

The Legal News.

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A collection of cases decided by the King's courts in England during the first half of the thirteenth century has now for the first time been published. The manuscript of this collection, containing about two thousand decisions, was acquired by the British Museum in 1842, but no steps were taken to print it. In 1884, Prof. Vinogradoff, of Moscow, in a letter to the *Athenæum*, expressed the opinion that the collection was compiled for Bracton, and annotated by him. The editor, Mr. F. W. Maitland, calls it "Bracton's Note-book," and contends that Bracton was the owner. In our copy of "Cowell's Interpreter," (London, A.D. 1637,) the following notice of the supposed owner of the "Note-Book" appears:—"Bracton (otherwise called Henry of Bracton) was a famous lawyer of this land, renowned for his knowledge both in the common and civil lawes, as appeareth by his booke everywhere extant. Hee lived in the daies of Henry the Third. *Stamf. prerog. f. 5 b.*, and, as some say, Lord Chief Justice of England."

The evidence given to-day by the Recorder of Montreal before the Labor Commission will serve to dissipate a good deal of misconception on the subject of apprentices and their punishment. No one will attempt to defend the chastisement of a young woman of eighteen by a man after the fashion in which infants are corrected; but in the case of boys between twelve and sixteen who have been caught pilfering from their employers, there can be no doubt that a birching, or a confinement for a few hours in the factory, is a far more merciful and salutary form of punishment than imprisonment in the common gaol. In the one case, the knowledge of their offence hardly passes beyond the walls of the factory; in the other they are stamped for life as convicts, and subjected to the influence of degrading and dangerous associations.

THE LATE MR. WM. H. KERR, Q.C.

The death of Mr. Kerr, on Sunday the 12th instant, of pneumonia, after a few days' illness, was a painful surprise to his friends, for although aging somewhat, and less robust, as was to be expected after forty years' toil in the courts, his active mind and vigorous frame gave promise of fifteen or twenty years of added life. In the early part of January he was confined to the house for a short time, but subsequently reappeared in the courts, and during the January Appeal term was actively engaged in pleading the causes in which he was retained. No one supposed then that his busy career was so near its termination.

Mr. Kerr was born in 1826, and admitted to the bar in 1847. He appears to have practised for a time in Montreal, for we remember that the late Mr. Henry Bancroft, who was admitted to the bar in 1850, mentioned that Mr. Kerr was associated with him in one of the first cases before the Criminal Court in which he was engaged. Subsequently Mr. Kerr practised for several years at Quebec, and returned to Montreal in the end of 1860 or beginning of 1861. At this time his business was chiefly at the Crown side of the Court of Queen's Bench, and he evinced from the outset considerable skill in the conduct of criminal cases, and mastery of the subtleties of criminal law. His style of address was rather cold and unimpassioned for juries, and contrasted strongly with the fiery harangues of his principal competitor, the late Mr. Devlin. Opposed to him was Mr. F. G. (now the Hon. Mr. Justice) Johnson, then Crown Prosecutor, who in eloquence, ability and experience was more than a match for the counsel for the defence. Mr. Kerr's progress was fairly rapid, but it was not until some years had elapsed that he displayed the full extent of his powers. Practice in the criminal courts in Montreal has not usually opened the way to a large or profitable business on the civil side. Mr. Kerr's brother-in-law and subsequent partner, the late Mr. Edward Carter, was an exception, but for a considerable time Mr. Kerr continued to be occupied chiefly with defences in criminal cases. He was retained in a large number of important affairs, and this