

CONTEMPT OF COURT IN LOWER CANADA.

DIARY FOR APRIL.

1. Mon... County Court and Surrogate Court Term commences. Local School Superintendent's term of office begins.
6. Sat.... County Court and Surrogate Court Term ends. Local Treasurer to return arrears for taxes due to County Treasurer.
7. SUN... 5th Sunday in Lent.
14. SUN... 6th Sunday in Lent.
19. Friday Good Friday.
21. SUN... Easter Day.
23. Tues... St. George.
24. Wed. Appeals from Chancery Chambers.
25. Thurs. St. Mark.
28. SUN... Low Sunday.
30. Tues... Last day for Non-Residents to give list of their lands, or appeal from assessment. Last day for L. C. to return oc. lands to Co. Treasurer.

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CONTEMPT OF COURT IN LOWER CANADA.

Our professional brethren in the Lower Province may be congratulated, if such a subject can be the subject of congratulation, upon the very thorough knowledge they must almost necessarily have acquired lately of that branch of legal lore known as Contempt of court. The subject is somewhat extensive, using the term in its general sense, but in the sense in which it has come so prominently before the people of Lower Canada, it is happily little heard of.

In fact so little does it affect us in this part of the Dominion of Canada, that it would seem unnecessary to notice it, but we cannot well ignore what is taking place in legal matters within the courts of Lower Canada, particularly where the points involved are not in their nature of a character having reference to that part of its laws which have no bearing upon ours.

The Ramsay contempt case, as it is called in Lower Canada, has again entered its ugly appearance in court. This time in a Court of Error and Appeal, under the name of *Ramsay* plaintiff in error v. *The Queen*, defendant in error, on a writ of error from a judgment of Mr. Justice Drummond, holding the Court of Queen's Bench, Crown side, at the last term of the court, for the district of Montreal, on a rule for a contempt of the Court of Queen's Bench by Mr. Ramsay, in publishing two arti-

cles in the *Montreal Gazette* of the 27th and 29th of August last.*

It was submitted, amongst other things, by the plaintiff in error, that, as no man can be a judge in his own cause, and as Mr. Justice Drummond was himself the complainant, he was precluded from sitting or giving any judgment on the rule. Before going into the merits of the case, Mr. Ramsay objected to the competency of Mr. Justice Drummond to sit in the case, on the grounds that he gave final judgment in the court below, and that he was the party complainant in this case; but the court were, and we should think very properly, unanimously against him on these points. The first point was urged under the wording of the statute, and the second bore an impression of reason, owing to the unhappy manner in which the judge had conducted himself throughout the proceedings antecedent to this appeal.

Mr. Ramsay, on same day, applied, with the consent of the Attorney-General, for leave to appeal to the Privy Council. This being refused (Mondelet, J., dissenting,) he moved, with the like consent, to discharge the inscription, contending that the court could not interfere, that the Crown was *dominus litis*; that it had been declared by the court that morning that it was not Mr. Justice Drummond; that it was the Queen, who was represented by the Attorney General, (citing *The Queen v. Howes*, 7 A. & E. 60.) The court, however, refused to recognise the right of the Attorney General to abandon a proceeding for contempt (Mondelet, J., dissenting). Leave to appeal from this was also refused.

The question then remained to be discussed, whether or not a writ of error would lie from a judgment for contempt. The court was not unanimous upon this point, the majority holding that it would not, and Mondelet, J., thinking that it would, and arguing forcibly enough the impropriety of the same individual being, as he might be, he contended in cases of this kind, the accuser, witness and judge, and his judgment final and irreversible. But we think he travelled out of the record, and his remarks favoured of what is vulgarly termed "claptrap" when he said, "For myself I want no such privilege; not only as a citizen but as a judge I invite the scrutiny of the public eye. If I am honest, I have nothing

* See p. 2 U. C. L. J., N. S. 283.