truth of the criticisms are all matters to be decided on by the judge who is the aggrieved party. There is no appeal, and the criticisms which the judge concerned might consider harsh, ill-founded and untrue, and which he might therefore punish with severe imprisonment, might in the eyes of other members of the bench and of the public at large be considered just and necessary.

The exercise of this power by Mr. Travis, therefore, was extreme and uncalled for.

There is much authority, judicial and otherwise, in favor of perfect freedom for criticism which does not directly interfere with the course of justice in any particular proceeding, and which does not interfere generally with the course of justice by intimidating or biasing the jurors, witnesses or others, on whom the administration of justice depends. In a modern case (The Queen *vs.* The Bishop of Oxford, 4 Queen's Bench Division, at page 556) Bramwell, L. J., stated that "the sentences of judges may, ought to be, and are criticized by laymen." In a debate which took place in the House of Lords, April 6th, 1883, Lord Fitzgerald said :—

"There was, again, another still more important, which was popularly known as 'constructive contempts of court.' They arose, not in the presence of the court, not in open court, but outside the court, and not in the presence of the judge; and as to them, time and place had no application. They arose sometimes from speeches, but principally from the publication of newspaper articles in reference to *some trial about to take place, or which was then actually going on.* This constructive contempt depended entirely upon the inference that the party speaking, writing or publishing intended in some way to interfere with and impede the administration of justice, and they had been known to our law for a very long period. It was unnecessary to consider when the practice arose—as far back as Edward III they had it in practice—and from that time down to the present, though *it was a power which was rarely exercised in modern times.* There was one recorded case of a rev. gentleman, John Barker, who, having called a meeting of his parishioners in the churchyard, and made a speech on local affairs, in which he spoke disrespectfully of the King's Bench, and for that was called up and sentenced summarily to a term of imprisonment, and in another case, where, in a petition to the corporation of London, the party libelled the aldermen, and also used words disrespectful of the King's Bench, he was indicted for the first and tried before a jury, but was summarily imprisoned for the last. *No doubt these cases would not now be followed.* In modern times this power of commitment had been confined solely to articles in the newspapers which were thought to interfere with the administration of justice. The doctrine of constructive contempt was one which he was not inclined to favour." (*Hansard*, vol. 277, page 1612).

Further on he says :

"Its effect was to enforce silence on the part of the press, when the public interests required the fullest publicity and the closest criticism of what was going on. He had such an objection to the doctrine and practice, that he should prefer being guided by the maxim—'*Nil falsi audeat, nil veri non audeat dicere.*' He need not say that constructive crime was in all cases contrary to the genius of the English law, and that in such cases it was usual to interpose a jury for the protection of the subject."—(*Hansard*, vol. 277, page 1613.)

Lord Coleridge said in the same debate :—

"It not uncommonly happened that offences amounting to an interference with the course of justice were committed that did not take place within the walls of the court—as *in the case of threatening witnesses or interfering with persons serving on the jury.* Those offences, although not committed within the walls of the court, and, therefore, not being cognizable by the court, or capable of being dealt with summarily, might cause a serious interference with the course of justice in this country. More than once he had happened to know that the course of justice was interfered with in the manner he had suggested; and he was clearly of opinion that if there was no power vested in the court of visiting summarily and at once such acts of contempt, though his noble and learned friend had called them constructive only—the result would be disastrous to the administration of justice. So far as he knew, the cases in which these powers of committal was exercised were extremely rare. He had hardly ever seen persons committed for contempt except in cases where the contempt