

The ulterior purpose of the action in question, even though good might eventually result, does not afford any excuse or justification for such a misuse of the process of a court of justice. The trial, it is true, may have demonstrated that in those particular actions a medical man and a lawyer were deceived; but that a man has been deceived by a liar proves nothing of any value, and courts of law are altogether misused when they are resorted to for the purpose of demonstrating that an ingenious liar may deceive respectable and honest men; nor does it prove that all persons who bring actions against the Toronto Railway are liars, nor that their solicitors, counsel and medical witnesses are always the victims of false information.

We understand the learned judge who tried the case has stated that he was not aware that these actions were what have been styled "fake actions," and therefore, of course, he did not give leave to bring them; but admittedly both the plaintiffs and defendants and the solicitors and counsel for the defendant all concurred in and were cognizant of the scheme. Surely, we venture to think, they ought then and there to have been called to account by the court. Indeed it is remarkable that the judge saw fit to suffer such a proceeding to pass, not only without punishment, but even without comment on its impropriety, for it is needless to say that to degrade courts of justice into mere detective agencies is most improper, and constitutes a serious offence against the administration of justice.

The judge should have remembered that, when presiding in court, he is the representative of no less a person than His Majesty the King. He was sitting on the judgment seat to do justice as and for the Fountain of Justice, and contempts of court do not mean contempts of Mr. A. or Mr. B. who happens to be sitting on the Bench, but contempts of His Majesty, whose officer and representative he is. Contempts which a judge as an individual might be willing to overlook, cannot be overlooked when offered to the King, as representing the Empire. The jurisdiction of the courts in cases of contempt rests on the foundation that contempt of the court is contempt of the sovereign, a fact