

BENCH AND BAR—QUEEN'S COUNSEL.

award was subsequently made. Counsel in shewing cause to the rule, spoke very strongly on the impropriety of making an innocent and proper courtesy on the part of the counsel at the hearing (who was "at home," and had asked both his opponent and the arbitrator to partake of his hospitality, though the former was accidentally unable to be present) a foundation for laying a charge of misconduct on the part of the arbitrator. Shortly after hearing the argument we noticed some appropriate remarks in the *Irish Law Times* when speaking of a somewhat similar incident detailed in the *New York Herald*, and thus commented on in the latter sheet:

"An unpleasant report comes to us from Washington, which we mention with some hesitation. It is that shortly after the argument before the Supreme Court on the Union Pacific Interest Case was completed, and before the decision was rendered, the whole Court, including also its clerk, dined with the principal counsel of the railroad, and that later, but still before the decision was given, several members of the Court dined with Mr. Sam. Ward. Of course we do not for a moment pretend to think that the Supreme Court was influenced in its views on this important case by these dinners. But we take the liberty of telling the judges that such dining as we speak of was, under the circumstances, improper. It gives rise to unpleasant remarks about the members of a tribunal which Americans have been accustomed to venerate and look upon with pride. * * * It is certainly an impropriety that members of the Supreme Bench should dine with the counsel or agents in an important case, pending their decision; and, when we consider in this case the immense interests involved—the eagerness of speculators to get in advance at the mind of the Court, and the effect of a dinner to unloose the tongues of even the most prudent men—we do not wonder that Washington gossips are just now retailing stories which would, if they should hear them, vex and mortify the judges, and which certainly should warn them to be more decorous and reserved in the future."

The *Irish Law Times* demurs to this language in the following sensible observation:—

"It is just possible that the editor of the *Herald* is a little too fastidious. In England, where the

judges are like Cæsar's wife, above suspicion, every barrister of any respectability attending a session of the Court at circuit, dines with the judge on some day of the term. And what is more, we are credibly informed that it is the practice to talk over the business before the Court at those dinners. But in that country the judges are paid decent salaries, and are therefore enabled to invite the Bar to dine with them. In this country this is not so; and hence, if the judges and Bar would dine together, it must generally be on invitation of the wealthier members of the Bar. The fact that a man is a judge ought not to deprive him of the pleasures of social intercourse. The way to make our judges honour themselves is to pay them well, honour them, invite them out, dine them, keep them in good society, and especially keep them in public as much as possible. The policy which would starve a judge, and at the same time cage him like a criminal, would soon turn him from an honest man into a rogue."

Possibly, however, the Americans are the best judges of what is or is not desirable in the premises as to their own country. Dining out, whether in public or in private, is not such an "institution" with our business engrossed neighbours as it is with the "true Britisher," and when it occurs with the former it seems necessary to give some reason for the novelty.

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It is our duty to chronicle the fact that on 11th March eighteen gentlemen, who had already received patents as Queen's Counsel from the Governor-General as representing the Queen, were appointed by the Lieutenant-Governor of Ontario to be Her Majesty's Counsel learned in the law. They are described in the *Gazette* simply as barristers, the patents which they had previously received from the Governor-General being therefore ignored. On the 13th March thirty-five barristers of Ontario were also appointed to the like office by the Lieutenant-Governor. This practically is the creation by the Ontario Government of fifty-three