

chaser. This qualification of contracts would pretty effectually stop the present iniquitous system of hawking about rubbish under the name of literature and art at a high price.—*The Australian Law Times*.

CONTEMPT OF COURT BY NEWSPAPERS.—Owing to the recent decision in *O'Shea v. O'Shea and Parnell* public attention has been much called to the law of contempt of Court by newspapers pending the hearing of legal proceedings. In that case, it will be recollected, the printer and the publisher of *The Freeman's Journal* was fined £100 and costs for contempt of Court, viz.: the publication in that paper of an article commenting on the above suit before it came on for hearing. Another similar motion was brought the other day in Dublin against *The Dublin Evening Mail* in connection with the yet unheard case of *Lynch v. Macan*. So, too, in *Peters v. Bradlaugh* (4 Times L. R. 414), the editor of *St. Stephen's Review*, was fined £20 and all costs for inserting some paragraphs in that paper calculated to prejudice the defendant in the conduct of his defence. Had he not given an ample apology the fine would probably have been much heavier. Political motives were held—and rightly held—in that case to be no justification, but quite the reverse. Lord Hardwicke, C., in 1742, laid down a classification of contempt of Court which has always been adopted. One kind of contempt consists in scandalising the Court itself; secondly, in abusing parties who are concerned in causes in the Court; thirdly, in prejudicing mankind against persons before the cause is heard. There cannot, says he, be anything of greater consequence than to keep the streams of justice clear and pure, that parties may proceed with safety both to themselves and their characters. It is necessary, therefore—to constitute contempt of Court—that the contempt should be in court, or that it should be contempt of a Judge sitting in Court. All that is necessary is that it should be a contemptuous interference with judicial proceedings in which a Judge is acting as a judicial officer. It is a contempt, not of the Judge, but of the High Court, as a Judge of which he is acting. The principle is equally applicable to a Master of the Court exercising judicial functions. Distance, in point of time or space, should be a matter taken into consideration when determining whether there has been an interference with the course of justice: *per* Lord Esher, M.R., in *Re Johnson*, 20 Q. B. D., 71. So again, "The object of the discipline enforced by the Court in case of contempt is not to vindicate the dignity of the Court or the person of the Judge, but to prevent undue interference with the administration of justice, and that is the question in each case": *per* Bowen, L.J., in *Helmores v. Smith*, 35 Chy.D., 455. It would not, as a rule, be worth the while of a Judge to take any steps, as far as his personal dignity is concerned, but attempts are often made by persons to interfere with the ordinary course of justice. Sometimes, though rarely, it is done by an attack on the Judge, sometimes by trying to induce him to change his opinion by flattery or bribery. The most common mode (of which we have recently seen only too many instances in Ireland) is by attacking, deterring, or frightening witnesses. Another way is by commenting, and thus appealing to the public by