

HIGH COURT DIVISION.

BOYD, C.

OCTOBER 14TH, 1915.

*MERIDEN BRITANNIA CO. LIMITED v. WALTERS.

RE LEWIS.

Contempt of Court—Newspaper Article Dealing with Matters in Question in Pending Action Relating to Municipal Affairs—Absence of Tendency to Interfere with Fair Trial and Due Course of Administration of Justice—Dismissal of Motion to Commit Editor of Newspaper.

Motion by the plaintiff company for an order directing that one Lewis, the editor of a newspaper published in the city of Hamilton, be committed to gaol for a contempt of Court in commenting editorially in his newspaper upon the matters in question in this action, on the day after the action was begun.

The action was brought by the plaintiff company, on behalf of itself and other ratepayers of the City of Hamilton, for a declaration, injunction, and other relief in respect of the payment of rates by the plaintiff company for a pavement constructed as a local improvement, and said to have been made of bad material. The defendants were the Mayor and a Controller of the City of Hamilton and also the city corporation.

The motion was heard by Boyd, C., in the Weekly Court at Toronto.

E. F. B. Johnston, K.C., for the plaintiff company.

C. J. Holman, K.C., and J. A. Soule, for the defendants and the respondent Lewis.

THE CHANCELLOR said that the power to punish for contempt of Court was not to be exercised for the purpose of vindicating the dignity of the Court, but to prevent undue interference with the administration of justice: *Helmores v. Smith* (1886), 35 Ch. D. 449, 455; *Guest v. Knowles*, *Re Robertson* (1908), 17 O.L.R. 416; *In re Clements* (1877), 46 L.J. Ch. 375, 383.

The article in question described the nature of this action, impugned the motives which caused it to be begun, and said that it would be utilised for the purpose of discrediting the Mayor, the defendant Walters.

This publication, a day after the writ issued, had no reference to the outcome at the trial, which might not take place