mitted the distinction between eating houses and shops not only approaches but reaches the vanishing point.

We understand that by the direction of the Attorney General of the province the question involved in this and other judgments will be tested in a new case and referred for adjudication to a Divisional Court of the High Court of Justice.

LEGAL ETHICS.

It seems absolutely impossible to eradicate the motion which lies unformulated at the basis of such comments that a guilty defendant in a criminal case is not entitled to counsel, and that the lawyer who undertakes his defence degrades himself, and to that extent lowers his profession. It is our boast that we live under "a government of laws, not of men," and the accused is entitled to demand an acquittal or a conviction according to law. According to law he is entitled to counsel, and it is the duty of that counsel to see that before he is pronounced guilty every real and every technical requirement of the law is complied with. If we are indeed living under a government of law, the accused is entitled to the benefit of even the technicalities that the law has created. It is surely a monstrous paradox to say that by insisting upon compliance with the law to the crossing of the last *t* or the dotting of the last *i* one is undermining the respect for law. If for a moment we could conceive of counsel failing to avail themselves of technical defences for their clients on the theory that substantial justice was being done, we should be but a little way from such substantial justice as was meted out in the attainder of Sir John Fenwick (whose case forms a stirring episode in Macaulay's History), because his friends had spirited away one of the two witnesses necessary for his conviction of treason. The locus classicus on the question of a lawyer's right to appear in a cause which he regards as bad is, as every one knows, contained in a conversation between Dr. Johnson and Boswell. The sturdy common sense of the "great moralist" solved the question in a way all the more impressive because he was not a lawyer.