

THE PRESS IMPRESSED.

DIARY FOR AUGUST.

1. SUN. 10th Sunday after Trinity. Lanmas.
8. SUN. 11th Sunday after Trinity.
14. Sat.. Last day for County Clerks to certify County rates to Municipalities in Counties.
15. SUN. 12th Sunday after Trinity.
18. Wed. Last day for setting down and giving notice for re-hearing.
21. Sat.. Long Vacation ends.
22. SUN. 13th Sunday after Trinity.
24. Tue.. St. Bartholomew.
26. Thur. Re-hearing Term in Chancery begins.
29. SUN. 14th Sunday after Trinity.
30. Wed. County of York Term begins.

THE

Canada Law Journal.

AUGUST, 1869.

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Much is said in praise of the liberty of the Press, and much good has resulted from the freedom which in modern times the Press has enjoyed. But it is not to be forgotten that the liberty of the Press is no more than the liberty of the moral agent who controls it. That which a man has no right to do in a state of society as an individual, he has no right to do because in some way connected with the Press. The Press is subject to the law which binds society together, and whenever it transgresses the law with impunity, the liberty to do right becomes a license to do wrong.

We have been led to make these observations owing to the habit of some newspaper writers in Canada to discuss proceedings pending for decision in courts of justice—a habit which, if our judges were not beyond suspicion, would be most destructive in its influence, and which, even under existing circumstances, ought to be generally discouraged. When a case has been argued and is awaiting judgment, no suitor or other person has any right to approach the judicial mind in order to influence its conclusion. That which is wrong in the suitor is wrong in the newspaper editor. And yet it is not unusual in Canada to find newspapers conducted with considerable ability, abusing parties to legal proceedings, or their witnesses, and attempting to hector the judges towards a particular conclusion. Such conduct is very reprehensible, and in England would not be permitted for a day. While in general proud of our Press,

we cannot help stating that conduct such as we have indicated is a foul blot on its otherwise fair escutcheon.

One newspaper of considerable ability in Toronto, of late deemed it necessary to provide its readers with an article on the case of Dr. Allen, on his application to rescind the order for the delivery of his children to the mother, which article was published between the day of the argument and the day for the delivery of judgment. It freely espoused one side of the case that was argued, and roughly commented upon anything that appeared in the case opposed to the views of the writer. No notice was taken of this indecorum, and the writer emboldened by the success of his former effort, deemed it necessary to produce another article in the same case between the day of the argument of the application for process of contempt against the Doctor and the day of the delivery of judgment. The latter article in referring to the affidavit made by a son of the Doctor used this language, "The thing is so monstrous that it is, for the ends of justice, to be hoped there may be no hesitation in at once meting him out his proper reward." While so dealing with one of the witnesses before the judge, it is not to be wondered that language equally unwarranted was used in reference to the conduct of the Doctor himself, which was described as "an attempt to trifle with and defy the majesty of the court." Again: "one can hardly conceive a more gross attempt, or one more apparently ridiculous, to trifle with the court, &c." Considering that the conduct of the Doctor, whether a contempt or not, was the subject of investigation, "one can hardly conceive a more gross attempt, or one more apparently ridiculous, to trifle with the court," than this same newspaper article. It is with pain that we direct attention to it. The writer of it little knew that while endeavouring to prejudice the judge and the public against the Doctor, who was accused of contempt of court, that he, the writer, was guilty of a most gross contempt, and one for which, without doubt or question, he ought to be severely punished. Nothing can be more pernicious than to prejudice the minds of the public against persons concerned as parties in causes before the causes are finally determined. There cannot be anything of greater consequence than to keep the streams of justice clear and pure, that parties may proceed