

The Legal News.

VOL. XIII. JANUARY 18, 1890. No. 3.

The Quebec allotment of the very cheap New Year's gift distributed by the Government, has appeared in the *Gazette*, and numbers 31. Ontario's share was greater than this, but we suppose that "representation by population" is not forgotten in the distribution. Moreover, there are rumours of omissions, and of supplementary lists shortly to appear, which may swell the number to the full half hundred. Meanwhile, Ontario is not satisfied with her half hundred, and so the local attorney general has appointed another half hundred,—ministers local and federal appearing to conspire to do their utmost to convert what should be an honourable ensign into a poor and worthless thing. Politics, of course, is at the bottom of all this. The administrations differ in politics, and so the local officer supplements the lavish distribution among lawyers of one stripe by an equally lavish distribution among his own adherents of another stripe. The result is that her Majesty's counsel, in two provinces scantily populated, number several hundred.

It was noticed in a recent issue, that the gentleman selected for a Superior Court judgeship, was only appointed a Queen's Counsel on the day of his elevation to the bench. There are some other oddities about these appointments. The highest distinction which the bar of Montreal have in their gift is the office of *Bâtonnier*, to which there is an annual election. On three occasions at least, within a few years, the bar have passed over the serried ranks of Queen's Counsel, and have elected a gentleman on whom this title had not been conferred. The material was at hand, but the bar would not use it; the water was there, but the horse would not drink. We refer to the several elections of Messrs. W. W. Robertson, C. A. Geoffrion and N. W. Trenholme. Tardily,

very tardily, in these cases, the Q.C. appointment has followed, not preceded, the highest office in the gift of the bar. Then, again, it might be supposed that among such vast numbers of Queen's Counsel, the gentlemen representing the Crown in Her Majesty's Courts would surely be found. But so far, in this province, it has been very much the other way, and during the last few years most of the counsel prosecuting for the Crown, have not been numbered among the Queen's Counsel.

The judges in England appear to observe the Christmas vacation much more religiously than their brethren in this country. A judge was to attend in chambers twice a week, to hear "applications of an urgent character," but there were to be no sittings of the Courts until Jan. 11. The judges do not forget the phrase so popular with school-boys, "*neque semper arcum tendit Apollo*."

Newspaper criticisms of trials, with all deference be it said, sometimes indicate that they are written because the writers must say something, and not that they have something to say which must or ought to be said. An English writer referring to this class of criticism, points out that when the murderer kills his victim, he punishes him without a trial, without a jury, without a judge, and often without any real offence. If our judges, juries, and law Courts are, as some critics aver, all the prisoners in the gaols should be set free, for none of them have apparently had a fair trial. Immediately a trial is concluded in which every means has been used to arrive at the truth, and the accused has had all the aid his counsel could give him—and in contrast to former times the prosecuting counsel usually bespeaks a clement and favourable consideration for the man on trial—as soon as the sentence has been pronounced by the judge, the nation constituting itself a larger jury, without judge or judgment, and without any respect for the finding of the Court, sets to work to retry the case and delivers its verdict. In most cases this verdict from outside is the antithesis of the one found by the Court, which latter must, therefore, be