Solicitors Act and Sir James O'Connor, which may be found in (1930) Irish Reports at page 623.

Sir James O'Connor, who early in life was a solicitor, but later a barrister, became lord justice of appeal of the Court of Appeal in Ireland until the Irish Free State abolished the court in 1924. Later, Sir James joined the English bar, but ill health compelled him to abandon his practice. His health having improved, he applied to be re-admitted as a solicitor in Ireland—I emphasize the words "as a solicitor in Ireland". Chief Justice Kennedy who heard the application made an exhaustive study of all precedents in England and in Ireland and was unable to find any case of a judge returning to practice in either England or in Ireland since the Act of Settlement. Mr. Speaker, with your erudition you will be able to verify my impression that this was in 1782. At page 631, the chief justice of Ireland set forth the principles applicable as follows:

> Such a long continued abstention almost asserts a common understanding underlying these appointments, that, with security of tenure and fixed and adequate remuneration and pension, the practice of the profession of the law is abandoned for ever by the person appointed.
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> There is good and powerful reason in support of such a rule, for it is beyond doubt that if a man should step down from the privileged position of the bench and throw off what is a sacred office to engage in the rough-and-tumble of litigious contest, and compete with the practitioners for the feed business of the court, perhaps challenge the decisions which he pronounced, or even fail to support them in argument, he will shake the authority of the judicial limb of government, and mar the prestige and dignity of the courts of justice upon which the whole structure of the state must always lean. Moreover, a new way of scandal and corruption would be opened up to any who would pursue it. In the words of one well qualified to speak, though not greatly entitled to be heard:—"The Place of Justice is an Hallowed Place; And therefore, not only the Bench, but the Footpace and Precincts, and Purprise thereof, ought to be preserved without Scandall and Corruption" (Bacon, Essays, "Of Judicature").
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> If a judge of a superior court, secured as our judges now are in tenure of office, and provided by the state with salary sufficient to maintain his dignity and independence while in office, and adequate pension after completion of his service therein, should of his own initiative retire and apply directly for admission to the profession of solicitor, I should feel the greatest difficulty in yielding to that application.

His lordship went on to find that there were very special considerations in the case of Sir James O'Connor, that his office had been abolished as a sequel to a revolution and that the new system of courts was entirely different from the court structure on which Sir James sat. Accordingly, the chief justice granted the application, but he did so only upon a personal undertaking being given by Sir James O'Connor that, and I quote from the order as it appears at page 632, "he will not seek personal audience in any of the courts of justice". So in the result, this interesting case achieved a position which is precisely the objective of this bill.

• (5:30 p.m.)

On the other hand, Mr. Speaker, in the United States it is commonplace for a former judge to return to practice, and indeed while practising to keep the courtesy title of judge. In part, at least, this arises from the system of elected judges and from the lack of that security of tenure for judges, which is the hallmark of the Commonwealth judiciary. In my submission to this house, the Commonwealth precedents are much to be preferred over those of our United States neighbours.

As I indicated at the outset, Mr. Speaker, the Law Society of Upper Canada in April of this year, subsequent to the introduction of this bill, adopted a new rule of professional conduct which meets the problem in this province fully. This action resulted from a study conducted by a committee of leading Ontario counsel headed by Mr. Brendan O'Brien, Q.C., who is now the treasurer of the Law Society of Upper Canada, and such other leaders of the Ontario bar as W. Gibson Gray, Q.C., Terence Sheard, Q.C., Ralph D. Steele, Q.C. and R. F. Wilson, Q.C.

The report of the committee, which was adopted, is a detailed and cogent argument of all sides of this problem and I commend it to hon. members wishing to study the matter further. The committee did not feel that a former judge ought to be prevented from returning to practice, but it was of the opinion that such retired judge should not be allowed to appear before any tribunal as a counsel or an advocate. That, sir, is the precise objective of this bill.

If the Ontario rule were generally adopted across Canada, this bill would not be needed and in such circumstances I would be the first to seek its repeal.

Since the bill was introduced, Mr. Speaker, I have had a great deal of correspondence with retired judges, some of it pleasant, some of it not so much so. Two principal issues about the bill have been raised with which