought to be thought of a public prosecutor. Prosecuting in a case of singular heinousness, he was betrayed into no over severity unbecoming his position towards those whom he believed guilty—into no manifestation of the advocate's anxiety to obtain a verdict, even though he was conscious it would be a righteous one. His successive statements to the juries were calm, dignified, and solemn; beautifully clear in their narrative of facts, they left the facts without the comment into which inferior men would have been betrayed. His statement of the law was enunciated more with the weight and authority of a judge than an advocate; and the brevity of his statements, in which, however, nothing is left unsaid that ought to have been said, prevented the effect being lost in the length of his address. These statements are indeed models of that calm and solemn eloquence that alone befits the dignity and suits the solemnity of the duty which he then discharged. They supply, at the same time, no unfair sample of the style of Mr. Blackburne's addresses at the bar. More impassioned, of course, his addresses in civil cases were; but still, even when freed from the restraint of a public prosecutor, his style had much of the same dignified calmness, enunciating his propositions more as principles to be implicitly received, than as arguments to be weighed. With nothing of what is termed powerful or brilliant declamation, the clearness of his statement and the dignified earnestness of his address, coupled especially as it was with the exquisite melody of a voice not loud, but beautifully sweet, produced a much stronger and more abiding impression than either. When he had occasion to touch the feelings, his eloquence rose to a higher order, and it has often happened, that a few simple words, uttered in the course of an address to a jury have drawn tears from almost every individual in the court.

Perhaps, however, his great merit as an advocate was the remembrance of the maxim "*ne quid nimis*"—a maxim carefully to be observed by all speakers, but above all by the forensic one. No argument, carried beyond the limits of good sense, ever created in the minds of a jury a disposition to argue against him as he went on; no violent or intemperate statement ever produced a revulsion in the feelings of those whom he addressed. He insensibly carried with him the feelings and the reason of his auditory by a calm quietness which often persuaded or convinced them, almost without their being conscious that he had appealed to their feelings or argued with their understanding.

His cross-examination partook of the character of his speaking. It had none of that commanding energy, that rugged power, by which sometimes a vigorous and even fierce questioner breaks down, as it were, by the mere force of moral indignation, the artifices of the false, or the evasions of the reluctant witness. Still less had it of that vulgar browbeating—that insolence which we can never help considering cowardly—by which the unscrupulous advocate perplexes and insults even respectable and conscientious testimony. Calm and quiet in his style of address, Mr. Blackburne's cross-examination led on with admirable dexterity the witness to the point to which he wished, or confounding, by wily and powerful though quiet interrogatories, the most skilful evidence by which he might be opposed—it accomplished often, especially with the higher class of witnesses, what no browbeating, however sustained by real power, could effect.

This, is, however, a digression. The Carrickshock prosecution was not the only one in which the anti-tithe war, called forth the powers of the Attorney-general. Several of the persons most actively engaged in the conspiracy against tithes were made the subjects of prosecution for sedition, convicted, and punished by imprisonment and fine. It was his duty also to conduct the prosecutions of the Terryalts, who disturbed by a singular insurrection the peace of the counties of Limerick and Clare in 1831. An organised system of conspiracy in the Queen's County, and some of the neighbouring counties, demanded, like the outrages in Clare, special commissions to bring the offenders to speedy justice. In these instances Mr. Blackburne conducted the prosecutions in person—exhibiting the same admirable qualities which marked his conduct at Kilkenny, fortunately with more success, in the vindication of the law. By the effects of the special commissions in Clare and the Queen's County, peace was restored to these districts.

The year 1833 was signalized by a remarkable prosecution. *The Pilot* newspaper, having published a letter of Mr. O'Connell's, on the subject of the Union, which in the eyes of the law authorities amounted to a libel, a prosecution was instituted against the proprietor, Mr. Barrett. Mr. O'Connell defended his own letter in a powerful speech, which occupied four hours in the delivery. The trial, however, eventuated in a conviction, and Mr. Barrett was imprisoned and fined.\*

\* After this sketch was actually in print, the attention of its writer was directed to the following sketch of Mr. Blackburne, which is contained in reference to this trial, in the recent publication of a writer of singular ability, although strongly prejudiced political views, "Ireland and her Rulers, since 1829."

"The case of the King v. Barrett was brought on before the full Court of King's Bench, the Chief Justice Bushe presiding. The Attorney-general was Mr. Blackburne, now Master of the Rolls: he had been nominated to his high office by Lord Anglesey; he was acknowledged to be in the first rank of his profession, even by his bitterest opponents, and there can be no second opinion as to the fact of his singular professional ability. As he was one of the most powerful, so also was he, perhaps, the least flashy man that ever challenged great professional admiration at the bar of Ireland. He had been called to the bar in 1808, but had been outstripped in the race by many men who had none of his genuine pretensions to forensic eloquence. He had nothing of that quick, eager temperament, vehement delivery, vividly brilliant manner, and inflated style, which are popularly associated with the idea of a

Such were the times through which Mr. Blackburne, with calmness and firmness, through success and through failure, through evil report and good report, asserted the power of the law. Never, perhaps, had Attorney-general more difficult and arduous duties to perform, and never were such duties discharged with less odium to the administration of justice, or with more firmness and power.

Throughout the entire of his official life, Mr. Blackburne received the full and unreserved support of Lord Anglesey, and of Lord Wellesley who succeeded him here, as well as the perfect confidence of the cabinet on the other side. We can readily conjecture, however, that the retirement from that cabinet, first of Lord Grey, and then of the Duke of Richmond, and Lords Ripon and Stanley—all of them on Irish subjects—made Mr. Blackburne's position not so comfortable as before. The death of Mr. Justice Jebb, in October, 1834, left a vacancy on the judicial bench, to which, according to the etiquette of the profession, the Attorney-general had a right to succeed. It is now no secret that Mr. Blackburne gladly availed himself of the offer of the vacant seat, an offer made with a high acknowledgment of his services, and expressions of regret that they should be lost; and that the place, which was conferred on him in all but the formal appointment, was waived by the Attorney-general, at the special request of Lord Wellesley, and, if report speaks truly, of Lord Melbourne himself, at whose instance Mr. Blackburne continued to fill the office of Attorney-general, with Mr. O'Loughlen as solicitor—Mr. Crampton, the former Solicitor-general, obtaining the vacant seat on the bench. That Mr. Blackburne's waiving of his claims was accompanied on the part of government by a distinct promise that he should be promoted to the first vacant chief's place, has been stated in print, and has not been contradicted. Certain it is, that to meet the convenience of the then government, Mr. Blackburne forfeited a seat on the bench; and perhaps the claim which he manifestly thus acquired, has been interpreted into a pledge that it should be regarded. From whatever promise was given or obligation contracted, Lord Melbourne's cabinet felt or fancied themselves by subsequent events to be released.

In November, 1834, his Late Majesty dismissed the Whig Ministry, and called Sir Robert Peel to the management of affairs. In the new arrangement of parties, which was consequent upon this change, Mr. Blackburne felt himself at liberty to continue Attorney-general under Sir Robert Peel, Mr. Pennefather, though his senior at the bar, consenting to act under him as solicitor. This was an offence bitterly resented by the former administration, or one at least which was a sufficient pretext for disregarding his claims. On the retirement of Sir Robert Peel from office on the appropriation clause, Mr. Blackburne of course retired with him. At that period it was usual to confer on the out-going Attorney-general a patent of precedence, entitling him to hold rank next to the law officers of the crown. Mr. Plunkett had held such a patent from his retirement from office in 1807. Mr. Saurin had received it on his retirement in 1822. An intimation was made both to Mr. Blackburne and Mr. Pennefather that similar patents were in preparation for them. That such an intimation was made was no secret at the time; that both gentlemen expressed their willingness to accept the honour was generally understood. But from whatever cause it occurred, the patents of precedence were never conferred.

The loss of a patent of precedence was, however, a very trifling one. It could not affect his character, and scarcely affected his position at the bar; for six years and a half he continued among the foremost at the Chancery bar, only leaving that court when brought special to some trial of importance in the country, until on the return of Sir Robert Peel to power, in the autumn of 1841, he resumed the office which he had formerly held.

A vacancy in the office of chief justice of Ireland almost immediately followed by the retirement of Chief Justice Bushe. To this high place Mr. Pennefather, who was seven years Mr. Blackburne's senior, and who had taken precedence of him in the time of obtaining a silk gown, was promoted, although then solicitor-general; and Mr. Blackburne continued attorney-general, until, in September, 1842, on the death of the ever-to-be-lamented Sir Michael O'Loughlen, he was raised to the mastership of the Rolls, and took his seat in the Rolls Court on the first day of the following November term.

A period of two years is not, perhaps, in ordinary cases, sufficient to test the qualities of a judge: but there is no situation in which a man's qualifications for his office are sooner known than in that which Mr. Blackburne now fills. The Master of the Rolls decides each day from thirty to forty cases, varying in importance—some presenting the simplest form of facts, and others the most complicated—some involving no principle of equity or practice, and others requiring the decision of the nicest points of both. Of these thirty or forty cases the Master of the Rolls must inform himself, in most instances, from the statement of counsel at the moment; must draw on his knowledge of the principles of equity, or his recollection of the rules and practice of the court, and must be ready to pronounce his decision, and give his reasons for it, in each. Of course there are cases that come before him, and constantly, that demand more time for the argument, and more deliberation for the decision; but the great majority of the cases decided by him are of the character we have

'celebrated Irish barrister.' Calm in the hurry of business, he was tranquil under the most violent opposition; of the middle stature, his appearance was nevertheless commanding, from the stamp of intellect impressed upon his penetrating countenance. He had a face which the old Italian masters would have gladly copied. Fuseli said of Lawrence, 'he paints eyes better than Titian'; but if he had seen the large, lustrous, liquid black eyes of Blackburne, with their calm, penetrating expression, quite free from any furtive character, he would have sworn that neither Titian nor Lawrence could have painted such eyes—his forehead was high, wide, and full; his voice, even, strong, and sonorous; his delivery, a model of propriety; and his style correct and pure. Few men ever spoke with such brevity; not that he affected a sententious brevity; but, unlike nearly all other leading lawyers, he was never prolix in matter, or diffusive in statement. He never said more than he thought was necessary to produce conviction in an intelligent mind. Even when taken special to the provincial courts of Assize, an hour and a half was rather a long time for Mr. Blackburne to consume in speaking. He was a perfect model for an equity barrister. Inferior to Mr. Pemberton Leigh in acquired learning, he was fully his equal in legal genius, and certainly his superior as an advocate: there was more demonstrative talent, and less studied mannerism in Blackburne; his mind had more volume and natural vigour than that of his great cotemporary, while his style and deportment were equally remarkable for good taste and calm impressiveness. 'Blackburne,' said one, who thoroughly knew his abilities, and had reason to dread their exercise, 'is just the sort of man for counsel to an artifice in danger.' His conduct in court, as crown prosecutor, in Barrett's case, was very striking, and presented a contrast to the ordinary demeanor of Irish crown lawyers—he was cool, collected, and refrained from any attempt to excite the feelings of the jury by declamation."

Mr. Blackburne, the law list tells us, was called in 1805, not 1808.

described, and those not acquainted with details of the court cannot conceive what an immense and what an important proportion of the legal business of the country is transacted in motions of this nature in his court. The administration of all that vast mass of property which the debts of its owners have thrown under the control of the Court of Chancery—the adjudication upon all questions affecting the conduct of those who have been appointed as receivers under the court—the determination of applications to the court to exercise its power of appointing a receiver—the distribution of the funds that are realized through the instrumentality of the court—the decision of all the points of practice that arise incidentally in the progress of a cause, independent of the graver and more serious questions, affecting the very principle of a cause, which often arise in forms in which they must be heard in the Rolls;—these present a variety and an extensiveness of business, to do all which well, requires a combination of powers of no ordinary kind.

Coming after a judge the most popular perhaps that ever sat on a judicial bench, he has succeeded in keeping up the confidence and the satisfaction that was felt in the administration of justice in his court. Sir Michael O'Loughlen was removed by the hand of death before he found a place in our gallery of the living; but we have long hoped to do his memory justice among the illustrious dead. Our business now, however, is with his successor. In many of the great qualities of a judge Mr. Blackburne is entitled to rank among the brightest ornaments of the judicial bench. A quickness in collecting the facts of a case he possesses in an eminent degree—without this, indeed, all other qualities would be comparatively useless at the Rolls. Rapid in his decisions, where there is no complicated state of facts or doubtful law to require his decision, he has thus a celerity in the despatch of business which, without permitting arrears to accumulate in his court, leaves him ample time to hear matters of doubt and difficulty discussed at length, and to deliberate fully upon his judgments. In several cases of this latter class he has delivered judgments that have commanded the respect and settled the opinions of the entire profession. It is not, however, either by observing the astonishing facility with which he disposes of a number of that class of motions that constitutes so large a portion of the ordinary business of his court, nor yet by listening to the matured and well-considered argument in which he records his opinion at the sitting of the court, on some difficult law question that has been argued the day before, that you can form a just estimate of the judge. They wholly miscalculate the duty of a judge in a court of equity, who think that the intellectual are among his greatest qualifications. Vast as is the knowledge, profound the learning, and great the ability, that distinguish the present Chancellor of Ireland above any man that ever presided in a court of equity—these are not the qualities that emphatically stamp him as a great judge. It is the abhorrence of what is wrong, the indignation at fraud, that a long and intimate acquaintance with the principles of equity has made second nature to him—it is the natural sense of justice that no study can give and no mere intellect attain—the love of what is upright, the instinctive perception of what is fit and right, and the intuitive appreciation of what is just—these are the qualities, above all knowledge, beyond all acuteness of reasoning, that stamp the attributes of a great judge upon all the knowledge and learning of that eminently just man. And so to estimate the judicial qualities of the Master of the Rolls, he should be seen when some fraud is attempted by the perverted forms of law—when oppression is brought before him, or chicanery exposed. When once the real nature of such a case is understood, he waits almost patiently—and to all but those who observe the indignation gathering in his eye it seems to be altogether patiently—until counsel has exhausted his ingenuity or his pertinacity, as it may be, in defending the wrong. It then is the turn of the judge. You then discover the impatience with which he has borne the defence of fraud, by the rapidity with which he commences its condemnation. Commencing with a clear and simple statement of the points for his decision—with an almost magical rapidity, he collects and classifies the facts of the case that bear on them, detecting and exposing the fraud or the oppression, however dexterously or plausibly concealed. The animation that lights up his eye, combined with the musical intonation of his voice, give in themselves to the eloquence of his rebukes, all the advantages that gesture and action could give to the orator. Calm and dignified, yet earnestly impassioned, those who have been fortunate enough to hear the Master of the Rolls pronounce judgment on an occasion such as we have attempted to describe, will agree with us that, though by observing him in those cases which require the exercise of the qualities of discrimination, or the powers of the intellect, you may learn to admire the man or respect the lawyer, it is only on such an occasion that you can sufficiently appreciate the judge.

It is time that this sketch, much longer than we anticipated, should be drawing to a close. It would still, however, be incomplete, if we did not add to it, that this able lawyer and excellent judge is in private life an accomplished scholar and an agreeable companion. Totally destitute of affectation, he was popular with his own profession through his career. For so much, at least, of his judicial career he has preserved upon the bench the same frankness of manner and kindness of demeanor which made him popular at the bar.

Mr. Blackburne has, since his elevation to the Rolls, been once Lord Justice.

#### THE LUCKY BOUGH; OR, THE HOPGARDENS OF KENT.

BY EDMUND CARRINGTON, ESQ.

For my part, I like your country superstitions.

Fielding.

Sing hey! sing ho! the beggars are come to town!  
Some in rags and some in jags, and some in silken gown!

THERE they are!—(Callot's beggars!—shake hands with your brothers!—there they go! charivari! charivara, as Rabelais says. Waggon-loads of them! live lumber by the ton! ragmen, bagmen, magsmen, dogsmeat—slicers and caterers for cats, gipsies, pedlars, tinkers, higglers, and hawkers of petty wares, oyster-bawlers, Billingsgates, costermongers, eggwives, orange-venders, the female fry of Whitechapel, the Minories, the Borough, St. Giles's, and Southwark, in all the motley of Rag-fair—its dingy lilac, primrose, buff, and green—old faded drawn-bonnets, tattered, lolloping Leghorns, pink gowns, yellow gowns, blue gowns, red gowns, scraps of riband, bob-