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CONTEMPT OF COURT.

There can be no sympathy for Mr. Gray or for his offence; and the fact that he is rich, that he has been Lord Mayor of Dublin, and that he is now High Sheriff, is the most sufficient justification that can be offered for the severity of his punishment. It is not the amount of his punishment, but the mode of its imposition that provokes indignation. It is in vain to say, the offence is very Irish, and therefore that its treatment must be exceptional. It is precisely the absurd special case argument we rejected when urged in support of the Land Bill, that we now reject when put forward in support of the Arrears Bill, and in the treatment of Mr. Gray. So long as "Justice to Ireland" means the violation of every principle of law and order, so long will the Irish, with some show of reason, demand abnormal legislation for imaginary grievances, and government be obliged to have recourse to exceptional laws to repress agitation they have themselves in great part created.

It is no new idea of Mr. Justice Lawson to punish crimes in Ireland as contempts of Court. Starting from some foolish maunderings of Chief Justice Wilmot, found in an old trunk after his death, and published by the uncritical piety of his children amongst his opinions, the Judges in Ireland conceived the idea of converting every crime into a constructive contempt of Court. A Dublin barrister wrote to Mr. Erskine on the subject (1785), and the latter answered: "Whenever this (trial by jury) ceases to be the law of England, the English constitution is at an end; and its period in Ireland is arrived at already, if the Court of K. B. can convert every crime by construction into a contempt of its authority in order to punish by attachment."

It may be said that this has not been done in Mr. Gray's case, and that his article on the jury was a contempt of Court. Of course, this is the point. What is the definition of a "contempt?" The advocates of Prerogative say it is undefined and undefinable. This is to say that it is whatever the judge chooses to make it. Such a conclusion is destructive of the whole position. But is it so? Its limits, as its cause, are evidently necessity. A contempt is a minor obstruction to justice—a matter which being within the actual cognizance of the judge, or at all events easily cognizable by him, would directly obstruct the course of justice, without being of sufficient importance in itself to merit severer discipline. This is evident by its punishment, which can only be by fine or imprisonment, or both. As an example, the refusal to obey a subpœna is not an indictable offence, but the party may be attached. But if he assaulted and wounded, or killed the bailiff, it will hardly be contended that he could be made to answer for a contempt. Mr. Gray was guilty of libel,—it appears, a very gross libel, untruthful and highly injurious to persons performing a public duty of no ordinary difficulty. But it was no more a contempt of Court than Macaulay's Chapter on Jeffries and the Bloody Assizes. One can easily conceive this prerogative being pushed so far as to forbid, or punish, writings intended to thwart justice in a pending case; but after the trial the proceedings surely must be public property on the same conditions as any other fact of a public character. If they are not so after the trial, at what period is the contempt prescribed?

Mr. Justice Lawson may make up his mind to this, that, while the people of England will applaud him for the vigorous punishment of insurrectionary delinquents, he will get no credit from them for an intemperate zeal which disregards the substantial forms of justice.

R.

UNLAWFUL ASSEMBLY.

The Salvation Army have scored a decisive victory. In various parts of the country the processions of the Salvationists have been interdicted by the local magistracy by proclamation, and, in the event of the processions having been held in spite of the proclamation, persons who led them or who helped to form them have been found guilty of unlawful assembly, and either imprisoned or bound over to keep the peace and to be of good behavior. This lately occurred at Weston-super-Mare. The defendant, however, not satisfied with the decision of the magistrates, brought the matter before the Queen's Bench Division (*Beatty* v. *Gillbanks*, June 13th), and the order of the magistrates was quashed, Justices Cave and Field being of opinion that the mere procession