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THE GRAY CONTEMPT CASE.

Mr. Justice Lawson, in releasing Mr. Gray from custody, made a speech explanatory of his proceedings, which had much the appearance of a clumsy apology. He felt it his duty to consider the course to be adopted, (one would have supposed he had fully considered that before he pronounced a sentence of three months' imprisonment and a fine of £500,) he had full power and jurisdiction to deal with the case, it was doubtful whether any other authority had,—the power of the superior courts of law to convict for contempt was part of the common law,—libels on jurors were contempts; Mr. Gray's offence was greater because he was high sheriff, but as Mr. Gray was high sheriff and had improved the tone of his paper he discharged him on payment of the fine. It seems, now, not improbable that a certain dread of the House of Commons influenced the second thoughts of the learned judge; for that august body has views as to its privilege to deal with contempts quite as extensive as Mr. Justice Lawson's, and quite as well supported by precedent. So Mr. Justice Lawson addressed an anodyne letter to the Speaker, to inform him that Mr. Gray was at liberty. The best proof of Mr. Gray being at liberty was his presence in the House, where Mr. Gladstone was glad to see him. One cannot help asking: Why was Mr. Gladstone glad to see him in the House? Did he not approve of his incarceration? If so, why did he not, as Her Majesty's sworn adviser, represent the propriety of ordering his release at once, instead of directing the Lord Lieutenant to act as he thought best in the matter?

The farce does not end with the rejoicings of Mr. Gladstone. To show the sincerity of his sympathy for Mr. Gray, the Premier moved for a committee of privilege to enquire into the imprisonment, sanctioned by his own government. A member, who, foolishly, believed that this motion was something more than a burlesque of the Bombastes Furioso pattern, suggested an amendment by which the committee might enquire into the law of contempts, and its application. But the Attorney-General interposed with the objection, that a committee of privilege could not take cognizance of anything but privilege. It is said, with what truth I know not, that a line drawn on the ground will sometimes stop an invasion of grasshoppers. Everybody knows that the report of the committee must be that the commitment of Mr. Gray, M.P., is no more a breach of the privileges of the House of Commons, than if this undesirable high sheriff had not these two magic letters attached to his name. Again, we are tempted to ask, why the privilege of all Her Majesty's subjects from unlawful arrest, should not be a subject of Parliamentary enquiry.

It is very true that a summary jurisdiction may sometimes be convenient, and that English judges have been very chary in their use of the process by attachment; but these are hardly satisfactory reasons for leaving the power undefined; and, taken as a whole, the reported cases of contempt do not tend to augment the reputation of the bench. Mr. Justice Lawson referred to the "Tichborne and other cases" as examples of the advantageous exercise of the power to deal with contempt. If he alludes in this comprehensive reference, to the squabbles called proceedings for contempt on the trial for perjury, the precedents are not happily chosen; and if to the case of Tichborne and Mostyn, he shows still less acumen in selecting an authority. The case was this: in the process of organizing a gigantic fraud, Tichborne procured from some credulous people affidavits tending to establish in the Chancery suit that the claimant was the missing Roger Tichborne. These affidavits were made public as they were procured, evidently with the object of getting others of the former acquaintances of Roger Tichborne more readily to acknowledge him, and by so doing to strengthen his case. A writer in a newspaper published these affidavits with comments, showing how inconclusive they were when critically examined, and the publisher was held in contempt *for publishing comments on a pending suit*. It will be thus seen, 1st, that the case is not in point, for the Hynes trial was over, and it was not therefore a pending suit; 2nd, that the publisher was really aiding in the administration of justice, by preventing the claimant from gaining an unfair advantage by the publicity given to the affidavits.

R.