

attempt had been made to impugn the integrity of Mr. Justice Tuck in granting the rule *nisi* for the writ of prohibition, with reference to which Mr. Ellis had written the article complained of. His language, therefore (as quoted above), was an attack upon the judge in his judicial capacity, for which he was properly made accountable. The court had simply exercised a power which it not only could not refuse to exercise, but the exercise of which was necessary for the maintenance of its own dignity and to preserve the respect and confidence of the community. He held strongly that there was no other method by which judges could defend themselves from attacks of this kind; but, at any rate, while the law was as it now undoubtedly existed, to pass a resolution condemning the judges for giving a judgment in accordance with it would be entirely stepping aside from the functions of Parliament.

The resolutions which formed the subject of this debate were three in number. That part of the debate relating to the first resolution, which bore upon the conduct of the returning officers, we have not alluded to, as not within our province. The second was in the following words, which closely follow the judgment of Sir G. Jessel quoted above:

"That in the further opinion of this House, the jurisdiction claimed by the judges of Superior Courts of Record of punishing by fine and commitment to prison for constructive contempt, being practically arbitrary and unlimited, and exercised by judges who are, at the same time, judges of the law, of the fact, of the intention, and of the sentence, and whose decisions are given without the aid of a jury, and without being subject to review, is opposed to the genius and spirit of constitutional liberty, and ought never to be exercised where any other pertinent remedy can be found, or recourse had to any other method of obtaining justice."

The third, and last, resolution condemns the penalties imposed upon Mr. Ellis as being arbitrary, excessive, and inimical to the public interest, etc.

It will be obvious from a careful perusal of the second and most important of the resolutions that much of the debate, even of that portion of it of which we have endeavoured to give the substance, was irrelevant to the terms of the resolution, which purports simply to be a condemnation of the jurisdiction claimed