

Journeyings of the Judges.

By "KASOMO."



CIRCUITING is popularly supposed to be akin to junketing; but, as a matter of fact, it is often a very serious and sober business — especially for the prisoners. There is, however, much in circuit life that is curious and of interest, especially to those to whom custom

of York, and our own Prince of Wales figure on the walls in all the bravery of royal red and gold-leaf.

I do not propose to weary my readers with a learned disquisition on the origin and progress of circuits. Suffice it to say, and to say it briefly, that the circuit system, as we now know it, is much the same as that which

obtained with our ancestors from almost time immemorial; and this in spite of constant attempts at reform by the bolder spirits who would rule matters judicial. Let it be whispered that the reforms have for the most part proved abortive; and that in all probability we shall revert to the wisdom of our fathers, and to the old order of things.

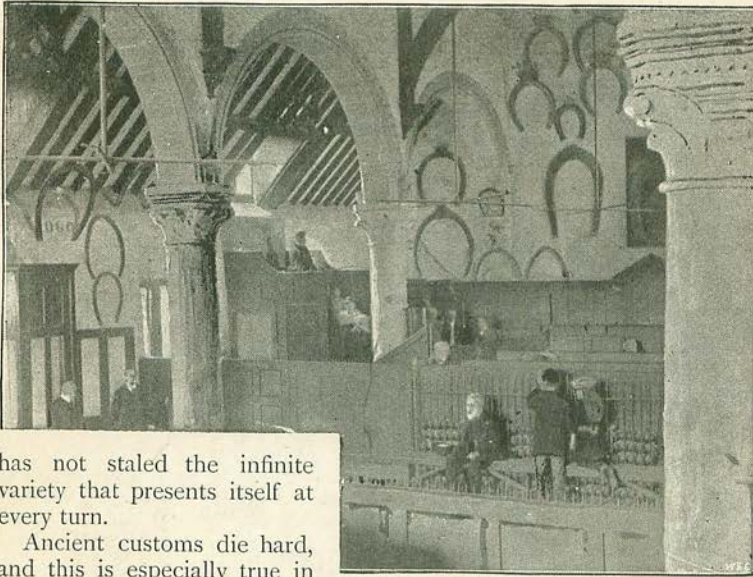
Let us start with one of Her Majesty's judges on circuit.

Needless to say, we shall travel *en*

prince, for the railway companies are solicitous for the comfort of his lordship and the members of his staff, and provide reserved compartments, with a separate luggage "cupboard,"

has not staled the infinite variety that presents itself at every turn.

Ancient customs die hard, and this is especially true in the remoter corners of the kingdom. At Oakham, for instance, the lord of the manor still exercises the right to demand from every peer passing through the town the near fore-shoe of his nag; a demand that is usually liquidated by a money payment to provide for a counterfeit presentment on a large scale of the coveted shoe, which is in due course nailed on the wall of the old Shire Hall, a structure that dates back to the time of the Conquest. Even Royalty is not exempt from the toll, and the "horse-shoes" of George IV., his brother, the Duke



OAKHAM ASSIZE COURT.



OAKHAM—JUDGE'S LODGINGS.

practically a necessity on account of the enormous quantity of baggage and impedimenta required for the five or six weeks' tour.

Arrived at the first town on the circuit, the judicial campaign really begins. The judge is met at the railway station by the high sheriff of the county, who usually looks very uncomfortable and self-conscious in the *quasi*-military uniform which is insisted upon for the occasion; the sheriff's chaplain, also in like plight in the stiffest of Geneva gowns, usually the gift of the sheriff; the under-sheriff, in any costume that his fancy may lightly turn to, ranging from a Court suit down to the most unconventional of morning dress; and a *posse comitatus*, in the shape of a dozen or so of stalwart county

policemen, whose faces and uniforms are mostly a harmony of red and blue. The judge introduces his marshal (an able-bodied youth from one of the Universities, or maybe a budding Templar) to the high sheriff, who bows graciously, tries not to fall over his sword, and leads the way to the State carriage, accompanied by the chaplain and under-sheriff, and escorted by the good men in blue.

At one or two assize towns there is an escort of "javelin men," armed with halberds raked up from the county museum probably, and attired in a hybrid livery, half "beef-eater" and half footman; but, generally speaking, the county police constitute the escort, with occasional relief in the form of a troop of Yeomanry, if the high sheriff happens to hold Her Majesty's commission of arms in addition to one of the peace.

As soon as the little procession emerges from the railway station, a couple of trumpeters, who have taken up a commanding position in the yard for the due display of their gorgeous liveries, set up an ear-torturing performance, supposed to be in imitation of an ancient fanfare. To this "rough music" the judge takes his seat in

the State carriage, and the whole party set off at a snail's pace for the judge's lodgings, the trumpeters fanfaring with a vigour and persistence that must have inspired the bandsmen of "General" Booth's lads in red. On the occasion of the trial of an election petition at a cathedral city, the mayor met the judges in a coach drawn by a couple of black horses that usually figured at funerals, and the secret of their vocation had somehow leaked out. As they were crawling along in the accustomed style, Mr. Justice Hawkins, who was one of the judges, said, with the quiet, incisive humour that has ever distinguished him: "Mr. Mayor, does not this very much remind you of following the dear departed?" *Curtain.*



LEICESTER CASTLE—OPENING THE ASSIZE.

The judge's lodgings are usually a fine old house set apart for the purpose, with occasional intervening visitations from Militia officers during the training of their merry men, and everything therein is of the stately order; though the furnishing and general fitment would probably vex the soul of a Maple or a Shoolbred. Bare walls glower on the judge, fresh from his own ornate house in Mayfair, Kensington, or Richmond; but there is an air of solid comfort about these old places, more particularly in the dining-room, where massive silver and table equipage of great antiquity make a brave show.

Arrived at his temporary home, the judge of assize forthwith arrays himself in the splendid robes of his high office, and



HERTFORD—JUDGE'S LODGINGS.

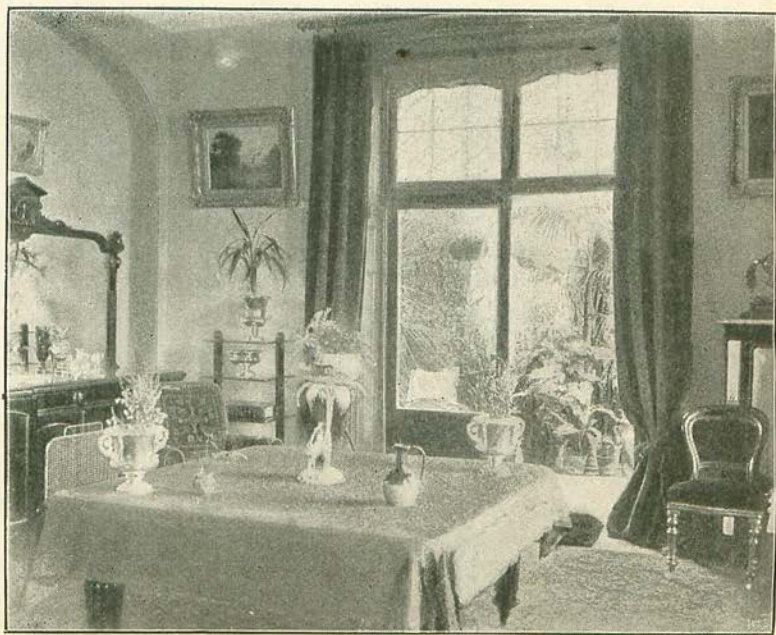
The next morning the business of the assize begins in real earnest, and the grand jury, consisting usually of magistrates of experience, are summoned from all parts of the county to consider the bills of indictment that are sent up to them by the Crown. Twenty-three is the regulation number of grand jurors for an assize, and to the credit of the squirearchy be it recorded that it seldom happens that fewer than the twenty-three put in an appearance. The roll having been called, the grand jury are sworn by the judge's marshal; the foreman, usually a county magnate of the first rank, being sworn first. The prescribed oath is impressive, and I give it for the benefit of my lay readers:—

“My Lord [or Sir],—

“You as foreman of this grand inquest for our Sovereign Lady the Queen, and the body of this County of Westcumberland, shall diligently inquire and true pre-

proceeds to the cathedral or parish church, as the case may be, to attend the customary assize service. This is an institution honoured by time, but usually dishonoured by the townspeople; for there are seldom more than two or three gathered together to hear the words of wisdom and counsel that fall from the lips of the sheriff's chaplain, who has probably spent anxious weeks in the preparation of his sermon. Preachers vary as ordinary mortals vary, and so do assize sermons. Sometimes they are brilliant, forceful, and in every way worthy of a better fate than to be forgotten by the handful of people, great and small, to whom they are addressed.

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NORWICH—JUDGE'S DINING-ROOM.



BIRMINGHAM ASSIZE COURT—BARON POLLOCK ON THE BENCH.

sentiment make of all such matters, offences, and things as shall be brought to your notice touching this present service. The Queen's counsel, your fellows and your own, you shall observe and keep secret. You shall present no person out of envy, hatred, or malice; neither shall you leave any one unpresented through fear, favour, gain, reward, or the hope or promise thereof. But you shall present all things indifferently as they shall come to your knowledge, according to the best of your skill and understanding.—So help you God."

The rest of the grand jury are then sworn shortly in batches.

Now commences the charge by the judge, who touches upon the salient points of the more important or complicated cases in the calendar, for the guidance of the grand jury when they come to consider whether or not a *prima-facie* case is made out against a prisoner.

Before a man can be tried for any offence, his case is first of all investigated before a Bench of magistrates, who in their discretion can commit a prisoner for trial before a judge and jury. The witnesses are bound over to appear at the sessions or assizes, and in due course give their evidence on oath before the grand jury, who bring their considerable experience to bear in determining whether

the case should go for trial or not. If they think it should, they indorse the indictment: "A true bill," and the parchment is handed down to the Court. The prisoner is then placed in the dock, and the indictment having been read over to him more or less intelligibly by the clerk of assize, he is called upon to plead "guilty" or "not guilty," as he may elect. If the latter, the petit jury, consisting of twelve good men and true, are then sworn, and the trial proceeds. This threefold inquiry is a great safeguard to the liberty of the subject, and as a matter of fact, a miscarriage of justice seldom takes place. The "great unpaid" are perhaps the best-abused class in this country, but they do their duty as between the Crown and their fellow-subjects, and do it well, Mr. Labouchere's weekly pillory in *Truth* to the contrary notwithstanding.

If a prisoner has a good defence to the charge made against him, assuredly it will be carefully supported at the trial, Her Majesty's judges holding fast to the old maxim of our law that "every man is presumed to be innocent until he is proved to be guilty," and if the case against him is not proved up to the hilt, the man will go free: all this in marked contrast to the system obtaining on the Continent, where the unhappy wretch is examined and cross-examined by State



LINCOLN—WAITING FOR THE JUDGE.

officials with the express object of securing a conviction.

Englishmen have reason to be proud of their judges for their absolute integrity and impartiality, to say nothing of their ability and learning, which probably speak for themselves.

The comfort of a judge on circuit much depends on the stuff of which his staff are made. First comes his personal officer, the marshal afore-mentioned, whose duty it is to swear in the grand jury, and to attend the judge wherever he goes, sharing his meals with him in public or private, and generally making himself agreeable and useful; for the most part a pleasant office enough, but it is one that at times requires considerable tact and knowledge of the world in order to keep the path judicial from becoming too thorny.

The knight-errant, otherwise Her Majesty's judge of assize, has furthermore the constant

presence of a faithful esquire in the shape of his clerk, who, unlike the marshal, is permanently in the judge's service, both in London and on circuit. The duties of this officer are multifarious, and range from the most delicate diplomacy down to keeping the circuit accounts. Divers are the duties, and diverse are the men, probably more so than any other body in the pay of the Crown. Formerly, some few of them rose to eminence, the late Lord Justice Lush being a brilliant example; but the Inns of Court have of late years, for



MONMOUTH—JUDGE'S DRAWING-ROOM.



A KITCHEN COLLOQUY—THE CIRCUIT BUTLER.

some reason not difficult to discover, prohibited any person holding an appointment as clerk to a judge, or in the central office of the Supreme Court, from becoming a barrister-student. A hard case, probably, and one showing, moreover, that petty jealousy is not unknown even in high places.

Next in importance, if not in usefulness, comes the circuit butler, who robes and valets the judge, controls the household, and when "on the road" acts as baggage-master. The marshal's man follows in order, and does duty as a sort of footman.

Last, but certainly not least, comes the cook. Formerly only

possessed of considerable forethought, and all-round ability as a caterer. The food supplies of many of the assize towns are often very primitive, but woe betide the unlucky *chef* if he sends up an insufficient or an unsatisfactory meal. Some of these Knights of the Black Cap rise to affluence in their profession, occasionally securing snug berths as cooks to the Inns of Court, be-

men-cooks were engaged by the judges for circuit, as the life was hard and the work arduous; but since the introduction of the single-judge system, that has excited so much opposition from profession and public alike, many of the judges have employed women-cooks, the work being in these days much lighter and the travelling arrangements more comfortable. A good circuit cook must be

besides carrying on businesses more or less lucrative, as confectioners and restaurateurs. One, in addition to all this, has become a member of the London County Council, and in course of time may represent the people in a larger sense, and help to make the laws for the judges to administer.



LINCOLN—JUDGE'S BEDROOM.

NOTE.—My photographic readers may be interested to know that most of the illustrations to this article were taken with a "Samuels" hand camera, many of the instantaneous pictures and interior views being obtained on Messrs. Elliott and Son's "Rocket" and "Barnet" plates.