# Reviews and Notices

*Marsden on the Law of Collisions at Sea.* Tenth edition by KENNETH C. MCGUFFIE, B.L. The Library of Shipping Law, Number 3. London: Stevens & Sons Limited. Toronto: The Carswell Company, Limited. 1953. Pp. lxxiv, 882. ($19.75)

From a "somewhat crude work", as Mr. Walter G. F. Phillimore (later Lord Phillimore) once said of the first edition, this "manual for seamen" has become one of the indispensable books of maritime lawyers.

*Marsden* is the standard English text on its subject. This edition —the first appeared in 1880—is a new *Marsden.* Mr. McGuffie, an advocate of the Scottish Bar, says he has carried out "a major revision of the whole work" and he appears to have done so. Text and footnotes have been brought up to date and there is also rearrangement, addition and deletion of material The ninth edition in 1934 contained a table of cases, fourteen chapters, three appendices and an index for a total of 689 pages We now have 956 more legible pages, in a book not bulkier than the previous one, with new material useful to the practitioner

In this edition there are, in addition to the table of cases, a table of statutes and a table of collision regulations. The fourteen chapters and three appendices have been rearranged into thirty-six chapters divided into four parts: the first on general principles, the second on the regulations for preventing collisions at sea, the third on local rules of navigation and the fourth, to be referred to later, on miscellaneous topics. The index has been considerably expanded Physically, the book is in the excellent modern form adopted by the publishers for their library of shipping law, in which as well we have now had *Carver on Carriage of Goods, Temperley on the Merchant Shipping Acts* and *Lowndes and Rudolf on General Average.*

Very few American decisions appear in the present edition, and this also is a departure from previous editions. The appearance in 1949 of Griffin's excellent *The American Law of Collision* has made these references perhaps unnecessary, though it should be said that there are matters, such as salvage, which are dealt with in *Marsden* but not in *Griffin.* Also omitted from this edition

are the Rules for Navigating the Great Lakes and the St. Lawrence as far East as Montreal, the latest version of which was established by P.C. 5273 dated October 18th, 1949. On the other hand, the space devoted in part three to local rules for areas in the United Kingdom has been considerably expanded.

One of the advantages of *Marsden* has always been its annotations on the international rules of the road, which incidentally apply from the Victoria Bridge at Montreal eastward. That feature has made the book useful to lawyers of all nations. In this edition the text of the 1910 regulations and of the new regulations in force since January 1st, 1954, are usefully set out side by side.

Part four reproduces four of the nine Brussels international conventions on maritime law. These conventions are the accomplishments of the Comité Maritime International, a non-governmental organization located at Antwerp and composed of maritime lawyers and representatives of commercial and shipping interests, which is devoted to the improvement and unification of the legal rules governing maritime commerce among nations. The Comité, founded in 1897, was the creation of Louis Franck, an eminent Belgian lawyer, and the Belgian government convened in 1905 the Diplomatic Conference on Maritime Law which has stood adjourned from one meeting to the next. At the meetings of the conference in 1910, 1924, 1926 and 1952, the drafts prepared by the Comité Maritime International were discussed, put into the form of international conventions and opened for signature by the interested governments. There is now a Canadian Maritime Law Association as one of the national associations affiliated to the Comité and participating in its work (see (1952), 30 Can. Bar Rev. 397).

A brief description of the four conventions reproduced in this edition of *Marsden* may be of interest:

(1) The Collisions Convention, 1910, is one to which Canada adhered and gave effect by the Maritime Conventions Act, 1914. The act introduced into our law the rule of apportionment of liability in accordance with the degree of fault, the two-year limitation period for bringing collision actions and the abolition of certain statutory presumptions of fault. These provisions are now to be found in the Canada Shipping Act, R.S.C., 1952, c. 29.

(2) The Convention on Arrest, 1952, is the principal of the three conventions opened for signature at the latest session of the Diplomatic Conference on Maritime Law. Canada was represented at the conference by an observer from the Canadian Embassy in Brussels and took no active part in the deliberations. The implementation of this convention would alter our present law by broadening the scope of admiralty jurisdiction in rem, and also by permitting the arrest of a sister-ship to assure a "maritime claim" as

defined in the convention. The convention was signed by the United Kingdom and there are indications that it is likely to be implemented there If it is, some careful parliamentary draftsmanship will be required. The 1953 annual meeting of the Canadian Bar Association at Quebec, upon motion of the Maritime Law Section, recommended that Canada accede and give effect to this convention. Except for reservations of a secondary character, the Canadian Maritime Law Association has supported the recommendation.

(3) The Convention on Civil Jurisdiction, 1952, seeks to prevent actions arising out of collisions being taken in more than one jurisdiction. The Canadian Maritime Law Association has recommended accession to this convention.

(4) The Convention on Penal Jurisdiction, 1952, is designed to restrict the jurisdiction over penal and disciplinary proceedings for incidents occurring outside inland waters to the authorities of the vessel's flag The Canadian Maritime Law Association has also recommended accession.

Having regard to this growing body of uniform rules of maritime law, there should have been at least a reference in chapter seven of this edition, "Introduction to Limitation of Liability", to another international convention, the Convention on Limitation of Shipowners' Liability, which was opened for signature in 1924. Though it has not been signed by the United Kingdom, this convention was ratified by Belgium, France, the Scandinavian and a few other countries and its subject is of considerable current interest

Among the new and practical features in part four are: examples of calculations of losses when both vessels are to blame and ship damages, cargo damages and loss of life and personal injury are involved, both with and without limitation of liability; two technical notes on interaction between vessels and steering in canals, respectively: specimen towage conditions; specimen preliminary acts and pleadings in a collision action; and the Beaufort scale of wind force with both sea and land equivalents and specifications extended by the Meteorological Office of the Air Ministry. All this makes this edition, more than the previous one, a ready aid to the admiralty practitioner. For this result, all credit is due Mr. McGuffie.

Mr. Reginald G. Marsden himself was responsible for the first five editions, the fifth in 1904. During the past fifty years, many jurisprudential and other developments in maritime law have taken place As an instance, on the question of salvage to a wrongdoing vessel in a collision it does seem that the House of Lords in *The Beaverford* v. *The Kafiristan*, [1938] A.C. 136, have expressed views so broad and explicit that there is really nothing left of what had

been taken until then as a rule of law, pretty much on the authority of Mr. Marsden's formulation of it, namely, that there was no right to salvage as between colliding vessels when both were to blame for the collision or when the salvor was solely to blame. The present editor has, at page 275, amplified the text of the previous edition and given importance to the *Kafiristan* decision. The footnotes indicate that he has himself done some further research into the question, but I suggest that the opening paragraph at page 275, restating the rule and emphasizing it by the addition of the words "as the law now stands", is misleading if not wrong.[1] The moral seems to be that statements even in the best textbooks must be tested by scrutiny of the supporting authorities.

LÉON LALANDE*

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*Civil Liberties and the Vinson Court.* By C. HERMAN PRITCHETT. Chicago: The University of Chicago Press. Toronto: The University of Toronto Press. 1954. Pp. xi, 297. ($5.00)

Any study of the United States Supreme Court holds considerable interest for lawyers. Professor Pritchett's will interest laymen as well, for it is the record of the court's treatment of civil-liberties issues under Chief Justice Vinson from 1946 to 1953.

The reason for a special study of the Vinson court (as distinct from what Pritchett calls its predecessor, the Roosevelt court) is that the court over which Vinson was called to preside was badly split. During the term immediately before his appointment, dissents had been filed in over half the opinions handed down by the court. The 1944 term had been marked by thirty five-to-four decisions, "the ultimate in judicial disagreement". Pritchett attributes this situation in part to strained relations on the court. He also finds doctrinal differences, "though they were no longer the relatively clear liberal-conservative disagreements of the twenties and early thirties. Now the divisions were over issues considerably more subtle and refined but capable of generating just as much heat and controversy."

These were the civil-liberties issues requiring interpretation of the First and Fourteenth Amendments. The author, who is a social scientist at the University of Chicago, and not a lawyer, sets up a box score of the judges' records to establish the patterns of division in this much-divided court. I see little value in these as pointers to trends in the court's thinking. The interest in Pritchett's

*Of the Montreal Bar; Honorary Secretary of the Canadian Maritime Law Association.

[1] Mr. Lalande deals with this point at greater length in a comment at page 678 of the present issue.—EDITOR.

book lies not in this statistical analysis but in the discussion of the judgments and dissents. In this he traces through the decisions the different and changing concepts of judgment applied by the court.

This process begins with the "reasonable man" theory and moves through Holmes' "clear and present danger" test to the "preferred position" which the Constitution gives to the basic First Amendment freedoms. The earlier standard of judicial review was that legislative decisions embodied in statutes must be upheld by the courts if there is any basis on which a "reasonable man" could have reached the same conclusion as the legislature. Every presumption was to be indulged in favour of the statute. Legislatures should be rebuffed only if they acted "arbitrarily or unreasonably".

Holmes first enunciated the "clear and present danger" doctrine in *Schenck* v. *United States*.[1] The defendants had mailed circulars to men eligible for the Great War draft, urging them to assert their rights. They were charged under the Espionage Act. Holmes spoke for the unanimous court in finding the acts clearly illegal under the statute: "The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree."

To apply Holmes "clear and present danger" test to cases involving First Amendment freedoms would clearly remove these freedoms from their preferred position. In *Palko* v. *Connecticut*,[2] Cardozo described the First Amendment liberties as being "on a different plane of social and moral values". Freedom of speech and thought, he said, "is the matrix, the indispensable condition, of nearly every other form of freedom. . . . Neither liberty nor justice would exist if they were sacrificed." Stone enshrined the phrase in a dissent in *Jones* v. *Opelika*,[3] in which he said: "The First Amendment is not confined to safeguarding freedom of speech and freedom of religion against discriminatory attempts to wipe them out. On the contrary, the Constitution, by virtue of the First and Fourteenth Amendments, has put those freedoms in a preferred position."

These, then, are the three concepts of interpretation in civil-liberties cases—more particularly in free-speech cases—before the Vinson court. Pritchett's book examines the use the Vinson court made of them and its contribution to the development of constitutional interpretation in civil-liberties cases.

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[1] *Schenck* v. *United States* (1919), 249 U.S. 47.
[2] *Palko* v. *Connecticut* (1937), 302 U.S. 319.
[3] *Jones* v. *Opelika* (1942), 316 U.S. 584.

Professor McWhinney, in his recent discussion in this Review of the school-segregation decisions of the Warren court, writes that "the resourcefulness the court has already shown in its handling of the current cases is a good guarantee for conscious, creative judicial policy-making in the future".[4] Pritchett gives the Vinson court no such good marks. He himself tries to determine what the rôle of the court should be in these cases, what judicial criteria it should use, but he nowhere suggests that the Vinson court itself approached resolution of the problem. If his analysis is correct, what the Vinson court judges seemed to do more often than not was to reach a conclusion on emotional grounds, or grounds of public policy, then look for a logical formula to fit it. For the layman, this is a situation comparable to that in which our own Supreme Court found itself in the recent Witness of Jehovah case, the *Saumur* case, where some of the judges appeared to decide in accordance with religious predilections and then to look for a legal logic to justify their conclusions.

The author would not deny the Supreme Court of the United States access to its pre-possessions. Indeed, he quotes Frankfurter effectively on the need for a judge getting away from his own value-system and the difficulty of doing it. In Frankfurter's prose, it requires humility, by which he means "an alert self-scrutiny so as to avoid infusing into the vagueness of a Constitutional command one's merely private notions". Like other mortals, he adds, judges, though unaware, may be in the grip of pre-possessions. For Pritchett, the judge need impose no self-denying ordinance: "No matter how conscious or even heroic the efforts, the man and the judge can never be separated, and the gratifications of deprivation are as personally rooted as the gratifications of indulgence".

What this means in civil-liberties cases, as perhaps in others involving constitutional interpretation, is that the judge cannot escape the temper and climate of the times and his own attitudes toward them. Chief Justice Hughes recognized social change, or rather changing social concepts, as an influence when, writing in dissent, he said: "A dissent in a court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed".[5] And Justice Jackson, in a free-speech case, recognized the temper of the times as part of a value system when he warned against the "danger that, if the court does not temper its doctrinaire logic

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[4] McWhinney, An End to Racial Discrimination in the United States? The School-segregation Decisions (1954), 32 Can. Bar Rev. 545, at p. 566.

[5] The Supreme Court of the United States (New York: Columbia University Press, 1928) p. 68.

with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact".[6]

Pritchett, the social scientist, is against doctrinaire logic and emotionalism but for the temper of the times. He concludes: "A Supreme Court justice must be able, and willing, to balance some of the most delicate, intangible, yet superlatively important, issues that can arise in a democratic society. He must be a creature of the times and sensitive to the same currents of opinion as move legislators, to the end that the standards of reasonableness by which he judges legislative action will not be detached from reality. But he must at the same time be sensitive to the system of expectations which has made the Supreme Court the American conscience, with the responsibility not merely of preaching to legislatures but of passing judgment on their actions in the light of the great libertarian principles of the Bill of Rights."

EWEN IRVINE*

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*The Indian Yearbook of International Affairs 1952.* Volume I. Published under the auspices of the Indian Study Group of International Affairs, University of Madras. Madras: The Diocesan Press. 1952-3. Pp. xii, 316. (Rs. 10)

Several scholars at the University of Madras formed a study group in 1951 for the purpose of co-ordinating research in international law, international relations and international economics. They at once embarked on the publication of the Indian Yearbook of International Affairs, the first volume of which is now under review, to provide a forum for research papers in these three interrelated subjects. The yearbook is open not only to scholars at Madras but throughout India and outside India; but the emphasis, as one might expect, is on subject-matter pertaining to Indian problems in particular and to Asian problems in general. The editor, Mr. C. H. Alexandrowicz, describes the yearbook in his introduction as "an attempt to draw the attention of public opinion to international questions of vital importance, with particular reference to problems of Asia and the Indian Sub-Continent".

The volume under review may be divided into four main parts. In the first, there are seventeen leading articles, each averaging almost eleven pages in length. In the second part are nine "notes", which are no different in kind from the contents of the first part and do not deserve a different title, even though each averages only nine pages. The third part contains very brief notes (twenty-three in eighteen pages) on decisions of Indian courts in cases re-

[6] *Terminiello* v. *Chicago* (1949), 337 U S. 1.

*Associate Editor, Montreal Star.

lating to public and private international law. The fourth part consists of book reviews. Then follows a list of treaties entered into by India since August 15th, 1947, a list of books and articles on international affairs published in India in 1950, 1951 and 1952, and an index.

I do not propose to review in detail the articles and notes, but I should like to give the general impression I got from reading them. In the first place, there can be no doubt about the usefulness and importance of this new publication, particularly to the scholars and to the public of Western nations. To many persons in the West, India is the focal point of Asia to-day, and they believe that as India goes politically, so will the rest of Asia go. And it is a fact that India does occupy a peculiar place in the Commonwealth and in Asia. It is essential, therefore, that the peoples of the West know more about India and Asia and understand them better. For a knowledge of Indian views of international affairs, for an awareness, if not a complete understanding, of Indian attitudes to world politics, for an opportunity to analyze the thought processes of the leading intellectuals of India, one can hardly find a better source than this yearbook. It throws light upon many of the things that puzzle us about the internal and international policies of India.

Another thing about this volume should be noted: there is very little discussion of legal matters in it. Most of the articles fall into the category of international relations. There is, of course, the third part of the book containing the notes on judicial decisions, but the notes are merely descriptive and have no value apart from publicizing the fact of the existence of the cases dealt with. The editor is aware of the predominence of material on international relations, for he refers to it in his introduction and expresses his hope that international law and international economics will have more space in future volumes.

A general criticism of the contents of this volume is that, as one reads it, one wishes for more articles of scholarship. The complaint here is not so much about the quality of the type of article that appears, but about its quantity, and about the almost total absence of articles that are the result of serious research. There are too many of the "club meeting address" type of article; they are interesting and informative, but often subjective and not the product of deep research. To expect articles with strong scholarly meat in the first issue of a new publication may be unfair; but it is a legitimate expectation that in future volumes we shall have the satisfaction of viewing a rich store of Indian scholarship.

It is a pleasure to welcome this new publication, which seems destined to have a distinguished career and to play an important

rôle in bringing Western people to a clearer understanding of the thought and acts of the peoples of India and Asia.

C. B. BOURNE*

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*Snell's Principles of Equity*. Twenty-fourth edition by R. E. MEGARRY, M.A., LL.B., and P. V. BAKER, M.A., B.C.L. London: Sweet & Maxwell Limited. Toronto: The Carswell Company, Limited. 1954. Pp. cxix, 627. ($8.50)

*Rivington's Epitome of Snell's Equity Twenty-fourth Edition*. Fourth edition by PATRICK JENKIN, B.A. (Cantab.). London: Sweet & Maxwell Limited. Toronto: The Carswell Company, Limited. 1954. Pp. viii, 163. ($3.25)

Certainly it involves no mis-statement to say that for many years competent observers considered *Snell* a dreary compilation of cases and texts on equitable topics so diverse that no common thread could be perceived to run through the subject matter. Under the editorship of Mr. R. E. Megarry, which began with the twenty-third edition in 1947 and is continued in a senior capacity in the present edition, much has been done to resuscitate the work. As an aid to reviewers, the revisions proposed were conveniently stated in the 1947 edition and it is appropriate to begin with them.

The first of the changes forecast—in the arrangement of the book—has now been substantially executed. The number of chapters, reduced from thirty-eight to twenty-six in 1947, has been further reduced to eighteen. This has been accomplished in part by omitting Mistake except as to Rectification, by evicting under Specific Performance some of the law on vendors and purchasers, and by omitting as a distinct chapter "Marshalling of Assets"; in the main, however, it is owing to the appearance of new composite chapters on "Fraud and Accident", "Persons under Disability" (a title inclusive of married women, infants and persons of unsound mind) and "Equitable Remedies" (specific performance, resolution, rectification, account and injunction). Although in this respect the process of resuscitation might be regarded as simply mechanistic, it has given to the work a measure of cohesiveness lacking in previous editions.

The second of the proposed changes went to the scope and content of the book, the editor expressing his awareness that the task would be difficult and that changes might be unwelcome. In addition to the omissions referred to, the sections on "Penalties and Forfeitures" and "Patents, Copyrights and Trade Marks" have all

*Associate Professor of Law, University of British Columbia.

but disappeared; much of the substantive law on Injunction has also been omitted, with the sections on "Restrictive Covenants" being in effect expunged. The proposed omission of the sections on Married Women and on Persons of Unsound Mind has been stayed. This may be due both to the impact of periodical material on persons under disability, of which there has been a flood since 1947, and to the important series of statutes on the position of married women (and also infants) since that date. Whatever the basis of the reprieve, it is to be noted that a contemporary author in the 1952 edition of his book felt compelled for the first time to include new chapters on infants, married women and lunatics.

The reason advanced for the deletion to the extent mentioned of the equitable rules on property is that they are more "satisfactorily" dealt with under Conveyancing and Real Property. Probably, a similar explanation is to be implied for the deletion of much of the substantive law on Injunction—a deletion which leaves some important matters, for example, injunctions based on breach of statute and injunctions to restrain the commission or continuance of a tort, almost wholly neglected. But it is a reason entirely invalid: nearly all of *Snell* is more "satisfactorily" dealt with in the specialized works; that, however, is beside the point when a general text is being considered. In any event, it is a reason which finds no support whatever in the present emphasis given to the topics included in the text. It is more than difficult to justify, in a treatise entitled "Principles of Equity", twenty-two pages devoted to "Partnership", fifty-two to "Persons Under Disability" and seventy-one to the "Administration of Assets", as against sixteen pages devoted to the "Nature, History and Courts of Equity", eighteen to "The Maxims of Equity" and only sixty-five to "Equitable Remedies".

It is a related criticism, and it has been made of other general works in this field (see Whitmore (1953), 31 Can. Bar Rev. 576), that the introductory chapters are canvassed only to be got over. Their purpose is not to focus attention on the underlying principles of equity pervading the several branches of the law; neither do they focus attention on the dynamic qualities of equity. Striking instances of these qualities have occurred even in the short period since 1947; it is sufficient to point to the new equitable interest in land in relation to contractual licences which it is thought has emerged (see Cheshire (1953), 16 Mod. L. Rev. 1); to the developments in the area of equitable estoppel or quasi-estoppel on which hopes have been pinned for a way out of a Candler situation (see Sheridan (1952), 15 Mod. L. Rev. 325); and to the significance of the *Diplock* case, [1951] A.C. 251, in the area of accountability between constructive trust and fiduciary relationship. Direct reference to such matters in the introductory chapters would do much to relieve what

Megarry described in the preface to the 1947 edition as "the prevailing gloom which so often seems to attend the subject".

In executing the twenty-third edition, the editor undertook to revise the wording of the text, to verify quotations and to provide references to periodical and other material. That task has been continued and in the result both the clarity and the authority of *Snell* have been greatly enhanced. The references to *Nathan's Equity Through the Cases* (1951 ed.) and to *White and Tudor's Leading Cases in Equity* (1928 ed.) are useful; those to the periodicals are distinctly valuable, because it is in the periodicals that the subject matter in its segments receives detailed critical evaluation. Although the references to the English periodicals are now excellent, it is unfortunate that this Review has not been more extensively cited. The repeated omission of the alternative citations to the English Reports (Reprints) for the scores of cases cited from the nominate reports is also to be deprecated.

The sum of all the changes is a better, but not a new, *Snell:* the book remains essentially a compromise between an epitome and a multi-volume treatise, which alone could comprise the subject matter in a comprehensive manner. To bridge such a gap presents formidable difficulties of selection and emphasis—well illustrated in the present edition in which, apart from non-statutory material, about twelve hundred references to nearly two hundred and fifty statutes have been required. Opinion to the contrary, these difficulties are not as yet insurmountable and a book of the character of *Snell* is not rendered unnecessary by, and indeed is useful in the presence of, the specialized texts. The crux of the frustration felt by many is in the definite need for a book which cuts through the now traditional topical analysis of the subject matter to offer nothing short of a fundamental re-statement and re-appraisement of equity in our time. *Snell*, the first edition of which goes back to 1868, is entitled "Principles of Equity"; it may be that in a subsequent edition the title will be made to serve such a fundamental purpose.

*Rivington's Epitome of Snell* is on the whole well executed. Passages which are mere vague generalizations are to be found; most sections, however, exemplify to a fair degree that "maximum succinctness of expression compatible with the minimum sacrifice of clarity" which was the editor's self-imposed criterion. From the preface it is evident that the *Epitome* is intended to be essentially a companion to, and not a substitute for, *Snell*. The question is pertinent whether a one hundred and sixty-three page companion volume is required to a book of six hundred pages, especially when the book is well paragraphed and conveniently sub-titled (the *Epitome* adding nothing in either respect and employing the identical sub-titles) and has an altogether excellent index of twenty-seven pages. The answer is that the *Epitome* is not required; neither

is it sufficient by itself. As an aid to students, the ready-made epitome has of course no place in a law school. The inculcation of skills in the analysis and synthesis of legal materials is in itself one of the basic tasks of law-school training, and for arduous experience there is no substitute.

GEORGE A. MCALLISTER*

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## The State and the Profession

The law is the next profession which will be faced with the problems long familiar to school teachers and already heavy on the minds of doctors and dentists. The lawyers themselves are already anxious about the future, for the cost of securing justice in England is such as to deter even comfortable middle-class folk from initiating litigation. Nor can the cost be reduced so long as the expense of educating and training a lawyer and maintaining him until he is self-supporting remains high. Most solicitors have to rely for a large part of their income on fees derived from property transfers and similar work; but the post-war boom is at the mercy of deflation and the legal profession may soon be facing hardship. At present, the pressure for State action comes almost entirely from the public, which wants the cost of litigation and legal advice brought down. But as the incomes of lawyers decline, pressure for State intervention will increase from within the profession itself—the only difference being that whereas the public simply wants reduced legal costs, lawyers will require that the service to the public be subsidized. This was what happened in the case of medicine, a profession whose training costs were so high that it could not offer private treatment at fees which the mass of the population could afford The crucial time for barristers may be postponed for a year or two more by an extension of the provisions for 'poor persons'; but it seems a safe forecast that before long reformers will be campaigning for State provision of legal aid to all citizens

Can any system be devised which would enable the State to meet this demand without setting up some kind of National Legal Service? It is difficult to imagine how, in the long run, this could be avoided. But it is still more difficult to imagine how a State-controlled Bar could be made consistent with a free and independent Bench, since judges are no more than promoted barristers, who have acquired their legal knowledge in practice at the Bar It is scarcely necessary to elaborate here the grave consequences which might—perhaps in a few years, perhaps in a generation—flow from a situation in which the State was the full-time employer, throughout their professional careers, of judges, prosecutors and defending counsel. (Lewis and Maude, The English Middle Classes. 1949)

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*Professor of Law, Faculty of Law, University of New Brunswick, Saint John.