

The first King's (Queen's) Counsel³ at the English Bar was the celebrated Sir Francis Bacon—he was appointed by Queen Elizabeth her Counsel Extraordinary.⁴

In the 18th century as now the King's Counsel was well recognized: the title was an honorary one and those who had it were prevented from taking a brief against the Crown without taking out a Royal license so to do, which cost them £9.

In the earliest times of British rule in Canada, barristers, attorneys, etc., received a license to practice from the Crown, *i.e.*, the Governor. These were a plain matter of favouritism; the Governor licensed whom he listed, without responsibility to any one, and without regard to qualification or character.⁵ In 1785 the Courts were given the power of licensing practitioners, and this was the state of matters when Upper Canada began her career.

In all the enormous territory of the new Province, there were only two regularly licensed legal practitioners; and in 1784 the Lieutenant-Governor was given the power to appoint sixteen more, which he did. But in 1797 the Law Society of Upper Canada was called into existence by the Legislature, and given the sole power of calling to the Bar—the Court of King's Bench retaining the power of admitting attorneys to practice. For more than a quarter of a century nothing is heard of King's Counsel, although the laws of England were explicitly introduced in civil matters by the first Statute of the first Parliament

³The Serjeants were often called King's Serjeants and occasionally King's Counsel—the King had his own Attorney-General and Solicitor-General; but Bacon was the first King's Counsel in the modern sense. King's Counsel extraordinary and *honoris causa*.

⁴The date is not quite certain: the D. N. B. conjectures about 1594. I should place it rather earlier.

⁵This was the original English way—the "Counter," or Counsel, received a Royal License. It was not until 1285 that a subject received the right to appear by attorney; in 1292 the Judges of the Court of Common Pleas were required to see to it that there was a sufficient number of attorneys in every shire; in 1402 they were ordered to admit only those who were "good, virtuous and of good fame." By a course of evolution quite obscure in minutiae, the Inns of Court acquired power to call to the Bar; but the Courts continued to admit attorneys.