

I saw the spasm cross cousin Kate's face again, but it was calm directly after, and she went on.

"No, dear," she said, "he did not love a beautiful princess, but a poor simple girl who loved him too, with all her heart, and they were so, so happy. When the flowers blossomed they seemed to blossom only for them, and the birds sang their sweetest songs for them in the sunshine."

"Yes, and they were married, and lived happy ever after," cried Cissy. "Go on."

There was once more that piteous look upon cousin Kate's face, seen only by me; but it passed off, and she went on.

"No, Cissy, they were not, for the poor, handsome young prince had enemies—cruel, bitter enemies—who slandered him, and said that he had made false keys, and opened the treasure-chests of a great man, and stolen away his gold and precious stones."

"Oh!" whispered Cissy, now deeply interested.

"And," continued Kate, "they took the poor prince, and there was a great trial, and though he declared he was innocent, the wicked people who slandered him and bare false witness against him prevailed; and the great judge said that he was to be cast into prison, and wear heavy chains, and be kept there for twenty-one long years."

"Oh!" cried Lil.

"Yes," said Cissy, "I know, and then the simple young girl, who loved him, went and unlocked the prison gates, and struck off his chains and set him free."

"No—no," cried cousin Kate, and her voice altered terribly, so that I was alarmed, though I could do nothing but gaze up in the wild face before me, for now a change came over it. "No," she cried, "the poor girl could do nothing but sit and weep, and feel her broken heart beat—beat—beat, in its own prison, wearing itself out till—till she died, and—Oh, Frank! Frank! what have we done that we should suffer this?"

I leaped up to throw my arms round her, while my sisters shrank away alarmed; for cousin Kate turned from us with a bitter wail, buried her face in her hands, and threw herself half over the arm of the old garden seat, sobbing in a wild hysterical way, such as I had never seen. "Kate, dear cousin Kate," I sobbed; but even as I spoke there was a hasty step on the gravel, the bushes were dashed aside, and the shadow of a tall man was cast over us.

"Kate—darling!" he cried, catching her in his arms, as I was thrust rudely aside, "I am innocent and free."

She did not hear him, for she gave a faint gasp and sank back insensible.

We three girls were almost stunned; but we saw the tall, thin, pale-looking stranger hastily lift poor Kate from the seat, and literally run with her to the house, while we followed more slowly.

As we reached the porch it was to meet papa running out, and in a very short time he returned with the doctor. But this doctor was the wrong one; the right one had come to us at the garden-seat, and it was his words that brought dear cousin Kate back to life, and in the course of a few months to health.

For Frank Roberts was reinstated in the Government offices from which he fell—in a higher post, one which gave him the confidence of the higher officials; while the man through whose treachery poor Frank had suffered a year and a half before, died confessing that he had been the guilty party alone.

Oh! those happy days when the roses were coming back day by day into cousin Kate's cheek, and when Frank, who was down at the old place every Saturday to stay till Monday, used to be sent to play and romp with us girls. I can hardly believe that thirty years have glided by since then, but so it is; and to this day we call dear old grey-whiskered Frank, "Kate's Prince."
GEO. MANVILLE FENN.

QUEEN'S COUNSEL.



FROM time to time an announcement appears in the newspapers that the Lord Chancellor has created a certain number of barristers "Queen's Counsel." Very seldom, again, can a person take up a copy of the *Times* without observing an account of some law-suit, in which one or both parties are represented by a Queen's Counsel. What this dignity is, it is the object of this short paper to point out, for it is not without interest for the reader to know more fully than is the case with most of the general public, what a Queen's Counsel means.

After the commencement of the Stuart dynasty, the highest legal dignity, next to a Judgeship, to which a

barrister could attain was that of Serjeant-at-Law, although for many years after the Norman conquest all advocates were Serjeants. For a long time the King's or Queen's Counsel were really what their name implies—Counsel retained by the Sovereign for the purposes of prosecutions in high treason, or in other matters affecting his person or position. But in the reign of Elizabeth we find Sir Francis Bacon, the great philosopher and the great lawyer, acting as one of Her Majesty's "Learned Counsel"—for by this appellation they were also known—without being previously a Serjeant-at-Law. Mr. Spedding, in his recent *Life of Bacon*, does not seem to consider it clear when this honour was conferred upon him, but it is clear enough that he was the first Queen's Counsel who was not also a Serjeant. In succeeding reigns this new practice continued to be followed, but the number of Queen's or King's Counsel was small, and, as a general rule, they received a small salary. Moreover, they could

not appear to defend a prisoner unless the sum of £9 was paid to the Crown for a licence; and even at the present day it is necessary in such cases to obtain a licence, for which a small sum is paid, for in theory they are the servants of the Sovereign. In the days of the Roman Emperors a very similar body existed, who were called Fiscal Advocates. These were introduced in the reign of Hadrian, who was in many respects a notable law reformer. But their office was only temporary, since they held it no longer than one or two years, after which they were promoted to a yet higher situation. Thus they were analogous to the King's Counsel in those periods of English history when the latter were actually servants of the Crown, rather than barristers who have attained a certain privileged position. For the status of a modern Queen's Counsel is only that of a barrister who has reached a certain grade in his profession.

When a man becomes a Queen's Counsel his work is considerably altered, and so are his duties towards his clients. For a Queen's Counsel can only appear in court, and before an arbitrator or other semi-judicial person, and write opinions upon cases submitted to him for his advice. All the voluminous work known as pleading—that is, drawing up the initial proceedings in an action, such as statements of claim and of defence, framing written interrogatories, in order to obtain information from the different parties to an action, he is now forbidden, by the etiquette of the profession, any longer to transact. His labour is purely that of an adviser, or else of an oratorical or argumentative description. But whilst his sphere of labour is thus curtailed, his fees are increased. For a "silk," as he is called, because a Queen's Counsel wears a silk instead of a stuff gown, always obtains a higher fee when he appears in court than does a junior; so that, even with a smaller amount of work, it is possible for a Queen's Counsel to obtain an income equal to that which he gained as a "junior" barrister. But this degree is not conferred voluntarily and without asking the Lord Chancellor; for every barrister who desires it must apply to the Lord Chancellor for the time being, and support his claims by the aid of those who have legal or general influence. When the Lord Chancellor has made out a list, it is shown to the Sovereign for approval.

The reasons which induce barristers to "take silk" are as various as the effects of it on their professional life. There are some men, well advanced in years, with no powers of speaking, for whom it is the crowning step of a careful and laborious professional life, and who, when it is conferred, practically retire from

their profession. There are others comparatively young and still vigorous, with considerable powers of speech and perhaps a large knowledge of law. For these "silk" means an increased income, a general advance in the opinion of the legal profession and of the public; so that they become leading advocates, perhaps shine in the political world, perhaps become law officers of the Crown, and perhaps reach the Judicial Bench. These are the men who really adorn the dignity of a Queen's Counsel. But there is yet an intermediate class. These are barristers with plenty of practice, or juniors with considerable legal knowledge, not yet grown old, but who are not likely to succeed as speakers, yet are essentially (if we may use a slang but expressive word) "safe" lawyers. These men by taking silk get a small leading business, write many opinions for which they get fair fees, and are put into a law-suit as a second man, between the great leader and the regular junior, to do the quiet part of the court work; whilst the leading Queen's Counsel, a brilliant speaker, appears only to make an opening or a concluding speech. Thus these barristers with less labour attain a higher position in the profession, and an income as good as, or exceeding, that which they gained when arrayed in the stuff gown of the junior barrister, whilst they obtain as Queen's Counsel precedence over members of the junior bar when they have to make some motion before a court or Judge.

It will be seen from this short sketch that Her Majesty's Counsel, learned in the law, have advanced from a small number of legal servants of the Sovereign, to a grade or class in the profession of the law, which, whilst it serves as a stepping-stone to able and ambitious men, is a resting-place for some, and for others a more comfortable and honourable professional situation. Whilst in some respects a large number of Queen's Counsel is a bad thing for the public, who have to pay larger fees than if they only employed a junior or two juniors, on the other hand, it gives a larger number of men to "lead" in actions before juries, or to argue before a Judge on a point of law, and thus obviates the scandal which has so frequently of late been before the public—namely, a barrister taking work to which he is unable to attend.

It will also be seen that the dignity of King's or Queen's Counsel dates from a very distant period in the history of this country and of its law, and that the number has largely increased of late, since in the year 1826 they only amounted to twenty-nine, whereas in 1876 a hundred and eighty-seven barristers could write Q.C. after their names.

