

Experience has proved that government appointments are rarely for merit. Sometimes by accident rather than design government may appoint the right man to the right place; but the reverse of this is too often the case. Political subserviency is too often the qualification for place and power. The leprosy of politics appears to insinuate itself into every branch of the human economy, where appointments are vested in what are called free governments.

So far as legal appointments in Upper Canada are concerned, great responsibility is thrown upon the attorney-general for the time being. Upon his advice such appointments are made. In his hands is the power of elevating or depressing the standard of his profession. He is, in a measure, its guardian. If the power vested in him be used with a single eye to the public good, he will receive the approbation of all well-meaning men, no matter what their political creed or political affinities. But if used to reward political partisans, or to honor private friends—other things not being equal—the disapprobation, if not the execration, of all thinking men will be the consequence. Fortunately for Upper Canada our attorneys general hitherto, though in some things blameable, have not been recreants to their trust. The present attorney-general also has, so far as we can judge, to the best of his ability discharged his responsible trust, but has, we fear, in some things yielded too much to the claims of party and other outside pressure.

On this occasion we shall make no reference to his judicial appointments. We are not prepared at present either to sanction or to condemn them. We have too much respect for the Bench in all its gradations to speak lightly of those who hold judicial appointments. We prefer rather, hoping for the best, to give a fair trial to every man who receives such an appointment.

But with another class of appointments we hesitate less to deal. The appointment of Queen's Counsel, though of no real value, has hitherto been looked upon as something worthy of acceptance. So long as conferred upon worthy men, and worthy men only, it has been esteemed an honorable appointment. Of late years, however, even its fictitious value has fallen. With multiplication comes deterioration. The appointments have been too freely bestowed, and the result has been that the standard of value is much lowered.

A Queen's Counsel *ought* to mean an advocate who, by real ability, has attained such a position in the foremost ranks of his profession as to entitle him to special distinction. No lawyer springs to a fame in a day, so that some standing at the bar is usually the incident of a foremost advocate, but not his qualification for the appointment. There should be no confusion between the incident and the actual qualification. To make a man a Queen's Counsel

merely because of old standing at the bar if otherwise unfit would be absurd. So, respectability is an incident. No man should be appointed a Queen's Counsel unless a man of honor and of respectability. But it does not follow that every man of honor and respectability should receive the appointment. Respectability is only one of the incidents, and not any more than *age* the qualification. The sole qualification should be merit. This and this alone should be the motive for the appointment.

In England the appointments are usually conferred upon the leaders of the bar in the different courts, and on the different circuits. In fact long before the executive makes the appointment the profession know that it will be made. The consequence is that the appointment, when made, takes no one by surprise. All are prepared for it; and, when made, all endorse it. But when appointments are made which take the profession wholly by surprise, there is something wrong.

Recently no less than ten gentlemen were appointed Queen's Counsel in Upper Canada. Rumor had it that the appointments were on the *tapis* some time before they were made; and rumor foretold correctly the appointment of one or two, but was sadly at fault as to the remainder. All the men appointed are respectable men—some of them are old men; but all are *not* qualified. The Attorney-General has evidently yielded too much to pressure. The consequence has been in the appointment of some men, whose appointment has been a surprise to every body, if not to themselves.

It is not for us to particularize. It would be invidious for us to do so. No good would come of it. The appointments are made and the mischief is done. Judging from what the Attorney-General has done, the only thing at which we wonder is, that while he was about it, he did not appoint every man at the bar—whether he ever held a brief or not—a Queen's Counsel, and so practically destroy the title which, we are sorry to say, he has, unwittingly no doubt, done so much to degrade. The standard before he took office was too low. He has made it still lower; and a few steps farther in a downward direction, and the title, instead of being a mark of ability, will be that of mediocrity, if not of nothingness.

In matters where a fair exercise of judgment is required there should be no bias. We venture to assert that if the Attorney-General had exercised his judgment in the contemplated appointments, free from the influence of political support, private friendship, and other such considerations, the result would have been very different. We cannot say that he has been controlled solely by political influence, for he has appointed men of all politics. We cannot say that he has been controlled solely by private friendships,