

The Legal News.

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* The retirement of Mr. Justice Monk has been followed, with a very short interval, by the intelligence of his death which occurred at Montreal on the 29th October, at the age of 73. The deceased was appointed an assistant Judge of the Superior Court on the 4th June, 1859, so that he had nearly completed thirty years on the bench at the date of his resignation.

If A. write a private and confidential letter to B., and the letter be stolen from B., do not all who use the contents of the stolen epistle for their own ends and profit become more or less *participes criminis*? At all events, such use of a thing stolen, or obtained fraudulently, is the reverse of "knightly" conduct. It is, therefore, rather surprising, if anything in a presidential contest could surprise us, to find one like Mr. Blaine, who rejoices in the distinction of the "Plumed Knight," using, for the purposes of a popular harangue, the contents of the letter obtained from Lord Sackville by a shameful fraud.

The *Chicago Legal News*, referring to the *Taylor* contempt case (*ante*, p. 249) says:—"This is the most remarkable contempt case that ever came under our notice. A man sentenced for contempt of court to receive 'thirty lashes and to be held in penal servitude during the term of his natural life.' This case shows beyond all question the wisdom of regulating the power of judges to punish for contempt of court. Many of the States have so far changed the law as to require the finding of a jury before a person can be punished for contempt. When Judge Bradwell was in the Legislature, he prepared a bill to regulate this power, which received the favorable report of the judiciary committee of the House, although it was violently opposed by some of the best lawyers of that body, among whom were Mr. Connelly and Mr. Dunham."

Another contempt case which has attracted some notice, and in which a very moderate punishment was awarded, is the *Terry* case, in San Francisco. On the 3rd September, the U. S. Circuit Court pronounced a decision in the *Sharon* case, sustaining a judgment which had declared the alleged marriage contract between Sarah Althea Sharon and the late Wm. Sharon to be a forgery. The decision was read by Associate Justice Field, of the U. S. Supreme Court, and was concurred in by two other Judges. Before Judge Field concluded, the woman, who is now married to one Terry her counsel, jumped up and exclaimed: "Justice Field, we hear that you have been bought. We would like to know if that is so, and what figures you hold yourself at. It seems that no person can get justice in this court unless he has a sack." The Judge ordered the marshal to remove the woman from the court-room. What ensued is related as follows:—"The marshal advanced toward Mrs. Terry, but she took no notice of him, but broke out with oaths and vulgar language. Franks grasped her arm, and in an instant Judge Terry arose and exclaimed that no living man should touch his wife. With this he dealt Franks a terrible blow on the neck with his fist, which sent the marshal rolling across the floor. Franks regained his feet, and, with several deputies and bystanders, rushed upon Terry and quickly removed him. Mrs. Terry was also taken from the room and locked up in the marshal's office. A deputy was placed at the door, when Terry advanced upon him and demanded admission, which the deputy refused. Terry put his hand in his pocket and drew forth a dangerous-looking dirk, with a blade eight inches long, and with a curse held it above his head and declared he would stab any man who dared keep him away. Several others at once jumped upon him and tried to take the knife away. A desperate struggle followed. All the men fell to the floor, and the knife was finally taken away from Terry without anyone being injured. Terry was then locked in a room with his wife." The Judges retired to consult together, and on returning to the court-room sentenced Terry to six months' imprisonment in the county jail,