

The Legal News.

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The vacancy in the Supreme Court of Canada, caused by the death of Mr. Justice Henry, has been filled by the appointment (Oct. 27) of Mr. Justice Patterson, one of the judges of the Ontario Court of Appeal. Mr. James MacLennan, Q.C., of Toronto, replaces Mr. Justice Patterson in the Court of Appeal. These appointments appear to have been based on the merits of the gentlemen selected, and have been received with much favour by the bar of Ontario. The same issue of the *Canada Gazette* contains the appointment (bearing date Sept. 20) of Henri Gédéon Malhiot, Q.C., of Three Rivers, to be a puisné Judge of the Superior Court for this province. It is understood that Mr. Justice Malhiot will replace Mr. Justice Wurtele, who has been transferred from the district of Ottawa to Montreal.

In opening the Criminal Term of the Court of Queen's Bench at Montreal on the 2nd instant, Mr. Justice Church paid the following tribute to his late colleague:—"The late Mr. Justice Monk has led a long, honorable and useful career at the bar and on the bench. Distinguished over other men by his commanding personal appearance, with a mind cultivated by careful training and extensive reading; of a warm, social and sympathetic nature; possessing a command of graceful language, rare even among gifted men, it is not surprising that, notwithstanding his youth, he was amongst those chosen by the political prisoners of 1837-38 to defend them. His career afterwards at the bar was distinguished, and his promotion rapid. Associated with the late Hon. Sir John Rose, the firm of Rose & Monk soon took a foremost place, and it is notorious that the honored judge contributed his full share to achieve that renown. At the bar as on the bench, his dignity, gentleness and urbanity, especially towards the junior bar, not less than his strong common sense and his profound grasp of legal principles, made him a

man of mark, and his name and memory will long be cherished amongst his *compères* of the bar and bench. For nearly thirty years, he has sat upon the bench, about nine years in the Superior Court, and about twenty years in this court, and has thus taken an important part in moulding our jurisprudence. His fame and reputation in this branch of the court is widely known and universally acknowledged, his calm judgment and ripened knowledge, making him invaluable in the investigation and trial of criminal offences. His retirement from the bench was forced upon him by failing health, and he reluctantly yielded to the inexorable command of his medical attendants and resigned. In Judge Monk's death, the bench has lost an able, experienced and learned judge, the general public a distinguished and patriotic citizen, the bar a sympathetic and cultivated member, his friends a warm-hearted and genial associate, and his family a fond husband and indulgent father."

In addressing the Grand Jury, on the same occasion, the learned Judge referred in terms of emphatic disapproval to indictments privately laid before Grand Juries without the concurrence of the officers of the Crown. "Should unauthorized persons," he said, "intrude themselves upon your notice and ask to have bills of indictment preferred against individuals, you should, before taking any action, apprise the law officers of the Crown, in order that your institution may not be made the vehicle for libellous or damaging charges, without reasonable circumspection and preliminary enquiry on the part of those who are charged with the general superintendence of the administration of the criminal law, and whose experience and general knowledge will often enable them to decide how far such applications can properly and justly be entertained. This is not in any way, however, to interfere with your unquestioned right to present anything within the scope of your duties when such matters are within your personal ken. I make these general observations regarding these matters, because the experience of the past two terms is that bills have been presented to the grand jury, at the