had been saved from a shipwrecked vessel, and had afterwards lived for some years in Australia, and that he was the Roger Tichborne who had been supposed to be dead. The article gave an account of the evidence in proof of his identity, and then proceeded to make certain comments on it. The affidavits had been filed, but had not been before the court.

The following are some of the principal comments complained of:—

"We have not space to enter into details as to the statements of the thirty-four persons whose affidavits follow those of the claimant and Lady Tichborne. Many of them are important enough if the deponents can endure cross-examination in the witness-box; many are obviously false, absurd, and worthless, being those of persons who, having never seen the claimant before he left England, are nevertheless convinced that he is the person he claims to be." And—"No single member of either the Seymour or the Tichborne families, nor any of the numerous officers with whom he served in the carabineers, with the single exception of Major Heywood, have made any affidavits of their belief in the plaintiff's identity." And—"We happen to know as a fact that several of his relations have had interviews with the claimant, and have failed to recognize him, and as we do not find any affidavits from them in corroboration of his identity among the documents included in the volume now before us, we presume that they failed to recognize in the claimant their long-lost relative."

The plaintiff's solicitor, in an affidavit filed in support of the motion, stated his belief that the article "is likely to create a prejudice against the plaintiff, and to prevent witnesses from making affidavits, and otherwise seriously to impede the course of justice prior to the hearing of this cause"

G. M. Giffard, Q.C., *Druce*, Q.C., and *L. Webb*, for the plaintiff in support of the motion.—Many parts of this article are calculated to impede the due administration of justice It might prevent persons from giving evidence. The words of Vice-Chancellor Kindersley in *Felkin* v. *Lord Herbert*, 12 W. R. 241, apply very forcibly to the present case. So do the remarks of Lord Hardwicke in the case of the *Champion* and the printer of the *St. James's Evening Post*, reported in 2 Atk. 469, 471. Of a similar character are the cases of *Roach* v. *Garvan*, 2 Dick, 794, where reflections were made in a paper on witnesses in a cause, and in *Ex parte Jones*, 13 Ves. 237, also reflecting on witnesses. In *Littler* v. *Thompson*, 2 Beav. 13 i, Lord Langdale remarked that "if witnesses are in this way deterred from coming forward in aid of legal proceedings, it will be impossible that justice can be administered." They also referred to *Coleman* v. *The West Hartlepool Railway Company*, 8 W. R. 734.

Sir R. Palmer, Q.C., and *Speed*, for the editor of the *Pall Mall Gazette*.—Unless the mere publication of the pith of affidavits, with legitimate comments on them, is to be treated as a contempt of Court, this article does not fall within any of the cases cited If the cases in 2 Atkyns and 2 Dickens are examined, it will be found that the tone and spirit of the comment was as utterly unlike anything in this article as can be. In *Felkin* v. *Lord Herbert* there was a direct intimidation to those who made the affidavits. If this motion is granted a perfectly new precedent will be established. The Court, although it possesses large powers, has always confined their exercise within reasonable limits, and does not interfere with publications which do not tend to pervert the course of justice. The present article was intended to be a fair statement of the grounds on which the plaintiff's claim was made.

A reply was not heard.

WOOD, V. C.—I have no hesitation in saying that a gross contempt of Court had been committed in this case. The first observation I would make is, that from the time of Lord Hardwicke downwards the rule which that great judge laid down in the case which has just been referred to by Mr. Speed has been the rule which the Court has adopted for its guidance, namely, the determination on the part of the Court to discountenance any attempt to prejudice mankind against the merits of a case before it has been heard. That that attempt has been made here I have not the slightest doubt; that it has been made in the most offensive manner I have not the slightest doubt. An opinion has been pronounced by the author of this article, who sits down to examine the affidavits, and who sits down to examine them, as I shall show from the concluding paragraph of the article, with a clear and decided bias,—an opinion has been pronounced with all that boldness which persons under the screen of the anonymous, and which persons having no responsibility cast on them, think themselves entitled to indulge in. But those who have responsibility cast on them, this Court, and every tribunal which has to administer justice, is bound to protect every suitor from such an attempt to pervert the course of justice. I am not entitled to consider myself above being influenced by articles of this description, though I should hope I am. I am not entitled to think that the jury whom I may have to summon are above such influences, although perhaps I ought to do so. But this I am bound to say, and every authority bears that stamp, that it is the duty of the Court to protect every suitor against that which can affect the minds of persons who might be willing to give evidence in a case, obviously one of some degree of contrariety of evidence, and possibly (for I know nothing about it,) of doubt and difficulty, and which may prevent persons so critically situated from giving evidence, (and in a stage of the cause when a voluntary affidavit is the simple mode of arriving at a result upon an interlocutory application) if they are to be the subject of criticisms of this description, obviously coming from a quarter having considerable bias. I have quoted the language of Lord Hardwicke. I will now refer to the language of Lord Langdale in that case of *Littler* v. *Thompson*, which is very applicable to a case of this description. I read it thus: "I am surprised that a gentleman of education and science should think that it was serving the cause of truth and justice to publish articles of this description pending the progress of a cause." The writer of the article in question is undoubtedly a gentleman of education and information, and I am surprised he can conceive it is possible that he is serving the cause of truth and justice by tak-