

intervention. The Supreme Court judgments entirely uphold this view, and treat the whole case, we venture to say, in a masculine way, which contrasts very favourably with the judgment of the judge of first instance, and that of the majority of the then Court of Appeal who sat upon the case.

In the first place, then, we would call attention to the fact that the Supreme Court have now placed the right of appeal in such a case as this beyond question, unless, indeed, the Legislature should interfere in what would be, in our opinion, the very mischievous manner suggested by Taschereau, J. The power to deal summarily with contempt is no doubt one which Courts should possess, but just because it is summary, its exercise should be most carefully hedged in and guarded, and in every case when it is exercised in respect to constructive contempt, such as was in question here, the right of appeal should be conceded. To a man of sensitive honour, whether a member of the legal profession or not, it is no light thing to be branded by a judge as having been guilty of contempt of court, and it is just those who have the strongest feeling of the duty of a good citizen to uphold the chosen dispensers of justice, who will feel the most bitterly such an imputation. We in Canada should be on our guard against that disregard of the rights and feelings of the individual, which is one of the worst among the many bad features of modern democracy.

Another matter of observation is that the Supreme Court altogether declined to accede to such a purely technical manner of treating this case as would regard it as of no consequence that the appeal, of which notice had been given, had been formally withdrawn before the relator made his application to the Court (vide 11 O.R., at pp. 641 and 644; 14 A.R., at pp. 196-7). On the contrary, Mr. Justice Gwynne says in his judgment: "That the letter could have no such tendency (viz., to interfere with the due administration of justice) after abandonment of the appeal of which notice had been served is admitted on the face of the order, which is the subject of the present appeal; but if for that reason the letter was innocuous when judgment was given upon the application to commit, it was equally innocuous when the motion was made, for the notice of abandonment had then already been served, so that the relator was then deprived of the ground upon which alone he invoked and persistently pressed for the interference of the Court." And Mr. Justice Strong in like manner, after referring to the dates, says: "When the notice of motion was served all proceedings by way of appeal had been abandoned, so that, as I hold, agreeing in that respect entirely with Mr. Justice Burton in the Court of Appeal, the respondent had no *locus standi* entitling him to make the motion which he did, treating the letter as a contempt as having a tendency to exercise an undue influence over the regular course of justice, inasmuch as all proceedings had reached a final termination. Agreeing again with Mr. Justice Burton, I do not think we are called upon to consider whether this letter was a contempt included in another class of such offences against the administration of justice, namely, as containing injurious reflections upon a judicial officer of the Court. The respondent has manifestly not based his motion on any such ground, and, even if he had, the matter was one with which he was not concerned, if I am right in holding that the proceedings in