

mission Report of 1867. As you may possibly not have that blue book in your library, an extract is enclosed. I am unable to refer you to any other book where the oath is published.

Touching your questions. From very ancient times (probably as far back as Alfred) it has been the custom for the Lord Chancellor and judges to take an oath on appointment, and so it was with the old Sergeants. Upon the original creation of King's Counsel (said to have been first made in 1663, by the appointment of North, afterwards Lord Keeper), it would seem an oath was in like manner taken from the King's Counsel. The practice came to be established by the authority, probably, of the king himself originally, and to have grown into a custom.

I am unable to find any statute requiring the oath, and I believe there is no such statute. With us, at home, you know custom has really the weight of common law, unless controlled by statute; and no Act of Parliament, therefore, was required for authorizing the oath.

"The Promissory Oaths Act, 1868" (31 & 32, Vic. c. 72), which passed the year after the Commissioners' report was submitted to Parliament, is silent as to the Queen's Counsel's oath, and consequently the custom remained in force in that respect.

I have added a note to the extract as to the ceremonial here of calling an utter barrister "within the bar." I am most pleased to answer your questions to the best of my power.

It always delights us to welcome "home" our Canadians, and especially in our Inns of Court our brother Q.C.'s. I am happy to learn that you and your friends were pleased with your visit to my own Inn *domus*. Please remember me kindly to them, and say that I trust your visit to the Middle Temple will be renewed.

In Old England we were sorry, indeed, to learn of the destruction by fire of your splendid Toronto University.

Very faithfully yours,

LOCOCK WEBB.

THOMAS HODGINS, ESQ., Q.C., Toronto.

THE following is the Oath taken by Queen's Counsel in England:—

"Ye shall severally swear that well and truly ye shall serve the Queen as one of her counsel learned in the law, and truly counsel the Queen in her matters when ye shall be called, and duly and truly minister the Queen's matters and sue the Queen's process after the course of the law and after your cunning. Ye shall take no wages nor fee of any man for any matter against the Queen where the Queen is party*. Ye shall duly in convenient time speed such matters as any person shall have to do in the law against the Queen, as ye may lawfully do without long delay, tracting, or tarrying the party of his lawful process in that that to you belongeth. Ye shall be attendant to the Queen's matters when ye be called thereto. As God you help, and by the contents of this book."

The following is the ceremonial observed on "Taking silk":—

The new Queen's Counsel meet by appointment at the House of Lords, and are ushered into the Lord Chancellor's private room—entering according to seniority of call to the Bar. The Lord Chancellor remains seated at his table, and the Queen's Counsel form a semi-circle opposite.

The Clerk of the Crown then reads the oath, and the Queen's Counsel repeat the words after him.

The Lord Chancellor then rises from his seat and presents with his own hand to each of them in succession his Patent, and sometimes shakes hands and says a few kind words to any old friends—formerly his associates at the Bar. The ceremony is then over, excepting the formal calling within the Bar.

The Queen's Counsel meet again by appointment adjoining the Law Courts,