Coke, in his usual quaint style, says that counsel were called because of their good service to the commonwealth, and of their sound advice in law; and as in ancient times they that preserved and kept the peace were called *servientes pacis* or *ad pacem*, so these men are called *servientes legis* or *ad legem*, &c.

Serjeants were created by writ from the monarch, the fountain of honor, and were called to the degree with great solemnity. There were, as Coke says, "the hood, robes, coif, and other significant ornaments; the great and sumptuous feast they made; the rings of gold they gave, their attendants and other great and honorable ceremonies." So high was the honor, and so great the dignity, that the Judges of the courts of Westminster were always admitted into the order before being advanced to the bench. In the Reports we often read that Mr. A. B. succeeded the late Mr. Justice C. D., and was called to the degree of the coif, and gave rings with the motto, "*Tutela legum*," or some such motto, and shortly afterwards received the honor of knighthood, &c.

Serjeants had their court, in which they enjoyed a monopoly of business, and that court was the Common Pleas. So had King's Counsel great privileges in the King's Bench; so had fiscal advocates in the Exchequer. But of these reliques of the past, little more now remains than the names. The utilitarian system of modern days has levelled many of the honors and dignities of the legal profession, as well as mere titles of distinction in other professions.

As early as 1829, an agitation was commenced to throw open the Court of Common Pleas to the bar generally. It was continued with little intermission for five years. At length the monarch yielded, and issued a warrant for the purpose of accomplishing the object of the agitation. The warrant, which was under the hand of the King (Wm. IV.), recited that it had been represented to him that it would tend to the general despatch of business then pending in the courts of common law at Westminster, if the right of counsel to practise, plead and be heard was extended equally to all the Courts, but that such object could not be attained so long as the serjeants-at-law had the exclusive privilege of practising, pleading, and audience, during term time. It then proceeded to direct that the right so to do should, from a day named, cease to be exercised exclusively by the serjeants-at-law, and that upon and from that day counsel learned in the law and all other barristers-at-law might, according to their respective rank and seniority, have and exercise equal right and privilege of practising, pleading and audience in the Court of Common Pleas with serjeants-at-law. The warrant is published at length in 10 Bing. 571, and may be there more fully consulted by the curious.

Of course the serjeants were not thus to be vanquished. They determined that if they were to die, they should die fighting in defence of their ancient privilege. The first thing they did was to petition the Queen in Privy Council against the act of Lord Brougham, for he was without doubt the adviser of the whole proceeding. They alleged that the warrant was illegal, for several reasons, among others that it bore only the sign manual of the Sovereign, sealed with no seal or signet, and countersigned by no public officer. They also contended that the warrant was illegal inasmuch as it purported to alter the constitution and practice of one of the superior courts of justice by the authority of the Crown alone, and that the prescriptive privileges of the serjeants-at-law could not be abrogated by any authority except that of an act of Parliament.

Counsel were heard in support of the petition, and upon the argument it was suggested by Chief Justice Tindal, then a member of the Privy Council, that as the Judges of the different courts had a discretion to hear whom they pleased, the Judges of the Common Pleas might throw open that court to the bar in general, without an order from the Crown.

No decision having been pronounced by the Privy Council, the serjeants, in 1840, moved the Court of Common Pleas to be restored to their exclusive right to practise. The court held that from time immemorial serjeants enjoyed the exclusive privilege of practising, pleading and audience in the court; that immemorial enjoyment is the most solid of all titles; that a warrant of the Crown could no more deprive the serjeant who holds an immemorial office of the benefits and privileges which belong to it, than it could alter the administration of the law within the court itself; and therefore, in conclusion, held that the right of the serjeants to the sole and exclusive privilege claimed by them was still in existence, notwithstanding the King's warrant; and added, that in the due course of administering justice, they (the court) felt themselves bound to allow the right still to be exercised. The judgment is reported at length in 6 Bing. N. C. 235, and will to the curious repay a perusal.

The decision was received with anything but satisfaction by the profession not of the degree of the coif. During the delivery of the judgment a furious tempest prevailed. It shook the fabric of Westminster Hall, and nearly burst open the windows and doors of the Court of Common Pleas. This is faithfully recorded by Bingham, in a note to the case, and was looked upon by many of the profession as a warning which might well appal the stoutest members of the court. For five years more the agitation was continued, and at length ended in an act of Parliament, which granted