

Justice Cockburn said : "It appeared that Mr. Pater was fined for certain words uttered in his address to the jury, and I quite agree with Mr. Pater's counsel (Denman, Q.C., McMahon, and Kenealy) that the words in themselves are words which any counsel might have uttered in the honest discharge of his duty, and if they had been so uttered, though they might have been harsh and unpleasant to the party affected, that could not have been construed into contempt. But, on the other hand, if, though used in the course of his address to the jury, they were not used for the purpose of inducing the jury to come to a conclusion in favor of his client, but for the purpose of wantonly insulting one of the jurors, then I say they are an abuse of the privilege of counsel, and properly punishable as contempt of court."

The court refused any relief. It will be noticed here that the contempt was not for words uttered to the bench, but the deputy assistant judge stated in his affidavit that, on his imposing the fine, Mr. Pater said :—"This shall not rest here. I will bring the subject under the notice of Sir George Grey, and very probably your removal from the bench will be the result." With other instances of barristers punished (by fine or commitment) for contempt on grounds totally different to those in question, there is no need to deal here.

There are some historic precedents of impassioned dialogue between the representatives of the two orders. To begin with, there is the classic story of Wedderburn in 1757. Lockhart, being against him in the Inner House at Edinburgh, showed "even more than his wonted rudeness, and superciliousness," and called him "a presumptuous boy." "When," says Campbell (*Life of Lord Loughborough in the Chancellors*, vol. 6, p. 47), "the presumptuous boy came to reply, he delivered such a furious personal invective as never was before or since heard at the Scottish bar." Wedderburn's language, reported by Campbell, was an outrage on decency. Lord President Craigie, being afterwards asked why he had not sooner interfered, answered, "Because Wedderburn made all the flesh creep on my bones." But at last his Lordship declared in a firm tone that "this was language unbecoming an advocate and unbecoming a gentleman." Wedderburn, now in a state of such excitement as to have lost all sense of decorum and propriety, exclaimed that "his Lordship had said as a judge what he could not justify as a gentleman." The president appealed to his brethren as to what was fit to be done, who unanimously resolved that Mr. Wedderburn should