the *quo warranto* case had terminated, but it was for the Court, on the publication being brought to its notice, if it considered the letter a contempt, to have interfered *ex officio*, and called the appellant to account for his contumacious conduct." Mr. Justice Gwynne further quotes with approval the words of Lord Justice James in *Plating Co.* v. *Farquharson*, 44 L.T.N.S. 389, that applications such as this are in themselves a contempt of court, because they tend to waste the public time. And we may supplement this from the words of Chitty, J., in *Metropolitan Music Hall* v. *Financial Times*, printed *in extenso* in *Pump Court* for March 6th of this present year: "The Court ought, when it sees the case is one in which the party is not *bona fide* trying to assert the law of contempt, but is merely seeing if he cannot make the respondent pay some costs, it ought not to encourage him to come to the Court;" and he made the applicants in that case pay the costs. We may add that their Lordships may almost be said to laugh out of Court the suggestion that under any circumstances the decision of the judge in chambers could have been influenced by the letter in question, pointing out what we should have supposed obvious enough, were it not for the decision of the learned judge of first instance, that there is a great distinction in such matters between a case which is pending before a judge, and one which is to come before a jury.

Now, to come to a consideration of the letter to the *Mail*, on the supposed improper character of which the judgments below are based, it may be remembered that the impropriety was supposed chiefly to be in that paragraph of it in which, after laying down the law, as he and the other Counsel advising Mr. Howland had supposed it to be, and referring to a decision of the late Chief Justice Richards, Mr. O'Brien proceeds as follows:

"You may naturally ask, why then was the decision the other way? This question I am unable to answer. The delivered judgment affords no answer. The arguments addressed were simply ignored, and the authority relied on by us, so far from being explained or distinguished, was not even referred to. This is eminently unsatisfactory to both the profession and the public—an officer of the Court overruling the judgment of a Chief Justice, who, above all others in our land, was skilled in matters of municipal law."

Now, in the first place, the judges of the Supreme Court call attention to a point almost, if not entirely, ignored in the judgments reversed, viz.: that the letter had no reference to facts or evidence, but to a dry question of law; and secondly, and this is of considerable general importance, they by no means agree that the letter went beyond the lines of legitimate criticism. The judge of first instance (Proudfoot, J.) says (11 O. R. 643) that it amounted "simply to a charge that Mr. Dalton was not a proper person to discharge the duties of his office. It not only affects this particular case, but who can tell how much it would diminish confidence among hundreds of suitors whose interests come before him weekly for consideration?" This, he says, was improper, at all events, coming as it did, from a solicitor who had acted for one of the parties in the *quo warranto* proceedings; and the prevailing judgment of the Court of Appeal appears to take the same view (14 A.R., at p. 189).

We are glad that, fortified by the judgments of the highest Court in the land, we can now say with confidence that it is open to anyone, whether a solicitor or