sented by counsel, is stated by Mr. Showell Rogers in an article, Ethics of Advocacy, published in 1899 in 19 Law Quarterly Review. He there says: "The duty of counsel in all cases civil or criminal where only one side appears, clearly is to act as an assistant to the Court and as a minister of justice; just as counsel for the prosecution does * * * in criminal cases, even when the accused is represented." He mentions a civil case, *Cole* v. *Langford* [1898], 2 Q.B. 36, in which Mr. Greyson Ellis, counsel for the plaintiff, opened his argument by saying, "as the defendant does not appear in opposition to the motion, the plaintiff is bound to call the attention of the Court to certain cases which seem to raise a doubt whether the present action will lie." He also refers to *Beresford* v. *Sims*, reported in the same volume at 641, where the accused was not represented. Channell, J. remarked upon the paucity of authority to which the Court had been referred or which during the argument it had been able to find, "although of course," he said, "we do not suggest that counsel for the appellant would not have brought any authorities before us that he knew of."

In a later civil case, *Credits Gerundeuse* v. *Van Weede*, 12 Q.B.D. 175, in which only one side was represented, Baron Pollock said: "Mr. Barnes (counsel for the applicant), in moving, properly called our attention to a *dictum* in *Patorni* v. *Campbell*, which if effect be given to it is clearly against his application."

But what of the case where both sides are represented? Even in that case Mr. Showell Rogers says: "I venture to think that if a previous decision is found which is adverse and wholly undistinguishable —if in other words and to use a common expression it 'hits the bird in the eye'—the only proper course in the general interest of justice is to bring it to the notice of the Court himself, if the other side fails to do so, and then to make the best of the situation." He admits that this is a counsel of perfection which will win the approbation of the Court, but almost certainly lose him his client. This counsel of perfection was certainly pursued to a quixotic degree in *Beauchamp* v. *Overseers*, L.R. 8 C.P. 245. The fact was that the respondents had expunged the names of the Earl of Beachamp and the Marquis of Salisbury from the list of voters upon the ground that as peers they had no right to vote. An appeal was taken from this decision by the both noble Lords, Mr. Wills, Q.C. appearing for Lord Beauchamp, and Mr. Manisty, Q.C. for Lord Salisbury. The question involved was whether a peer of parliament was entitled to be placed upon the register of voters, and both learned counsel, (contrary to the interests of their clients if they desired the appeal to succeed), not only admitted that a peer had no such right but argued strenuously and at length against it. Mr. Wills said: "All the authorities upon the subject are opposed to it and the most diligent search had failed to discover a single atom of authority in its favor." Mr. Manisty said he "agreed that it would be vain to argue that a peer has a right to vote in the election of a