

prominence brought upon him an attack which he felt keenly and resented strongly at the time. The late Mr. Parsons, then editor of the *Evening Telegraph*, (it was about twenty years ago), criticized him in his usual impulsive style, and insinuated broadly that Mr. Kerr, in giving his professional aid to certain criminals who had sought refuge in Montreal, was no better than an accomplice of thieves. Mr. Kerr brought an action for libel against the proprietors of the newspaper, but fared badly at the hands of the jury. The verdict was substantially a victory for the defendants. Mr. Kerr hoped for better things from the Court, but after the case had been argued and taken *en délibéré*, it was not pressed to judgment, at the suggestion, it was currently stated, though we are unable to vouch for the truth of the report, of Mr. Justice Berthelot, the presiding Judge, who felt that it would be better to allow the case to drop. This affair, in which Mr. Kerr probably did not exceed the bounds of professional duty, exposed him to some obloquy for a time, but his real merits as an advocate soon prevailed over all obstacles, and a few years later he attained an important position among counsel engaged in civil business. He never relinquished his practice in the criminal courts, but during the last fifteen years, while the leader at the criminal bar, he has also been retained in a large number of important civil causes. In the recent suit of the Quebec Government against the commercial corporations, he acted as the leading counsel for the insurance companies, and pleaded the case before the Judicial Committee of the Privy Council. His failure to convince that tribunal was a serious blow to him, as he was firmly persuaded of the justice of his cause and hoped for its triumph before the court of last resort.

In 1871, Mr. Kerr published a commentary on the Magistrates Acts of 1869, with notes for the use of magistrates, Forms, Precedents, etc. He took an active part in the establishment of *La Revue Critique*, and a few years ago, projected a revival of that work. He was also Dean of the Law Faculty of McGill University, and lectured on International Law.

In his relations with his professional

brethren, Mr. Kerr was uniformly courteous and dignified. He did a great deal to maintain the *esprit de corps* of the profession, and to discourage dangerous innovations. His firmness and independence of character sometimes impelled him to assume a position which was not palatable to the majority. An instance of this occurred some years ago when additional judgeships were under consideration. Mr. Kerr resented the exclusion of English-speaking counsel from the bench, and expressed his sentiments pretty freely at a meeting which was called to consider the subject. For this he was punished by being excluded, at the next election, from the Council of the Bar, and, we believe, was never again elected up to the time of his death. Such treatment, naturally, was irritating, and disposed him to take a somewhat jaundiced view of the future of the profession. More recently, he played a prominent part in the complaints made against the administration of justice in this district.

Mr. Kerr would, we believe, have made a sound and impartial judge, and it reflects no credit upon our system of appointments, that he should have been repeatedly passed over in favor of less able and less experienced juniors. As a counsel he always did his best for his client, but without incurring animosity from his opponents. He was impressive and dignified in his address, and was always heard with respect and attention from the bench. As he grew older he seemed to gain more warmth and energy, rather than exhibit any abatement of force. Considered fairly and impartially, he was a man of no common parts, and the profession has suffered a loss in his sudden removal which cannot easily be repaired.

SUPERIOR COURT.

SHERBROOKE, Jan'y. 31, 1888.

Before BROOKS, J.

EASTERN TOWNSHIPS BANK v. W. W. BECKETT,
and THE PLAINTIFFS, opposants, and A. E.
BECKETT, contestant.

Privileged Costs.

Held:—That the costs of an action brought by