

The Legal News.

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THE RETIREMENT OF MR. JUSTICE MACKAY.

It is with much regret we learn that the intimation given in a recent issue of the probable retirement of Mr. Justice Mackay, has so soon been verified. The resignation of the learned Judge has been accepted, and the usual pension has been granted. The *Gazette* (Montreal) says of him: "A man of good ability, of sterling integrity, of great independence of character, and of ample private fortune, he adorned the office which he filled, and brought dignity to the Court of which he was an honored member." This is but scant justice. The position of the judges of the Superior Court in Montreal, at no time a bed of roses, was during a considerable portion of Judge Mackay's incumbency of office, a peculiarly trying one. The judges had to face twice the former amount of work—almost twice as much work as the then existing number of judges could reasonably be expected to cope with. This inevitably produced some delays and complaints, and compelled a resort to various expedients for overcoming the difficulty, such, for instance, as the introduction of judges from the rural districts, who gave a portion of their time to the business of the city. The judicial machinery, under the unusual strain, did not work altogether smoothly; but amid all these difficulties, no Judge probably ever kept up more evenly and promptly with his work than Mr. Justice Mackay. No matter what sacrifice of needful rest it entailed, arrears were never suffered to accumulate, and to get a case heard by his honor was to insure a speedy judgment.

Mr. Justice Mackay was admitted to the bar in 1837, and appointed to the Superior Court Bench at the same time as Mr. Justice Torrance, in October, 1868. The present writer was then conducting the *Lower Canada Law Journal*, and it is with some satisfaction that he finds the anticipations hazarded in the issue of the *Law Journal* for that month (4 L. C. L. J. 81) have been abundantly justified. The appointments, it was said, "excited surprise by their very

"excellence. At a time when the fair fame of the Bench was under a cloud, the elevation of two gentlemen eminently qualified for the office was a thing to be specially desired. The Minister of Justice, in passing by the ranks of mere political adherents, and selecting two gentlemen of great ability, of independent position, sincerely devoted to their profession, profoundly versed in legal science, has entitled himself to the gratitude of the bar. We do not fear to be hereafter called false prophets, in forecasting a noble career for these two judges." The bar have now the record of the learned Judge's fourteen years' service before them, and it will be universally admitted that the forecast quoted above has been amply verified. The test of appeal is not always a satisfactory one, but it is a fact that comparatively few of the learned Judge's decisions have been appealed from, and in most cases the result of the appeal has not rewarded the temerity of the pleader.

It is satisfactory to be able to add that by Judge Mackay's retirement the city will not suffer the loss of a philanthropic citizen. The greater part of the judicial labor has to be performed during the winter months, and the learned Judge's physicians, it is understood, have advised that a milder climate is desirable if not necessary during the coming winter. We may hope, therefore, now that the needful rest can be obtained, to witness a complete restoration of his honor's health, and his continued usefulness in other capacities; for our readers do not need to be told that Judge Mackay has been more than the mere lawyer. As a patron of art, as a friend of education, as a generous contributor to deserving objects, he has gained an honorable distinction among the open-handed benefactors of our public institutions.

CHANGES ON THE BENCH.

The retirement of Mr. Justice Mackay has opened the way to an arrangement long anticipated, namely the translation of Mr. Justice Doherty from Sherbrooke to the District of Montreal—the scene of his old toils and triumphs at the bar. Judge Doherty was appointed to the bench in 1873, and during several years has had considerable experience in the St. Francis District. He is an energetic and conscientious judge, and will,