

statements made *en parte* to prejudice the case without even hearing the other side. The Court has a summary jurisdiction to interfere and prevent this being done (*Skipworth's case*, L. R. 9 Q. B., 232; *Carleton's case*, 2 My. & Cr., 316); and we purpose reviewing the somewhat numerous and important decisions bearing on the subject. Newspapers frequently commit technical contempt of Court by publishing reviews or comments on judicial proceedings whilst they are *sub judice*. It has often been laid down that a publication before a cause has begun, if tending to prejudice the parties, is contempt, and renders the publisher liable to committal: *Tichborne v. Tichborne*, 39 L. J., Ch. 398; *Macartney v. Corry*, 9 Ir. R. C. L., 242; *Reg. v. Parnell*, 14 Cox, C. C., 474; *Hunt v. Clarke*, 61 L. T., 343. The ground of the contempt is that the report may prejudice the trial: *Daw v. Eley*, 7 L. R., Ex. 55; *Tichborne v. Mostyn*, *ib.* If the minds of either the judge or the jury who are to try the case, or the witnesses in it (*Guilding v. Mosel*, 4 I. L. R., 198), might have been injuriously affected by it, the publication is a contempt. The reason for committing persons thus acting for contempt is not merely for the sake of the party injured by the publication, but for the sake of the public proceedings in the Court, to hinder advertisements or publications tending to prepossess people as to the proceedings in the Court: *Anon.* 2 Ves. sen., 520. It is for the protection of the Court itself and not owing to the offences against any given individuals. Malins, V. C., says: "It appears to me that whenever a newspaper, either on its own motion or at the instigation of others, publishes the proceedings in a case before the hearing, it tends to prejudice the minds of the public." "As regards intention to prejudice, you can only judge of men's intentions by their acts": *The Cheltenham & S. Ry. C. Co.*, L. R. 8 Eq., 583. But surely it is not to be inferred from this that any mention by a newspaper of a cause about to be heard or any comment not malevolent, untrue or libellous, made before the hearing, is, in itself, a contempt; unless the publication really interferes with the course of justice the Court ought not to interfere: *Plating Company v. Farquharson*, 17 Chy. D., 49; *Vernon v. Vernon*, 40 L. J., Ch. 118. The Court will not restrain even the publication of every unfair report purporting to represent what takes place in open Court: *Brook v. Evans*, 29 L. J., Ch. 616. Cotton, L. J., thus lays down the principles which should regulate applications to commit newspapers for contempt: "There should be no such application made unless the thing done is of such a nature as to require the arbitrary and summary interference of the Court in order to enable justice to be duly and properly administered without any interpretation or interference. This is what we have to consider. The question is not whether, technically, a contempt has been committed, but whether it is of such a nature as to justify and require the Court to interfere": *Hunt v. Clarke*, *supra*. The exercise of this jurisdiction to commit should be most jealously and carefully watched, and exercised with the greatest reluctance and the greatest anxiety on the part of the Judges to see whether there is no other mode not open to the objection of arbitrariness, and which cannot be brought to bear upon the subject: *Re Clements*, 46 L. J., Ch. 375. The reason, says Fry, L. J., why the Court interferes in a summary manner when such prejudice is created, is the natural tendency to pre-