

by the judges in regard to the doctrine of constructive contempt. Taken, however, in connection with the second resolution, and as interpreted by the speech of the mover, the motion, as a whole, was not unreasonably treated as a condemnation of the judges who exercised the jurisdiction rather than of the jurisdiction itself.

This view of the case would justify the arguments of Sir John Thompson and others, that it is not within the sphere of Parliamentary supervision to deal with the *judgment* given by the courts in matters properly within their jurisdiction. This proposition, which seems to be clearly established, leaves undecided the very important question as to how far, and under what conditions, Parliament is justified in dealing with the conduct of judges and their mode of discharging their duties. On this point it would seem that no clear and defined rule can be laid down.

From the authorities cited, it is evident that no rule ever has been laid down. Parliament being omnipotent, and there being no law to restrain the action of its members, or their mode of expressing their opinion, we apprehend that in this, as in many other things, the common sense of Parliament, its sense of responsibility for the good government of the country, its regard for its own dignity and for the usages by which that dignity is maintained, its respect for well-established constitutional principles, will at all times prevent it, in the words of Lord Palmerston, from "pressing its functions to their extreme confines in cases in which doubt might arise," and, in the words of Lord John Russell, cause it to regard "the independence of the judges as so sacred that nothing but the most imperious necessity should induce the House to adopt the course" of doing anything that might affect it.

It is not too much to say that by the same principles the press should be guided. While free to criticize where criticism may be justified, that criticism must be just, must be intended to promote some public good, must be exercised with a due sense of responsibility, and only on such grounds and in such terms as not to render itself amenable to the judgment of Mr. Justice Buller, in a case cited by Mr. Davin, where he said:

"Nothing can be of greater importance to the welfare of the public than to put a stop to the animadversions and censures which are so frequently made in courts of justice in this country.