

The Legal News.

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The subject of contempt of court is likely to obtain some prominence by an extraordinary decision pronounced on the 31st July, by Chief Justice Austin (formerly an advocate practising in Montreal) while sitting in the General Court of the Bahama Islands. It appears that on the 27th July, a prisoner named Thomas Taylor, after sentence was pronounced upon him for some offence, committed a serious assault upon the Chief Justice. Four days later, the Chief Justice pronounced the following sentence upon the prisoner for the contempt so committed:—

“*In re Reg. vs. Thomas Taylor, for Contempt of Court.*”

“The Writ of Habeas Corpus addressed to the Keeper of the Nassau prison commanding him to produce before this Court or the Chief Justice or Judge of this Court the body of Thomas Taylor, a prisoner in said Nassau prison, and in obedience to said Writ the said Keeper of said prison having produced the body of the said Thomas Taylor.

“And the said Thomas Taylor standing now before me in Court.

“The Court by the mouth of the said Chief Justice makes and pronounces the following Judgment and Order.

“That you the said Thomas Taylor being then a prisoner undersentence in and before the said Court on the Twenty-seventh day of July instant, presiding in said Court the said Chief Justice, of the said General Court of the Bahama Islands (to wit Her Majesty the Queen's superior Court of Justice in and for our said Bahama Islands,) while sitting on the Bench holding said Court, in open Court did make a murderous assault by attacking the said Chief Justice on the Bench and did beat and strike the said Chief Justice on his body with a weapon drawing blood, and did then and there strike other blows aimed at the head and body of the said Chief Justice, the same being and each of said acts and

blows and strikings upon the said Chief Justice or aimed at him, being Contempts and a Contempt of Court to wit, of the said General Court of the Bahama Islands and against Her Majesty the Queen's General Court of the said Bahama Islands, Her Majesty's Superior Court of Justice in our said Bahama Islands;

“It is hereby ordered and adjudged that for said contempts the said Thomas Taylor be whipped and do receive on his back within the precincts of the prison walls of said Nassau prison, in the City of Nassau on the Thirty-first day of July instant, between the hours of four and five o'clock in the afternoon, thirty lashes.

“And it is hereby further ordered and adjudged that the said Thomas Taylor be held and kept in penal servitude hereafter for and during the term of his natural life.”

In 3 L.C. Law Journal, 26, will be found the report of a case where the judge increased the sentence of prisoners who attacked the gaolers in open court after sentence had been pronounced. This was supported by a reference to a case in Dyer's Reports, A.D. 1631, where the right hand of a prisoner who threw a brick-bat at the judge who had sentenced him, was ordered to be amputated. Another case of increase of sentence for contempt, which occurred in New Jersey, is noticed in 5 Leg. News, 241. Notwithstanding these precedents, the exercise of such powers by the judge aggrieved, without the safeguard of a jury, must be regarded with grave apprehension.

The great battle which has been fought in the courts over the case of *The Bernina; Mills v. Armstrong*, 10 Leg. News, 68, 173, has been terminated by the decision of the House of Lords reported in the present issue. The doctrine laid down in *Thorogood v. Bryan*, by which a passenger was indentified with the owner of a public conveyance selected by him, to the extent of enabling another person guilty of negligence to defend himself against an action by such passenger by the allegation of contributory negligence on the part of the driver of the conveyance, has now been finally overruled. The decision of the House