

THE RHODESIAN LAW JOURNAL

Editor: R. H. CHRISTIE, Q.C.

April, 1970

1970 *R.L.J.*

Vol. 10, Part 1

CONTENTS

EDITORIAL; THE 1969 CONSTITUTION

NOTES ON CASES

Enrichment as the basis of <i>condictio indebiti</i> — <i>Glasson v. Peace Real Estate (Pty.) Ltd.</i>	4
Negligence of statutory undertakers— <i>Moller v. South African Railways and Harbours</i>	5
The enforcement of foreign judgments— <i>Coluflandres, Ltd. v. Scandia Industrial Products, Ltd.</i>	8
Some outdated rules in the law of succession— <i>Braude, N. O. v. Perlmutter and Others</i>	11
<i>Plagium</i> , kidnapping, manstealing, childstealing— <i>R. v. Long</i>	15

ARTICLES

THE BEIRA BLOCKADE, by Alan Wharam	22
THE FUTURE OF THE LEGAL PROFESSION, by R. H. Christie	33
PRESCRIPTION UNDER THE COMMON LAW	46

ODDS

Retirement of Sir Vincent Quenet	57
"26.10.22. Daddy Swanson loquitur"	63

REPORTS

<i>Park v. Mann and Others</i>	64
--	----

REVIEWS

The South African Law of Insurance (2nd ed.) by Gerald Gordon ..	67
<i>Wille's Principles of South African Law</i> (6th ed.) by J. T. R. Gibson	74
<i>New Essays in African Law</i> , by Antony Allott	76
<i>Judicial and Legal Systems in Africa</i> (2nd ed.) edited by A. N. Allott	81
<i>Concise College Texts—Criminal Law and Procedure</i> , by I. G. Carvell and E. Swinfen Green	82

DEPARTMENT OF LAW
UNIVERSITY OF RHODESIA

The journal is published twice yearly, in April and October.

Editorial, circulation and advertising correspondence should be addressed to the Editor, at Department of Law, University of Rhodesia, P.O. Box M.P. 167, Mount Pleasant, Salisbury, Rhodesia.

Printed by Sebri Printers, Salisbury, Rhodesia.

THE FUTURE OF THE LEGAL PROFESSION

BY

R. H. CHRISTIE

In October 1969 the Law Society of Rhodesia organized its first summer school, at which the following paper was read. It suggests that the profession should adapt itself to the developments which are affecting all professions—the explosions of knowledge and legislation and the management and computer revolutions—but should maintain its identity.

In maintaining its identity the profession should be alive to these developments so that it can offer new services to the public within the area of its existing skills, but it should maintain the existing separation between the Bar and Side Bar with sufficient re-allocation of the existing duties to increase its efficiency.

Entry to the Side Bar by way of articles should be abolished, and the only method of entry should be by way of a law degree followed by a one year common training course followed by one year's articles.

The legal profession has existed for many centuries in many countries and before looking at its future in this country I think we should consider the reasons for its existence. These reasons, to my mind, are to be found in human needs and in the very nature of law itself. There is, I think, a very deep seated human need to be judged in matters of right and wrong by an identifiable human judge who is, by virtue of his humanity, necessarily capable of being influenced one way or the other by reasoned arguments. It follows that there is a need for a profession to specialise in attempting to persuade judges (in which term I, of course, include magistrates, juries and members of tribunals generally) one way or the other. I think also that there is a fundamental necessity for a legal profession not only to conduct litigation but to interpret and explain the law. Law, by its very nature, is a science of words, and words, unlike mathematical symbols, have no precise meaning. It is therefore always necessary for somebody to be available to interpret the words in which the law must be embodied, and this is one of the legal profession's main jobs. It would not, I think, be inaccurate to sum up by saying that the legal profession exists to help people to distinguish between right and wrong.

Bearing in mind this necessity of having a legal profession I would like to look at some of the changes that have occurred in the last few years and are continuing to occur, with a view to seeing how these changes affect the legal profession and how, while being true to its nature, it can adapt itself to these changes. There seem to me to be four changes in human affairs in recent years which have deeply affected the traditional boundaries of existing professions:

1. The explosion of knowledge which has been taking place for the last hundred years has led to the growth of specialist professions hiving off from the more generalised professions of the past. An example familiar to all of us who have had to find or cross-examine expert witnesses is the psychiatrist who, as an expert, has hived off from the general medical profession. The *Oxford English Dictionary* records the first use of the word "psychiatrist" as recently as 1846.
2. The explosion of legislation that has been taking place for approximately the last fifty years has led to a similar process. For example, the introduction of income tax on a permanent basis in England in 1842 and the almost annual tidying up and amendment of income tax legislation in all countries. In recent years this has led to the hiving off of the income tax consultant as a professional man from the wider profession of accountancy. Similarly, the passing in England of the Housing, Town Planning, etc., Act, 1909, has led to the hiving off from the profession of architecture of the town planning consultant. Again, a familiar figure to many of us as an expert witness.
3. The management revolution which has been going on for some years now has resulted in the divorce of professional management from the ownership of the assets which are being managed. A hundred years ago the investors in a joint stock company would, from their own number, provide the directors to run the business. Now the almost universal pattern in large companies is one of institutional investment, the institutions in turn being directed by professional managers who themselves may have little or no capital invested in that business or for that matter any other business. The professional manager in turn has been subdividing into specialist professions. For example, the management accountant, the production manager, the personnel manager, the marketing manager. For this management profession generally and for its subdivisions professional training is now being provided. A pioneer in this field was Harvard University with its business school. In South Africa we now have the Graduate School of Business at the University of Cape Town, a similar school, more recently founded, at the University of the Witwatersrand, and three or four others.
4. The computer revolution has taken much traditional work from

existing professions. Most obviously the accountant now spends little or none of his time adding up columns of figures. The engineer finds much of his traditional work performed by the computer and so does the banker. It has been necessary for all these professions to re-adjust themselves in order to take the computer into their professional lives. For example, an auditor has to follow a completely different procedure when auditing the accounts of a company which has computerised its accounting system. This computer revolution has also given rise to entirely new professions specialising in the designing of computers themselves, the designing and installation of computer systems in particular businesses and the programming of those systems.

Let us now look at the effect of some of these changes on the legal profession.

1. The explosion of knowledge

The immediate effect is, of course, that we now have very many more expert witnesses to examine and cross-examine, but this in itself makes little difference to our work. What seems to me so significant to us is that despite the immense new learning that has arisen in recent years the fundamental issues of right and wrong still remain and however many experts one employs and however many computers they employ to assist them, it is still possible to perpetrate fraud in the business world and it is still possible to contravene legislative rules, sometimes of a simple and sometimes of a more involved nature. This will always be the position and someone must be on hand to insist that the experts explain themselves in words that can be understood sufficiently well for a clear decision between right and wrong to be made. This job must be done by the legal profession.

2. The explosion of legislation

Personally I despair of halting the flow of new legislation although I feel there is a serious danger of it bringing our civilisation down in the same way as bureaucracy brought down the Roman Empire. I suggest that the only answer the legal profession has to the increased volume of legislation lies in specialisation. One of the reasons why I decided to leave the Bar and take up teaching was because as I became more senior I found myself receiving more briefs on the Companies Act, the Income Tax Act, the Town and Country Planning Act, the Liquor Act, the Roads and Road Traffic Act, the Mining Act, the Municipal Act, the Patents Act, the Trade Marks Act, the Copyright Act, and similar pieces of statutory codification of the law, in all of which people seemed to assume

I must be an expert because of my seniority as a practitioner. That process must end somewhere.

In England the answer that they reached many years ago was to specialise, both at the Bar and the Side Bar, so that as one becomes more senior in the profession one knows more and more about less and less and eventually one can sometimes specialise in one comparatively small branch of the law on which one really has to do very little work to keep up with recent developments. One's experience acquired the hard way over the years of practice well justifies the client's investment in the form of fees. The medical profession deals with the problem in the same way. The increase in medical knowledge in recent years can be compared to the increase in legislation with which we have to try and cope. The answer of the medical profession is to increase the number of narrow fields in which practitioners specialise so that there is always an expert available to handle any problem. But the experience of the medical profession is very valuable to us because it has been observed with some concern by many doctors that the old traditional general practitioner is now becoming extinct, and this has very serious repercussions on the ordinary people who like to take their problems to ordinary non-specialist professional men. If we are going to specialise we must be very careful that we do not eliminate the traditional family solicitor. I shall say more about this later.

3. The management revolution

This seems to affect us in this way: managers need advisers, sometimes on a full-time basis in which case they can be regarded as specialist managers, sometimes on a professional basis in which case they remain members of their respective professions but they specialise in the field of management. Management is almost synonymous with planning and the law, as I have already remarked, is now becoming so complicated that legal planning is a field into which the legal profession clearly must expand—as indeed it has been doing for some years in the United States, where they have witnessed the creation of what they describe as the management lawyer. In some ways the management lawyer, whether he attaches himself permanently to a particular company and becomes a part of its management team or whether he offers his professional services to a number of companies, is the precise opposite of a specialist as that term is normally understood because rather than narrowing his knowledge into a small field and becoming an expert on one branch of the law only he must specialise in precisely the opposite process of always being able to see the wood from the trees. He may have to farm parts of his broad plan out to specialist lawyers and he may even instruct ordinary

professional lawyers of the traditional type to do some of the checking of his plan and the working out of the details.

4. The computer revolution

This has led to much study of its possible implications in the field of law, but the conclusions so far reached by these studies do not indicate that the effect of the computer revolution on the legal profession will be anything like as profound as it has been on other professions. The only likely field in which we can use computers seems to be what computer experts call "information retrieval". This is what we have been doing ourselves for years past, searching up the law through indexes, digests and so forth. The difficulty of having this done by computers is that computers are innately stupid and, for instance, even if they reach the stage of being able to read and digest printed pages—a stage that they are currently reaching—they cannot distinguish a word like "contract" in the familiar legal sense from a word like "contract" in the sense of growing smaller, so if we ask a computer to retrieve information for us it will inevitably spew forth a large amount of unnecessary material. We will have to go through all this material ourselves and at present it seems doubtful whether we will gain much time from the employment of computers. Some researchers have been trying to ascertain whether the *ratio decidendi* of a case can be fed into a computer so as to make this information available by normal routine systems. The difficulty is, as I said at the outset, that law is a science of words and words do not have a sufficiently precise meaning for mechanical treatment of this sort. The whole science of jurimetrics, as these researchers call it, seems to me to be attempting to measure the immeasurable and is incapable of producing any useful results unless it pushes us towards the employment of jargon having a depersonalised standard meaning. If this happens it will be an evil day for the law because it will remove the law from the comprehension of the man in the street. This can happen and indeed has happened in many other disciplines but it must never be permitted to happen in law, which operates on the man in the street and must, therefore, be understood by the man in the street.

To what extent should the profession change its existing organisation in order to face these changes to which I have referred? More particularly, should it continue with the division between the Bar and Side Bar or should it fuse? The arguments for and against the fusion of the profession have often been raked over and I propose to do so again and to try to add something from my own experience. I must confess that this experience is very unbalanced, consisting as it does of fifteen months in an attorney's office followed by fifteen years at the Bar, but during my years at the Bar

I spent a considerable proportion of my time in what was then Northern Rhodesia and a smaller proportion in what was then Nyasaland, in both of which jurisdictions the profession is fused, so I have had some opportunity of seeing a fused profession in action and comparing it with our own divided profession.

The arguments for and against were conveniently summarised as the result of the Commonwealth and Empire Law Conference held in 1955 and the summary is conveniently reprinted in 1967 *S.A.L.J.* 106-7. The report of the Conference lists in favour of fusion:

1. It is the natural and proper procedure for one man to see a task through from start to finish.
2. In the countries where fusion exists the system works well and no one has suggested that the quality either of the profession or of the justice administered has suffered as the result of fusion.
3. The test of any system is the service it provides to the public and the service in the countries where fusion exists is in no sense inferior to the service provided in other countries, and in the view of some of the delegates it is indeed better.
4. In countries where the population is small and scattered fusion of the two branches of the profession is the only possible system.

Against fusion the following points are made:

1. That except for the countries where small and scattered communities make separation impracticable there are no advantages.
2. That fusion of the profession does not mean a reduction in the costs of litigation but possibly the reverse (in this connection one of the delegates drew attention to the costs of litigation in the United States of America where the two branches of the profession are completely fused).
3. That the quality of the court work in countries and states where fusion exists is not of the quality found where the professions are separate.
4. That a higher quality is found in occupants of the judicial Bench where the professions are separate and that, as a corollary of this, the respect of the public for the courts is in these places the greater.
5. That the intimate atmosphere and necessary confidence which exists between the members of the Bench and the Bar is destroyed once fusion has taken place.
6. That no man can be "jack of all trades" and a separate system enables young solicitors to obtain the services of a specialist in any particular field.

To my mind there is considerable force in some of these arguments but some of them are close to nonsense. If you have leisure time available you might enjoy reading the lively correspondence in the South African Law Journal between Messrs. Hoppenstein and Colman. See 1959 *S.A.L.J.* 296 and 390 and 1960 *S.A.L.J.* 93. One's main impression is one of surprise that this issue should engender such heat and almost, at times, personal vituperation.

I think we will agree that the only point in debating fusion or separation is to seek a method which leads to increased efficiency. If we can increase our efficiency we will inevitably reduce the cost of legal services to the public. As any economist will tell you, the way to reduce the cost of a product is not to reduce wages but to increase productivity. My own view is that the arguments which I have just quoted are not conclusive one way or the other but I favour the continued separation of the profession because of my own experience, and I set out four points which have convinced me over the years:

1. The duties traditionally performed by the Bar and the Side Bar require very different temperaments. Shortly, the advocate tends to be an introvert while the attorney tends to be an extrovert. Expanding this slightly, the advocate's work requires him to spend long hours alone working in the library, reading books and papers, making notes and planning a successful campaign in court. He then goes into court and on his feet he produces the results of his lonely work. The attorney on the other hand is seldom alone during his working day, he deals with a number of people, he probably has lunch with a client, he almost certainly plays golf with a client and he lives, generally, a very much more active social life than the advocate. If we retain the present division of labour then each branch of the profession is being called upon to do the work for which an appropriate type of person is temperamentally suited.

2. There has been much written and said about the brotherhood of the Bar. Personally I do not accept that the Bar has a monopoly of this desirable quality. It goes much further. When the profession is divided, as in this country, there is a constant interchange of working partners. Today one briefs a particular counsel and works with him; tomorrow one is on the other side and works against him, and so it goes on. This must result in reducing the professional rivalry between practitioners. Rivalry is, of course, a good thing to the extent that it promotes increased efficiency but if it becomes so deep as to amount to jealousy and dislike it can be very damaging indeed to a profession. I think all of you will agree with me that if you compare our own profession with other professions operating around us in this country we have as good inter-personal relationships as any and very much better than some. It is perhaps worth noting in

passing that this is the first Summer School that our profession has held and as those of you who have friends in other professions will know they have regarded a Summer School or Winter School as a necessary method of keeping up personal relationships in their professions. Up to now we have managed without this. I noticed during the years when I made regular visits to Northern Rhodesia that the atmosphere in the profession there was totally different from the atmosphere in the profession in this country. I found it quite embarrassing to be briefed by a firm which had a long-standing feud with the firm on the other side and then to come back a few weeks later, briefed by the firm on the other side. I was convinced that if there had been a permanent Bar in Northern Rhodesia regularly operating in the same way as I occasionally operated the whole atmosphere in the profession would have improved rapidly.

3. Professional ethics are something with which we are all very properly concerned because if our ethics drop our profession is no longer worth belonging to. I believe that the divided profession is likely to have a higher level of professional ethics than a fused profession because as I have already remarked today's opponents are tomorrow's allies, so to put it at its lowest and most sordid an advocate is unlikely to conspire with his attorney to pull a fast one on the other side when he knows that his future bread and butter will be coming from the attorney on the other side. Similarly an attorney is unlikely to do the same to an opposing advocate with whom he is likely to be working in double harness in future. One could say, I think, with some justification that this constant interchange of working partners very much reduces the temptation to cheat.

4. The continued existence of small firms in which so often one finds the traditional old family solicitor practising is almost entirely dependent upon the ability of those small firms to call on the services of experts when necessary. Again, I call on my Northern Rhodesian experience: I have on more than one occasion known a small firm in Northern Rhodesia lose a client to a large firm because the small firm made the wrong decision when faced with the agonising choice of trying to handle a case which was too big for the resources of the firm or of briefing one of the larger firms and finding the job done so satisfactorily by that firm that the client never came back. This would inevitably happen in this country if we were to fuse the profession.

To my mind these arguments tip the balance in favour of retaining a divided profession but this does not mean that the division should remain exactly as it is. In the past I used to think that it was so necessary to retain a separate Bar in this country that the weekly farce of briefing counsel to pop up and down in the Motion Court should be retained because this bread and butter work was necessary to enable a junior

practitioner to find his feet. I thought this until in 1964 the Bar Council carried out a survey of the fees of advocates in private practice. This survey showed that even the very junior Bar earned the highest proportion of its fees in contested matters (including *pro Deo* criminal defences), and only a very small proportion in the Motion Court. It seems, therefore, that it is not by any means necessary to retain the existing rule that counsel must be briefed in all matters in the High Court, even in the Motion Court. If it is unnecessary it is certainly unsatisfactory to keep the Bar on its feet in this artificial way. I do not think any profession ought to be kept on its feet artificially.

As a result of this survey which we carried out in 1964 various suggestions were discussed amongst members of the Bar and some of them formed the subject of discussion with joint meetings of the Bar Council and the Council of the Law Society. One suggestion which I found attractive and I still find attractive came from Mr. Hackwill. He suggested that in these days when specialisation is the order of the day the Bar should become specialists in litigation. This would involve entrusting the entire conduct of litigation to members of the Bar, even in the Magistrate's Court. The collecting of evidence, handling of correspondence and all process would become just as much the responsibility of the Bar as the drawing of pleadings and the conduct of the hearing are at present. It would not be necessary to give the Bar a monopoly of this work but simply to enable them to do it if instructed by an attorney to do so. It would then be open to an attorney either to brief counsel on the present basis to perform certain parts of the work or to refer the whole case to him. If counsel wished he could refer either the whole case or portions of the case back to the attorney. The relationship between Bar and Side Bar would then become very much more like the relationship between general practitioners and specialists in the medical profession. There would be no fixed rules about who performed which part of the necessary duties. In exchange for this addition to the Bar's existing duties it would obviously be not only fair but common sense to permit the Side Bar to handle all Motion Court work including uncontested divorces. Much of this in fact could probably be removed from open court and handled by the registrar in his office.

I hope that if some sort of re-allocation along these lines could be worked out it would have three very valuable results:

1. It would relieve the public of the burden of paying counsel's fees when it is not necessary to do so.
2. It would similarly relieve the public of the burden of paying both counsel and attorneys for doing work in litigation which really amounts to a duplication of effort.

3. The Bar would become true specialists in litigation in all its stages, and instead of merely handling portions of the case as at present (and being able to blame the attorney if anything goes wrong) they would undertake the entire conduct of it and I hope that, because they would see each case as a whole from start to finish, they would handle it expeditiously and efficiently.

The foundation of any profession must be education. So far as the legal profession is concerned I have always drawn a distinction between a lawyer and a legal mechanic. The lawyer is the true professional man who understands what he is doing and why he is doing it whereas the legal mechanic merely knows how to do it. One can become a lawyer by long experience or by a comparatively short training. It is obviously desirable that as many as possible of the members of our profession should proceed by way of a short training so that we do not have a sharp distinction in efficiency between the older members of the profession and the inefficient younger members of the profession who are still acquiring their experience at the expense of their clients. Perhaps I take a biased view of these matters because of my present duties at the University but I consider that the best method of making a person into a lawyer is by an initial university training followed by a period of practical instruction.

For the Bar the problem is comparatively simple. Except in England, in all those countries where there is a divided profession, the Bar is too small to arrange its own educational programme from start to finish and it is necessary for every prospective advocate or barrister to start with a university degree in law, and to follow it with some sort of professional training which may be provided, as in South Africa, by the universities as an integral part of the LL.B. degree or, as in England and more recently in this country, by the profession itself, with or without university assistance.

For the Side Bar the problem is far less simple because traditionally entrants into the attorney's profession have served articles based on the old mediaeval apprenticeship and it is only more recently that the idea of a university education for attorneys has been introduced. I strongly favour the final abolition of the five-year period of articles without any university degree as a method of entering the profession. I take this view partly because the standard of education for articled clerks must necessarily vary from firm to firm. Some firms are very conscientious and give their articled clerks a thorough grounding in all branches of the profession; others either have not the aptitude or the facilities or the manpower to do such a thorough job. The traditional answer to this difficulty has always been that the examination system will sort out the sheep from the goats. I have had some experience of examinations, not only at the

University, but for many years as an examiner to the Bar, the Side Bar and three other professions, and I am afraid I am quite unconvinced of the power of an examination to sort out the sheep from the goats. One can pass an examination by luck or can fail an examination by bad luck and I am never happy examining people who, to my knowledge, have not been through a properly designed educational system, for I know that the candidate and the examiner are taking part in what is little more than a game of chance.

This is not all. In order to make a person into a true lawyer rather than a legal mechanic it is necessary for him to have a well developed personal philosophy of law; he must have thought out for himself and discussed with others just what he is trying to achieve as a lawyer and what the law is trying to achieve, so that he can keep in his mind a clear distinction between good law and bad law and between good practice and bad practice. He must also have flexible ideas and must be able to absorb not only new legal knowledge but new relationships between the profession and other professions. I think most experienced attorneys have these qualities fairly well developed, but this is not enough. Not all attorneys are experienced and nobody should be entitled to describe himself as an attorney unless these qualities are well developed in him, and the best place to develop these qualities is at a university. Similarly, every member of the profession, not merely the older members, needs to be able to see the law (in the sense of a set of rules) as a whole. He should be able to see the wood from the trees. The syllabus of the Attorneys Admission Examinations and the method of picking up pure legal knowledge by private study or by correspondence course followed by the existing professional examinations seems to me to be a most chancy method of acquiring this lawyer-like ability. Again, a university is the best place to do this because the law can be presented by university lecturers in its constituent parts leading up to a full appreciation of the whole field of law.

If then all attorneys are to start their training with a university degree the question must arise of what follows next. I am not happy with the existing system of placing university graduates in a firm of attorneys for a shortened period of articles to acquire the professional skills which it is necessary to add to the foundation knowledge that they have acquired at university. I would much prefer to see all graduates attending a common training course organised by members of the profession with such assistance as may be available from the University. This would ensure that all entrants into the attorney's profession would be educated to the same standard. I would suggest that this course, which would lead to the award of perhaps a post-graduate diploma or a second degree, should last for one year and should cover the basic professional skills. After

completing this course I would like to see one year's service of articles on the existing pattern, with the right to appear in court from the commencement of articles. I feel that if this modification of the existing system were adopted all firms would benefit because they would be relieved of the onerous responsibility of giving the basic professional education to their clerks and they would be assured that when they received an articulated clerk into their office he would be an efficient member of the firm from the very beginning. Admittedly, there would be nobody to do the dogsbody jobs like serving process but I have never been convinced that these dogsbody jobs are a necessary part of the training of an articulated clerk or that they cannot be entrusted to an employee of a much lower order.

Before one becomes too enthusiastic about my proposals one must consider the nature of the University law degree which I visualise as fitting into this system. As you all know the system of legal education in South Africa is presently founded on the LL.B. as a two-year post-graduate degree following on a B.A. or B.Comm. degree containing the equivalent of one year of law subjects. Alternatively a B.A. or B.Comm. graduate who has not taken the appropriate law options will have to spend three post-graduate years in acquiring his LL.B. I have had considerable discussions with some of my opposite numbers in South Africa about the relative merits of their system and mine whereby I teach three years law as a straight first degree. The point they make, and I think rightly, is that you cannot teach law to children and that the average product of South African schools comes to university insufficiently mature to absorb a full-time study of law. Nevertheless they are now introducing a new degree, the B. Juris., which will be a four-year degree including the equivalent of three years law and one year of non-legal subjects. The new degree will be recognised, if it is not already recognised, as a method of entering the attorney's profession but not for qualifying for the Bar unless it is topped off by an LL.B.

In this country I do not teach law to children because the proportion of immature products from our school "A" Level courses is very low and those who are too immature are either not accepted for the law degree at the University or they inevitably fail their first year and are rejected. I have great faith in the study of law as a complete education because the lawyer is able to see life in the round in a way that few others can see it. He studies a fair amount of history, he has to acquire a fair understanding of people, he has to have a very deep knowledge of the science and art of government and the science and art of business. He is in a better position than most other university students to appreciate just what is going on in the world. I see no reason to insist that before embarking on this sort of education a student should go through the civilising process of a B.A. or B.Comm. degree. It all depends, of course, on how law is taught,

and provided it is taught not as a series of rules but as a search for the reasons for those rules leading to an enquiry into the objects of the law and those who make it, then to my mind it provides as good a preparation as any other for life, whether in the legal profession or outside it.

In conclusion I would sum up my paper by suggesting that if you accept that the true duty of the legal profession is to maintain in the public mind the distinction between what is right and what is wrong then you should agree with me that the profession should maintain its identity, no matter what developments may follow in future years. In maintaining its identity it should be alive to these developments so that it can offer new services to the public within the area of its existing skills, but it should maintain the existing separation between the Bar and Side Bar with sufficient re-allocation of the existing duties to increase its efficiency. Finally, to prepare new members of the profession for taking the part I have outlined there should be modifications in our existing system of education.

OCTOBER, 2.30 p.m.

Attorney (cross-examining): "And on that evidence you say the accused was drunk?"

Magistrate (waking up): "Who's drunk?"



This work is licensed under a
Creative Commons
Attribution – NonCommercial - NoDerivs 3.0 License.

To view a copy of the license please see:
<http://creativecommons.org/licenses/by-nc-nd/3.0/>

This is a download from the BLDS Digital Library on OpenDocs
<http://opendocs.ids.ac.uk/opendocs/>