

## The Legal News.

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### EX-JUDGES RESUMING PRACTICE.

The *Canadian Law Times* criticizes at some length the sudden withdrawal of Vice-Chancellor Blake from the bench, and remarks that a doubt has been freely expressed as to the right of a retired judge to practice at the bar. "Members of the Law Society of Upper Canada," observes our contemporary, "acquire, by admission thereto, a statutory status therein. The judges of the Superior Courts of Common Law and the Court of Chancery acquire a statutory status with reference to the Law Society upon acceptance of their commissions, and, as visitors of the Society, are, we presume, no longer members thereof, as they cannot occupy both the positions of visitors and visited. Once having ceased to be a member of the Law Society by becoming a visitor thereof, can a judge, on retiring, again become a member of the Law Society, without undergoing the usual course prescribed for admission?"

The same journal states that another question arises, assuming the right of ex-judges to practice at the bar, as to their right to retain the rank and precedence of a Queen's counsel in the Courts. "The appointment of a Queen's Counsel is a special retainer of counsel by the Crown. Upon acceptance of a Judge's commission by one of Her Majesty's counsel, the retainer must, perforce, cease, inasmuch as a judge has to determine causes between Her Majesty and her subjects. If, therefore, a judge retires from the bench and re-enters active practice, must he not receive a fresh retainer from the Crown before acting as one of Her Majesty's counsel?"

It appears that there has been but one precedent in Ontario for M. Blake's proceeding—the case of Mr. Mowat; but in the Province of Quebec, several retired judges, though in the receipt of pensions, have resumed practice, chiefly as chamber counsel, however the dignity of Q. C. has also been sometimes resumed. We have before us an opinion, signed by two eminent ex-judges, in which it is not assumed, but this opinion was given to a

private individual, and probably there is no significance in the omission.

### JUDICIAL REMUNERATION.

With respect to the letter of an English barrister on this subject, quoted *ante*, p. 161, the *Albany Law Journal* says that the writer, being a foreigner, has fallen into the natural error of not distinguishing between federal judges, like Judge Choate, and the State judges. "The latter have for eleven years received \$7,000 salary, and have an allowance for expenses, of \$2,000; while, in the city of New York, their salary is more than twice the former sum. Their term of office is fourteen years."

These rates correspond nearly with the remuneration of our Supreme Court judges, and show that the New York judiciary are far from being the worst paid judicial officers. The table published on p. 188 exhibits several remarkable inequalities, (some of the salaries being as low as \$2,000), but the apparent inadequacy of the remuneration in these instances may be susceptible of explanation.

### PERIODICALS.

Some of the English judges have been embarrassed by the question whether a newspaper is a periodical. The London *Times* published a biographical notice of Lord Beaconsfield, which was pirated and reprinted at the price of one penny. The English Copyright Act provides that the proprietor of copyright in any "encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts," shall be entitled to all the benefits of registration upon registering such work in pursuance of the Act. The *Times* is not registered under the Act, and the Master of the Rolls has held that the journal in question, being a periodical work within the meaning of the Statute, the proprietors were not entitled to the protection of the law without compliance with the formality of registration. It appears that this decision is at variance with one rendered some years ago by Vice-Chancellor Malins, and an appeal has, therefore, been taken to a higher Court.

The English bar examinations are becoming a serious test of fitness. At the last examination, 42 out of 102 aspirants are said to have been rejected.