

QUEEN'S COUNSEL.

Queen's Counsel at the one time. Such a wholesale manufacture of "silks" has probably never before been witnessed even in England, where they have about as many thousand barristers as we have hundreds.

It is becoming a matter of little consequence in Canada as to who are entitled to this distinction. If the practice which has grown up of late years continues for some time longer, there will be no inclination to go to the expense of buying silk gowns, except so far as it may be a convenience to the wearer to get an early motion in court.

It may be interesting at this time to review the appointments that have been made during the last thirty-five years in Upper Canada. In 1841 Mr. Draper created two Queen's Counsel; in 1842, five; in 1845, one; and in 1846, five. In 1848 Mr. Baldwin created one; in 1849, one; and in 1850, nine. Mr. Ross afterwards made three. Mr. John A. Macdonald in 1855 appointed one; in 1856, twelve; in 1858, four; and in 1862, two. In 1863 Mr. John Sandfield Macdonald created ten, and in 1867, thirteen. In 1872 Sir John A. Macdonald appointed eighteen; and in 1874, six; and now in 1876, Mr. Mowat appoints thirty-five new men, with eighteen formerly appointed by the Dominion Government, making fifty-three in all. There are now between seven and eight hundred practising barristers in Ontario, and eighty-two Queen's Counsel, being a proportion of a trifle over one to nine. In England the proportion is about one to thirty-five.

The very numbers are condemnatory. That which is common is never very highly valued. To be a Queen's Counsel is rapidly ceasing to be an honour, and an honourable distinction is becoming a by-word; that which had been lowered by previous Governments has been made

valueless, and that by a Government at the head of which is one of whom the profession had a right, from his recent high position, to expect better things. We claim the right to think that he must feel that a great mistake has been made, perhaps owing to great pressure, and that pressure, it is openly asserted and we cannot otherwise account for it, of a political nature. Queen's Counsel have been appointed before now that have tended to bring the order into disrepute, but the climax has been reached by the list that has just been published.

We do not mean to say that some of these gentlemen are not entitled to the distinction, nor but that some of the rest would possibly be so in the course of years. But most certainly a large number are not now entitled to it. Some who were quite as much entitled to the distinction as the best of those appointed, and vastly more so than the majority of them, have been left out. The standard in this country has for many years been too low, much lower than in England, and far lower than even the different circumstances of the two countries warrant. As long ago as 1863 we drew attention to this subject, and deprecated some appointments that had then been made; but if there was cause of complaint then, and occasionally since then, there is ten times more cause for censure now. We then drew a distinction between *requirement* for the position and the *incidents* that should attend it. Respectability and a certain length of standing at the Bar are necessary incidents, but the requirement is *merit*. The position, in our judgment, is such that it should only be held by those who are, in the opinion of their brethren, on the high road to the Bench. The appointments should, in fact, be made with so much discrimination, that not only should we look to the ranks of Queen's Counsel for Judges, but the former should be so superior to their