

Mr. Justice Neville, writing on the same subject, says:—

“Will you allow me, as a barrister of over 40 years’ standing (we do not cease to be members of the Bar when we sit upon the Bench, though our rights are in suspension), to express my complete concurrence with the view stated by Sir Edward Carson?

“It is in accordance with the principles instilled into me in my youth, and follows, I believe, the best traditions of the Bar.

“To my mind the question raised is no mere question of etiquette, but one which affects the existence of the Bar, holding, as it does, the exclusive right of audience before the Superior Courts in the country.”

Mr. F. E. Smith in a long letter to the *Times* deals with the subject at great length, defending the course taken by himself and his colleague, contending that to adopt the opposite course would lead to the conclusion that no practicing lawyer should be eligible for a seat in the House of Commons. Such a case as that under consideration has never before occurred in British history, and may never occur again. Should, however, it be clearly understood that men eminent at the Bar, and eminent also as the leaders of political parties in the House of Commons, are compelled by the rules of their profession to undertake duties in the courts which might prevent them from doing their duty as members of Parliament, Mr. Smith may find the tables turned upon him, and constituencies preferring as representatives men upon whose undivided attention to their political duties they could rely.

These men owed a duty to their constituents as representing them in the High Court of Parliament. Was not this their first and highest duty? Should they not have refused these briefs on the ground of the probability that their accepting them would prevent them from fulfilling their duty under their retainer from their constituents? Whether or not these two eminent counsel were trapped by their political opponents and cleverly “put out of business” as debaters by an appeal to their supposed paramount duty as counsel is not material to the discussion.