

The Legal News.

VOL. XI. SEPTEMBER 22, 1888. No. 38.

A principle extremely pertinent to the case of the District Magistrate's Bill was stated by the Hon. R. Laflamme, Q. C., while Minister of Justice. The following is an extract from a report made by that gentleman upon an Act of the British Columbia Legislature, conferring certain wide powers on the provincial gold commissioner:—"It is not, in my opinion, necessary to bring a provincial court within the provisions of this section (96) that it should be called by the particular name of superior, district or county court. The exception to that section indicates that the courts of probate in Nova Scotia and New Brunswick would, unless specially excepted, have come within the definition of superior, district, or county courts. It will readily be seen how easy it would be for the local legislatures, by gradually extending the jurisdiction of these mining courts and by curtailing the jurisdiction of the county courts or superior courts as now established, to bring within their own reach not only the administration of justice in the province, but also practically the appointment of the judges of the courts in which justice is administered."

With reference to the exercise of the power of disallowance of provincial Acts, it is interesting to note that it has been applied in only 65 cases since Confederation, or less than one per cent., the number of statutes passed during that period being nearly ten thousand. According to a statement made by the Minister of Justice, the veto power has been exercised 44 times by Conservative administrations during fifteen years, and 21 times by Liberal administrations during five years.

The retirement of Mr. Justice Monk, after nearly thirty years' judicial service, is an event of some importance in the history of the year. Mr. Justice Monk's appointment to the Superior Court, dates farther back than that of any other judge of the Montreal dis-

trict, and he has also sat for about twenty years in the Queen's Bench. During this long period, it has fallen to the lot of the learned Judge to decide, or to take part in the decision of, many memorable causes, and his judgments have been distinguished by a broadness of vision, an astuteness, and an intimate knowledge of jurisprudence, which have reflected honour upon the bench. For a year or more, failing health has prevented him from taking such an active part as formerly in the work of his Court, and the bar have learned with regret that his indisposition is so serious as to enforce his retirement. Personally, Mr. Justice Monk has always enjoyed the esteem and regard of the bar as well as of his brother judges. He has been distinguished for uniform courtesy and patient attention to counsel pleading before him. His decisions have commanded respect even from those to whom they were adverse. His stately figure and genial presence, so familiar to more than one generation of lawyers, will be keenly missed from the Courts.

The death of Sir John Rose recalls the fact that for many years he was a hard-working lawyer in Montreal, and for some time a partner of Mr. Justice Monk, whose retirement is noticed in the present issue. Mr. Rose had to make his own way in the world. He began by teaching school, was afterwards engaged for some time in the *Herald* office in Montreal, and entered upon practice at a time when, if the field was not so fully occupied, legal business was much more restricted than it is at present. He achieved great success as a commercial lawyer, and as a counsel before juries. His entrance into political life, and his duties as a member of the Cabinet, withdrew him from the active pursuits of the profession, but he re-appeared at the bar later, and took part in a jury case before the late Mr. Justice Smith about twenty years ago, on which occasion he had rather a lively controversy with the presiding Judge, whose rulings on some points he disputed with more warmth than is often exhibited. A favorable opportunity for entering into banking business in England withdrew him finally from the career of advocacy. In his new pursuit he