

tice, the management of a very large business; and upon him has devolved, to a great extent, the immense counsel business of his talented brother, which the latter handed over to him when he withdrew for a time from the active pursuit of the profession of which he is so great an ornament. It is a sign of no inconsiderable ability that he has been able, in a great measure, even for a time, to take his brother's place; therefore, judging of the future from the past, though success at the Bar does not necessarily imply a fitness for a judicial position, we can give the appointing power credit for having made a good selection from the Equity Bar.

Mr. Blake was called to the Bar in Hilary Term, 1860. On the 16th March last, he was given a silk gown by the Lieutenant-Governor of Ontario, at the same time as Dr. McMichael, Wm. Proudfoot, C. S. Patterson, E. B. Wood, John T. Anderson and Thos. Moss received the like distinction. The legality of this action on the part of the Local Government was called in question at the time, and we are free to confess that the arguments against it seemed to us unanswerable.

In his private capacity Mr. Blake bears an irreproachable character, and his liberality in religious and charitable undertakings is well known.

On Wednesday, the 11th inst., the new Vice-Chancellor was installed and took his seat on the Bench, after receiving the congratulations of the Chancellor and the senior Vice-Chancellor.

JUDGES RETURNING TO THE BAR.

In view of the resignation of the late Vice-Chancellor Mowat, and his acceptance of the office of Attorney-General for the Province of Ontario, which involves his return to the Bar, a good deal of attention has been directed to what the lay press has called "this unprecedented act." We give below, as promised in our last number, the examples which we have recollected or discovered, of Judges of the Superior Courts returning to practice.

By the aid of Mr. Foss's valuable volumes, one is able to make out a tolerably correct list of all such changes as have taken place at the English Bar. Instances of the kind were common during the troublous times of Charles I., the Commonwealth, Charles II., James II., and William III. Since then no example has occurred in English History, though there is

a very noticeable one in Scotland, to which we shall advert.

The earliest example is that of Sir Robert Heath, who was made Chief Justice of the Common Pleas by Charles I. in 1631. Three years afterwards he was discharged from his office, apparently without reason, and next term he took his place at the Bar as junior serjeant: *Oro. Car.* 375. He continued in practice till the same monarch restored him to the Bench in 1641. His memory is to be freed from the charges of "bribery and corruption," which at one time were made against him. One of his own rules of conduct is memorable: "to do justice for justice' sake, to do *justum juste*; for it is very hard for an ill man to be a good judge."

Prideaux and Browne, who were Lords Commissioners of the Great Seal, appointed by the Commons in 1643, were removed in 1646, and the custody of the Seal transferred to the Speakers of the Houses. Both of them thereupon resumed practice at the Bar. Next in chronological order is the great name of Sir Matthew Hale. He was upon the Bench in 1658, but at the death of Cromwell refused a new commission from his son Richard. Thereafter the better opinion appears to be that he practised till the Restoration, when he was made Chief Baron of the Exchequer.

We may next group a list of comparatively or positively insignificant Judges, who, having been appointed to office by the Parliament or by Cromwell, forfeited their judicial position on the accession of Charles II. to the throne. These Judges were Fontaine (Commissioner of the Great Seal), Glynn, Newdigate, Parker, Widdrington, Archer and Wyndham. These, at the Restoration, all returned to the Bar. Of these Archer was replaced on the Bench in 1663, and Wyndham in 1670.

Next comes the memorable name of Pemberton. He was first appointed Judge of the King's Bench by Charles II. in 1679, but was dismissed from office in less than a year, owing, it is said, to the intrigues of Scroggs, C. J. He at once returned to practice, and in about a year he was selected to supersede Scroggs in the Chief Justiceship. He was afterwards, at his own request, transferred to the head of the Common Pleas; but in 1683 the King, apparently for political reasons, dismissed him from this Court. Upon this he returned to the Bar a second time, where he continued in practice for fourteen years, till