for it, and it has therefore become a purely arbitrary rule; it disappoints intentions, it leads to litigation, and has no counteracting advantage,—and Mr. Wiley is quite right in saying that it should be abolished. As to the mode in which the abolition should be effected, we differ from him again. He enumerates seven rules by which he desires that the property should be preserved for the descendants, allowing the ancestor to take a life estate only. Six of these are derived from the five instances above-mentioned; the seventh is designed to assist the practical working of the alteration, by providing that where distributive interests are given "the tenant for life should have the power of selling the fee under proper restriction, the money to be produced, deducting the value of his life interest, to be settled on the trusts of the will." A better plan would be simply in a short Act to abolish the Rule in *Shelley's case* at once, either by name or description. The testator's indications of intention would then have free scope for operation, without the confusion and difficulty of interpretation which would inevitably arise from substituting six or seven benevolent rules for one harsh one. But if even if this were done there would be this evil, that the authorities would be thrown into a far more troublesome state than at present. There would be hundreds of decided cases of which it would be almost impossible to say whether they had any effect left them or not.

We are firmly convinced in our own mind that the time has now arrived when a careful hand should remodel our whole real property law by abolishing all that has become purely arbitrary. In effect this would probably be to remove almost every trace of feudalism. Such a change *will* be made, and we should prefer to see it made once for all, rather than piecemeal.—*Solicitors' Journal.*

CONTEMPT OF COURT.

This is a subject to which attention must have been drawn by several cases which have been lately reported. Whether the occurrence of conduct which the Court deems contemptuous has been more frequent, or the reporters have been more diligent in reporting such cases as have occurred, we know not.

It will be conceived that every court of justice possesses an inherent right, which it is in duty bound to exercise, of punishing those who contemn its dignity; and it is quite clear that if the right did not exist, the course of justice would be seriously interfered with. This being so, the question follows, what are the acts which courts of justice, and especially the court of Chancery, are wont to consider as contemptuous?

The sort of contempt which consists in using violence or abusive language to a person serving the process or orders of the Court, or using scandalous or contemptuous words against the Court or the process thereof, Cons. Ord. xlii. 2, needs no more than a passing notice. When we read that in *Williams* v. *Johns*, 12 Feb., 1773, the defendant, on being served with the *subpœna*, compelled the person who served it to eat the parchment and wax of the process, and then beat and kicked him, and left him for dead, with orders to his servants to throw the body into the river, one is not surprised to find that the defendant was sent to the Fleet for contempt, under the above-mentioned order.

But we pass on to the commoner forms of contempt at the present day, which consist in words rather than in deeds. Of these, according to Lord Hardwicke, there are three sorts, The first consists in scandalising the court itself; the second in libelling parties who are concerned in proceedings before the court; and the third in prejudicing mankind against persons concerned in proceedings before the Court, whether parties or not, at any time before the proceedings are finally disposed of.

With reference to the first sort of contempt, it is clear that anything that scandalises the Court itself, whether in the nature of personal insult, or of reflection upon the course of procedure, or the administration of justice, must be a contempt of the grossest character, *Lechmere Charlton's case*, 2 My. & Cr. 316, where the contempt was in writing a threatening letter to the master to influence his judgment in the matter of the Ludlow charities, and *Martin's case*, 2 R. & M. 674 n, where the contempt was in writing a letter to the Lord Chancellor enclosing money, are the first instances which occur to us. But cases like these are not common.

The second and third sorts may be taken together, and stated to consist in publishing written or printed matter concerning pending proceedings, either with the intention of vilifying the parties concerned, or of prejudicing mankind against them. It is obvious that many cases of this character are cases of libel dealt with in a particular way because they amount to a contempt of court; while, on the other hand, there are many cases where something has been done, and the Court is moved to commit the party doing it for contempt, instead of to restrain him by injunction from doing so again.

The reason of this is that the Court is bound to assert its dignity and protect parties before it no less than itself, in order to secure the due administration of justice. "Nothing is more incumbent upon courts of justice," Lord Hardwicke said, in *Roach* v. *Garvan*, "than to preserve these proceedings from being misrepresented; nor is there anything of more pernicious consequence than to prejudice the minds of the public against persons concerned, whether parties or not, in causes, before the cause is finally heard."

The case which led to these remarks of Lord Hardwicke is better known as the *St. James's Chronicle case* (2 Atk. 470). It was a motion in the cause of *Roach* v. *Garvan* to commit the printers of that journal and the *Champion*,