

## THE NEW SILKS.

80. We would incline rather to adopt the view of Judge McDougall as to the force and meaning of these sections of the Act, as expressed by him in his judgment in *Building and Loan Association v. Heimrod*, published in this number; the more so as his opinion seems to be supported by the latest English decision: *Pryor v. City Offices*, L. R. 10 Q. B. D. 504. This judgment of the Queen's Bench Division is upon the corresponding sections of the English Act, which are identical in language with sections 77 and 80 of our Act, and the full Court decides that these sections do not introduce the practice under the rules to the English Act into the inferior Courts, but that such Courts must afford "relief, redress, or remedy" by their own procedure and machinery.

It is to be hoped that the consideration which all of these decisions will unquestionably receive from the County Judges, will lead to their adopting a uniform practice upon these points, or, should there still be divergent opinions, that a decision will speedily be obtained from some one of the Superior Courts which will remove all doubts.

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The *Canada Gazette*, of the 14th ult., states that His Excellency has made the following barristers of Ontario "Her Majesty's Counsel learned in the law":—Valentine Mackenzie, Brantford; Richard Bayley, London; Salter Jehoshaphat Vankoughnet, Toronto; James Tilt, Toronto; William Purvis Rochford Street, London; George Milnes Macdonnell, Kingston; John Bain, Toronto; Frederick Drew Barwick, Toronto; Hugh McKenzie Wilson, Brantford; Robert C. Smyth, Brantford; James Joseph Foy, Toronto; Walter Gibson P. Cassels, Toronto; Norman Fitzherbert Pater, Port Perry; Thomas Horace McGuire, Kingston; Henry J. Scott, Toronto. A barrister (not made "learned in the law" by the command of His Excellency) reading

the *Gazette* in our sanctum, laid it down with the loyal ejaculation, "God save the Queen."

There was a time when to be made a Queen's Counsel was an honor which a hard working barrister might hope to attain after years of patient and honorable toil. That time has passed, and silk gowns are now flung about without the slightest reference to that high standing and ripe experience at the outer Bar which used to be requisite in this Province and which is still the rule in England, and even without that long and successful service in the other branch of the profession, the holding of some important public position, the authorship of legal text-books of value, or any one of those other claims to the distinction which have, in this country, been a sufficient excuse from departing from the old rule. We do not say that this is applicable to all the names on the recent list, but we do say that, with the exception of some four or five which the profession will readily recognize, the appointments are simply inexplicable. Whilst no one grudges the honor, so far as the recipients personally are concerned, we have not yet found one man in the profession who does not say that, with a few exceptions, the appointees are *not* entitled to the distinction, and that others not on the list *are* entitled. This opinion is so universal that various reasons for the appointments have been suggested. Of course some say that politics are the cause, but the remarkable feature of this is that politicians seem to be quite as bewildered and disgusted as the Bar. Like every one else, not excepting, we believe, some of the new silks themselves, we "give it up."

We do not desire to say one harsh word towards those on the list that the profession think ought not to be there, but their appointment is most unfair to those who have already won and obtained, as well as to those who are now striving to win, and hope in due time to obtain, a distinction which used to be reserved for the leaders of the Bar. The uninitiated may, for a short time, be misled by the