

## The Legal News.

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### ERRORS OF LEGISLATION.

The judgment in the case of *Ex parte Archambault*, in the present issue, has furnished another instance of an awkward class of errors or oversights of legislation which are not so rare as they should be. It is not very creditable to the administration of justice in the Province that an obstruction of this sort should be encountered, and that a numerous body of offenders should go free because a door has been carelessly left open to facilitate their escape. The incident suggests rather forcibly the necessity of additional precautions against statutory blunders.

### THE GOLDRING CASE.

The appeal to the Privy Council in the case of *Goldring & Bank of Hochelaga* (2 Legal News, p. 232) has been dismissed in England, on the preliminary point raised before their lordships, that the judgment dismissing the motion to quash the *capias* was not appealable. It may be remarked that the Court of Queen's Bench expressed doubts whether an appeal lay, but seeing that the party asking for the appeal was in jail, permission was granted, subject to objection before the Judicial Committee. Goldring was afterwards liberated on bail, and, therefore, the reason which chiefly influenced the Court of Appeal here no longer existed.

### THE LATE MR. B. DEVLIN.

Since our last number appeared, the death has occurred of one who has occupied a very prominent place at the bar of the Province of Quebec during the past 30 years. Mr. Bernard Devlin, who died in Colorado a few days ago, was born 15th December, 1824, in Ireland. He came to Canada, while still young, with his father, and after a short connection with the press, studied law in the office of Mr. Edward Carter, Q.C., and was admitted to practice in 1847. He very early won success in the Criminal Courts, and continued to practice chiefly on that side of the bar. He was eminently persevering and energetic in the defence of his clients, and although his addresses to juries were not marked by the

highest order of eloquence, they were effective and successful, and the young advocate rapidly acquired a wide reputation as a good winner of verdicts in rather desperate cases. The result was that he was engaged in almost every important trial where there was an English-speaking jury. He was not so successful in civil practice,—perhaps because his engagements before the criminal courts monopolized too much of his time and attention. In later years, Mr. Devlin sought to enter Parliament, and as he desired to represent the leading constituency in which his countrymen muster a controlling vote, he was induced to contest the old division of Montreal West with the late Mr. Thomas D'Arcy McGee. The *début* was not a fortunate one for Mr. Devlin. It would be out of place here to notice at any length the acrimonious struggle which ensued, and in which Mr. McGee triumphed over his opponent. Some years after the melancholy death of Mr. McGee by the hand of a midnight assassin, Mr. Devlin again entered the lists with Mr. M. P. Ryan. He was defeated, but Mr. Ryan being unseated, Mr. Devlin, in the new election, gained the victory. He, in turn, was unseated, but was again returned. After sitting in Parliament for two or three sessions, he was finally defeated by Mr. Ryan in the general elections of 1878. At this time he was suffering seriously from pulmonary disease, which continued to gain ground, notwithstanding an apparently vigorous constitution. His death took place in Colorado, whither he had gone to seek some alleviation of his malady.

Although Mr. Devlin has been surpassed in ability by several of the distinguished men who have figured at the bar of Quebec, there has probably been no one whose name and person were so familiar to the masses of the population. His style of oratory, as we have already said, was most effective before juries, his practice in that respect no doubt having done much to form it. But in maturer years he displayed considerable power in addresses to assemblies of a more general character, and where he had a point to make, he exhibited much skill in using it to the best advantage. While the animosities kindled by his early political battles were bitter and lasting, he nevertheless lived on the most friendly terms with large numbers of his opponents, and in his last years consistently and strenuously deprecated the introduction of per-