

They can be of no service, and may be attended with the most mischievous consequences. Cases may happen in which the judge and the jury may be mistaken. When they are, the law has afforded a remedy, and the party injured is entitled to pursue every method which the law allows to correct the mistake. But when a person has recourse, either by a writing like the present, by a publication in print, or by any other means, to calumniate the proceedings of a court of justice, the obvious tendency of it is to make weaker the administration of justice, and, in consequence, to sap the very foundation of the constitution itself."

With regard to the doctrine of constructive contempt, and the jurisdiction of the courts in respect to it, we have first to remark that the judgment of Sir G. Jessel, upon which so much reliance was placed by Mr. Davies, must be taken in connection with the circumstances under which it was given, circumstances differing entirely from those existing in the present case. The case was the Vincent case, which arose out of a dispute between two solicitors, in which neither the dignity of the court nor the reputation of the judges were concerned. It had, therefore, but little bearing upon the present issue, and should not have been quoted without some reference to the facts to which it related. In that case the complainant could properly have resorted to other means of redress, and was not compelled to proceed in the way in which he did proceed. It was to such litigants that the judge referred, and not, as is assumed, to cases like the present, in which the judges themselves have been assailed. This judgment, therefore, does not impair the validity of the argument, which we think conclusive, that the power of dealing with cases of constructive contempt has always been held to be essential to the maintenance of the authority and dignity of the courts, and cannot safely be parted with. With some exceptions, it has been exercised with "the greatest reluctance, and with the greatest care on the part of the judges," and "only when necessary in the public interest." In fact, as is well known to the profession, there have been instances in which the judges have shown themselves more inclined to submit to insults than to resent them, and, so far from being ready to assert their powers, have not seemed desirous to bring to justice those by whom they have been unjustly and wantonly assailed.