

it is a legal proceeding, since every act which tends directly to frustrate the mandates of a Court of Justice is a contempt of its authority. But I may venture to lay down this distinct and absolute limitation of such process, viz. *That it can only issue in cases where the Court which issues it has awarded some process, given some judgment, made some legal order, or done some act which the parties against whom it issues, or others on whom it is binding, have either neglected to obey, contumaciously refused to submit to, incited others to defeat by artifice or force, or treated with terms of contumely and disrespect in the face of the Court, or of its minister charged with the execution of its acts.*

"But no crime, however enormous, even open treason and rebellion, which carry with them a contempt of all law, and of the authority of all Courts, can possibly be considered as a contempt of any particular Court, so as to be punished by attachment, unless the act which is the object of that punishment be in direct violation or obstruction of something previously done by the Court which issues it, and which the party attached was bound by some antecedent proceeding to make the rule of his conduct. A constructive extension of contempt beyond the limits of this plain principle would evidently involve every misdemeanor, and deprive the subject of the trial by jury in all cases where the punishment does not extend to touch his life.

"The peculiar excellence of the English government consists in the right of being judged by the country in every criminal case, and not by fixed magistrates appointed by the Crown. In the higher orders of crimes the people alone can accuse, and without their leave, distinctly expressed by an indictment found before them, no man can be capitally arraigned; and in all the lesser misdemeanors, which either the Crown, or individuals borrowing its authority may prosecute, the safety of individuals and the public freedom absolutely depends upon the well-known immemorial right of every defendant to throw himself upon his country for deliverance, by the general plea of 'not guilty.' By that plea, which in no case can be demurred to by the Crown, or questioned by its judges, the whole charge comes before the jury on the general

issue, who have jurisdiction co-extensive with the accusation, the exercise of which in every instance the authority of the Court can neither limit, supersede, control, nor punish.

"Whenever this ceases to be the law of England the English constitution is at an end! And its period in Ireland is arrived at already, if the Court of K. B. can convert every crime by construction into a contempt of its authority, in order to punish by attachment."

The above needs no comment. Contempt has never been clearly and precisely defined in the law books, for the simple reason that it is impossible to do so; but what approaches as near as possible to a definition may be extracted from that part of the above letter which is printed in italics.

The question, however, which has seldom, if ever, come up in England, is likely soon to receive the fullest ventilation before the Judicial Committee of the Privy Council, before whom, on the 3d of last November, came up the following case:—

*Present—Lord WESTBURY, Sir E. V. WILLIAMS, Sir J. COLVILLE, and Sir L. PEEL.*

IN RE LAWRENCE M'DERMOTT.

Mr. COLERIDGE, Q.C., applied to their Lordships on the part of Lawrence M'Dermott, of Water-street, New Town, City of George-town, British Guiana, the proprietor and publisher of the *Colonist* newspaper, for leave to appeal against certain orders and proceedings of the Supreme Court of Civil Justice of the colony of British Guiana, by which as the conductor of the newspaper he had been committed to prison for a period of six months for an alleged contempt. The learned counsel presented the case as one of peculiarity. The applicant in his petition stated that he was a British subject, and the proprietor and publisher of the newspaper mentioned; that for some time past great dissatisfaction had existed as to the proceedings of the Supreme Court, and in reporting the proceedings he had allowed them to be commented upon in the *Colonist* newspaper in respect to the case of one of the officers, Mr. Campbell, who had been compelled to resign his office. Shortly after the 29th of March last he received an order of the Court, setting forth the complaints made, that he should attend on the 4th of April to show cause why an attachment should