

that her evidence could be much more fully and accurately obtained if she were not called upon to give it in open Court, and that if she testified in public there would, in his opinion, be great danger of a nervous collapse, which might be attended with serious consequences.

Defendant was not represented.

HON. MR. JUSTICE LATCHFORD:—It is to be remembered that here, as in England, the law is administered publicly and openly, and its administration is at once subject to, and protected by, the full and searching light of public opinion and public criticism. The openness and publicity of our Courts forms one of the excellences of our practice of the law, and, in the words of Lord Justice Fitzgerald, in *Macdougall v. Knight*, [1889] 14 A. C. 194 at 206, admits of exception only in the rare cases of such a character that public morality requires that the proceedings should be in camera in whole or in part. In criminal trials in Canada the right to exclude the public conferred upon the trial Judge by art. 645 of the Code is restricted to cases in which the Court considers the exclusion to be in the interest of public morals.

Other exceptions occur in the case of wards of Court, in lunacy proceedings and in actions regarding secret processes, where the paramount object of securing that justice be done would be doubtful, if not impossible of attainment, if the hearing were not in camera.

The recent case of *Scott v. Scott*, [1913] A. C. 417, in the House of Lords, reversing the Court of Appeal, [1912] p. 241, is remarkable, not only for the strength of the Court composed of Lord Haldane, L.C., and Lords Halsbury, Loreburn, Atkinson and Shaw, each of whom delivered a considered judgment, but for the wide field covered by their Lordships, and especially for the numerous and far-reaching propositions declared to be the law of England regarding the necessity (with the exceptions mentioned) of having all trials open and public.

The neat point for decision appeared to be unimportant. It was merely whether an order to commit for contempt of Court, made because of the publication of proceedings held in camera, in a case in the Court for Divorce and Matrimonial Causes, was a judgment in a "criminal cause or matter," within the meaning of sec. 47 of the Judicature Act, 1873—in which case no appeal lay.