this is done in a becoming manner no Judge should take exception to it. If trials are conducted with these facts in mind the administration of justice will proceed in an orderly manner, but any transgression of them can have no other effect than to degrade the profession and to lower the dignity and usefulness of Courts of justice and to lessen both in the respect, confidence and esteem of the community.

To openly charge a Judge with bias or prejudice rendering him unfit to preside in a particular case is an offence against decency unheard of in England in two hundred years. I have already alluded to the last recorded instance and in that case you will remember that upon motion of other members of the Bar then present the offender had his gown pulled over his ears. In the United States the only notable instance of an attempt to intimidate a Judge by charging him with prejudice or bias was in the famous Tweed case. The first trial before Judge Davis and a jury resulted in a disagreement. When the case was again called before the same Judge, counsel for the defence presented a written protest to the Judge alleging that because of opinions expressed in the former trial both as to the facts and the law he was disqualified from presiding. Further than to inform counsel that the presentation of the document was a manifest impropriety, the Judge took no further notice of it until after the trial when he ordered all the offending counsel to attend before him and fined them for contempt. In doing so he said, "If such a paper were presented to an English Judge by counsel, clothed as English Judges are with powers which the constitution withholds from our Judges, not one of them would be sitting here now and not one of them would find his name one hour after on the roll of counsel." No doubt an English Judge has power to summarily discipline counsel for such a contempt, but Judge Davis credits him with a power which he does not possess when he suggests that he possesses the right to disbar a barrister. In this respect the power of Canadian Judges is more extensive than those of England. It is a power which I trust for the sake of both the Bench, the Bar and the community at large, there will never be occasion to use.

Instances have occurred within the memory of all of us, where counsel have yielded to the infirmity of temper and have displayed an unbecoming degree of petulance, because the Judge's ruling was not in accord with their views. I know how hard it sometimes is to preserve an outward calm under circumstances of acute disappointment at a decision which counsel believes to be wrong, but control of the temper under all circumstances is part of the discipline which counsel must inflict upon themselves, not only for their own sake, but for the sake of their profession and those whom they serve. If there is any rule which a lawyer ought to keep pasted in his hat it is to keep his temper under all circumstances.

I have always regarded it as highly improper for counsel either