

THE HON. ARCHIBALD McLEAN.

## DIARY FOR NOVEMBER.

1. Wed.... *All Saints.*
4. Sat. ... Articles, &c., to be left with Sec. Law S.
5. SUN ... 21st Sunday after Trinity.
12. SUN ... 22nd Sunday after Trinity.
15. Wed ... Last day for service for County Court.
19. SUN ... 23rd Sunday after Trinity.
20. Mon ... Michaelmas Term begins.
24. Frid.... Paper Day Q. B. New Trial Day C. P.
15. Sat ... Paper Day C. P. N. T. Day Q. B. Declare for [Co. Ct.
23. SUN ... 24th Sunday after Trinity.
27. Mon ... Paper Day Q. B. New Trial Day C. P.
28. Tues... Paper Day C. P. New Trial Day Q. B.
29. Wed ... Paper Day Q. B. New Trial Day C. P.
30. Thurs. *St. Andrew.* Paper Day C. P.

## NOTICE.

Owing to the very large demand for the Law Journal and Local Courts' Gazette, subscribers not desiring to take both publications are particularly requested at once to return the bulk numbers of that one for which they do not wish to subscribe.

THE

## Upper Canada Law Journal.

NOVEMBER, 1865.

THE HON. ARCHIBALD McLEAN.

More than two years and a half ago it was our melancholy duty to chronicle the death of one whose name will ever be remembered with respect and affection by all true hearted Canadians, Sir John Beverley Robinson. Second only to his memory will be that of his tried friend, his brother in arms and his brother judge, the Hon. Archibald McLean who expired at his residence in Toronto on Tuesday, the 24th day of October last, at the advanced age of seventy-five.

The father of Archibald McLean was the Hon. Neil McLean, a member of the Legislative Council for Upper Canada before the Union: his mother was a daughter of Colonel Macdonald. He was born at St. Andrews, near Cornwall, in April, 1791. Like Sir John Robinson and many others who have attained a conspicuous position in Canadian history, he was a pupil of Dr. Strachan, the present venerable Bishop of Toronto, at the town of Cornwall. He left this to study law, which he did in Toronto, then York, in the office of Attorney General Firth. As to his success or application in these early studies we know but little; whatever they were they were cut short by the breaking out of the war of 1812. The son of an officer in the 84th Highlanders, and the grandson on his mother's side of a

U. E. Loyalist, it needed no persuasion to induce him to take up arms in defence of his country.

He was identified with the struggles of that eventful period. He was a lieutenant in Captain Cameron's No. 1 flank company of York Militia at the battle of Queenston Heights. No. 2 flank company being on that day commanded by Lieut. John Beverley Robinson. He was severely wounded early in the engagement, during the temporary repulse that preceded the victory, whilst aiding Captain Dennis of the 49th in his endeavours to stop the retreat, but was helped off the field by Lieut. Stanton, the present Clerk of the Process, and other comrades, shortly after Sir Isaac Brock received his mortal wound.

He also behaved very gallantly at the engagement at York, saving the colors of the York Militia. He was present at the battle of Lundy's Lane, where he was taken prisoner, and so remained till the termination of the war.

On the breaking out of the Rebellion of 1837, the old military fire of the then lawyer, but former soldier revived, and on the morning of the day when the attack of the rebels on Toronto was expected, he might have been seen drilling a company of men hastily got together in front of the old City Hall, with the ardour of a quarter of a century before—the then Chief Justice of Upper Canada being in the ranks, shouldering his musket like any private.

He was called to the Bar and admitted as an attorney on 9th April, 1813, and was engaged in the successful practice of his profession until the year 1837, when he was appointed one of the judges of the Court of King's Bench along with the late Mr. Justice Jones, when the number of judges was increased from three to five, under the 7 Wm. IV. cap. 1.

Before his appointment to the Bench he represented his native county for several years in the Legislative Assembly for Upper Canada, and was for some time Speaker of the House, a position for which his dignified bearing and and courteous manners well fitted him.

He was throughout his parliamentary career a consistent advocate for the rights of the Presbyterian Church, of which he was an elder, during the struggle brought about by the proposed secularization of the clergy reserves. And this was the more creditable