

*FROM BENCH TO BAR.*

The Benchers of the Law Society of Upper Canada recently adopted a report of their Discipline Committee, dated June 16th last (see post, p. 806), concerning the retirement of judges to resume private practice. This, it may be remarked in passing, was long before Mr. Justice Nesbitt left the Supreme Court Bench. That event, however, has again called attention to a subject which has on previous occasions come up for discussion in legal circles. We also publish in another place a communication on the same subject (see post, p. 778), from a layman, which probably represents in a large measure the thought of the lay mind.

Several years ago we expressed our view on this question, and have nothing much to add to what was then said, except this, that if the public want the best men at the Bar as judges, and desire that they should stay there until they retire on a pension they must provide such salaries as will make the Bench a prize, even to the leaders of the Bar, and enable retiring judges to live comfortably without having to add to their income by again going into business. Such a proper and necessary provision is made in England (though even there and in several of the colonies there are instances of judges leaving the Bench and going back to practice), but is not adequately made in this country. It is, therefore, idle to expect the same results when the conditions are so entirely different, and it must be remembered that that which was a reasonable salary half a century ago, when the Bench occupied relatively a much higher position than it does now, is ridiculously inadequate in these days. These are times when one's social position is (grievous pity though it may be) largely dependent on wealth; and, if a judge of any Superior Court is to occupy the position of honour he should, it is necessary he should be paid a salary sufficient to keep up the dignity of that position.

As to the voluntary retirement of judges it is easy to imagine a variety of circumstances which would disarm criticism as to any individual in that regard; and so, whilst we regret the retirement of the learned judge referred to (now plain Mr. Nesbitt, K.C.), both on account of the principle involved as well as because it is a loss to the Bench, we have no doubt there were