—Shortly afterwards the learned judge returned into Court, and said he would try the case *in camerâ*, without a jury, by consent. He had come to the conclusion that he could have ordered such a trial with a jury if it had been desirable. The Court was then ordered to be cleared. Mr. Charles Gould, barrister-at-law, objected to leave the Court. Mr. Justice Denman—On what grounds? Mr. Gould—As a member of the public and the father of sons at school. Mr. Justice Denman—Have you anything to do with this case? Mr. Gould—No. Mr. Justice Denman—Then I must order you to leave the Court, Mr. Gould. Mr. Gould—I protest, my lord. Mr. Justice Denman—I hear your protest, and order you to leave the Court, or I must get the ushers to remove you. Mr. Gould then retired, and the hearing of the case proceeded *in camerâ*.

The *Law Journal* comments as follows:—

The spectacle of a judge discharging a jury and sitting *in camerâ* in one of the Courts of the Royal Courts of Justice with closed doors was startling to lawyers and laymen, and especially to Mr. Charles Gould, who filled the character of both, and left Queen's Bench Court III. protesting. The case of *Malam* v. *Young*, an action for damages for alleged libel by the master of Sherborne School upon an assistant, came before Mr. Justice Denman and a special jury duly sworn to try the issue. Thereupon Sir Charles Russell asked, in the interest of third parties, and with the consent of his learned friend Mr. Lockwood, that the case be tried *in camerâ*. He urged that the Divorce Court had no special power to try cases in that way, and, with the consent of parties, he asked his lordship that this course should be adopted. The first statement is hardly supported by the Statute-book, neither was the request, based on the assumption that the consent of the parties and the assent of the judge were sufficient, at all in accord with the authorities in the books. Mr. Justice Denman proceeded to consult some of his other brethren before he decided the matter, and, on returning into Court, announced that he would try the case *in camerâ* without a jury by consent, and added that he had come to the conclusion that he could have ordered such a trial with a jury if it had been desirable. The course adopted is, therefore, likely soon to lead to the result that a jury without its complement of a listening public will try an action of libel or any other kind of action with closed doors.

The reasons which induced the learned judge to this course are hardly to be found in the precedents cited to him. The words he cited from "Wilson's Judicature Acts,' as the expression of a doubt whether there is such a jurisdiction, were not the expression of a doubt, but the very decided opinion, somewhat watered down by the writer, of the late Master of the Rolls, expressed in the case of *Nagle-Gillman* v *Christopher*, 46 Law J. Rep. Chanc. 60, upon the suggestion made in the opening speech of the plaintiff's counsel that the plaintiff's wife should be examined in private. Sir George Jessel said that he was of opinion that the Court had no power to try any case in private, even with the consent of the parties, except cases which related to lunatics or wards of Court and cases in which the whole object would be defeated by a trial in public, as was suggested in *Andrew* v. *Raeburn*, L. R. 9 Chanc. Div. 522, and cases in which the practice of the Ecclesiastical Courts was preserved under the jurisdiction of the Divorce Act (20 & 21 Vict. c. 85) – namely, suits for nullity of marriage or judicial separation. *Andrew* v. *Raeburn* contained a dictum of Lord Cairns to the same effect, and *Mellor* v. *Thompson*, 55 Law J. Rep. Chanc. 942, was a decision of Lord Halsbury and Lords Justices Bowen and Fry, that if a public hearing of a case would defeat the object of the appeal and render its success useless to the plaintiff, the Court has jurisdiction to hear the case in private without the consent of the defendant. In *Badische Anilin und Sodafabrik* v. *Levinstein*, 52 Law J. Rep. Chanc. 704; L. R. 24 Chanc. Div. 156, the defendant had leave to state a secret process of manufacture in private. No other cases or statutes were cited in Court. The Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85), s. 22, destroys Sir Charles Russell's argument that the Divorce Court has no special power to try *in camerâ*.