

1. *Doctrine*: — Morin, *Discipline des cours*, nos 113, 151, 231, 301; Tnyot, *Rep. Vo.* Audience 733; Merlin *Rep. Vo.* Audience § 3; Tidd's *Practice* pp. 479 et 480; Toulm's *Law Dictionary*. Vis "Contempt" et "Courts."

2. La législation provinciale ne peut pas imposer à la fois une pénalité et un emprisonnement comme sanction de ses lois. — *C. B. R.* 1871. *Drummond, J. Ex parte Papin*, 15 J. 334; *C. S.* 1872. *Torrance, J. Ex parte Papin*, 16 J. 319; *Contra*: — *C. S.* 1873. *Sandborn, J. Page v. Griffith*, 18 J. 119.

19 Si le trouble est causé par un individu remplissant une fonction près le tribunal, la suspension peut lui être infligée, en sus des pénalités mentionnées, en l'article qui précède.

C. P. C. 8.

1. Cette juridiction disciplinaire de la Cour s'étend aux avocats: — Carré, *Quest.* 129; Sirey sous l'art. 90.

20. Les tribunaux et les juges, peuvent, suivant les circonstances, dans les causes dont ils sont saisis, prononcer, même d'office, des injonctions ou des réprimandes, supprimer des écrits ou les déclarer caducieux.

C. P. C. 9 amendé, C. P. F. 1036.

1. V. Carré v. Charveau, sous l'art. 1036 C. P. F.; Sirey, art. 1036 C. P. F.

2. A judge of the Court of Queen's Bench, whilst sitting alone in the exercise of the criminal jurisdiction conferred upon that Court, has no jurisdiction over an alleged contempt, for publishing a libel concerning one of the Justices of the Court, in reference to the conduct of such Justice while acting in his judicial capacity, on an application to him in chambers for a writ of *Habeas Corpus*; the matter being only legally and properly cognizable by the full Court of Queen's Bench. — *Conseil Pr.* 1870. *Ex parte Ramsay*, 15 J. 17; 17 R. J. R. 5.

3. The summary jurisdiction of the Court over the officers of justice is exercised only when an officer is guilty of contempt or wilful neglect of duty. When a record disappears or is lost without any evidence of wilful neglect against the prothonotary, the latter is not punishable for contempt, the proper remedy of the party aggrieved by such loss being an action of damages. — *C. S.* 1890. *Wurtle, J. Bossière v. Bickerdike, M. L. R.* 4 S. C. 186.

19. If the disturbance is caused by a person discharging any function before the court, he may, in addition to the punishment imposed in the preceding Article, be suspended from such function.

2. An attorney guilty of contempt in the face of the Court may be immediately interdicted. — *C. B. R.* 1818. *Ex parte Binet*, 2 R. de L. 338; 2 R. J. R. 255.

20. Courts or judges may, in all cases brought before them, according to circumstances, even of their own motion, pronounce orders or reprimands, and suppress writings or declare them libellous.

3. The issuing of a rule for contempt, by the judge himself, against whom the contempt is alleged to have been committed, without any evidence that the party charged had committed the contempt is most irregular. — (*même arrêt.*)

4. An admission in writing, by the party charged, at the instance of the judge, for the purpose of settling the dispute between them, must be held to have been written without prejudice, and cannot avail as evidence in support of the rule for contempt, in case the judge refuse to accept it as a sufficient apology. — A fine imposed by the judge under such circumstances will be remitted. — (*même arrêt.*)