

of justice in this case, for the purpose of determining whether a formal charge of contempt should be ordered against that newspaper, I have read all the editorials and reports published in its columns since the trial began. The inquiry could not be extended back of that period, for the contempt of law only reaches and regulates publications made during the trial of a case.

A newspaper is granted immunity from responsibility for fair, accurate and impartial reports of a trial held in open court, and for editorial comments upon the manner of administering justice therein, which are made fairly and in good faith. If the editor criticises the court or any of its officers, attorneys, witnesses or parties, unjustly or intemperately, or, if the reporter publishes a false or unfair report, during the pendency of the case, tending to prejudice the public or the jury, and tending to obstruct the administration of justice in that particular case, they make themselves liable for contempt.

It is just as pernicious and reprehensible for either the editor or the reporter, by such publications, to cast unjust reflections on the conduct of witnesses, parties, counsel, jurors or judges, during the pendency of the trial, or in any other way to unlawfully seek to influence the administration of justice, when such publications are liable to be read by the jurors, as it would be for an individual to write a letter containing such reflections which would be liable to be read by the jurors. These observations are fully supported by the decisions of our Supreme Court in the *State v. Myers*, 46 Ohio St. 473. Indeed that court goes much farther in the statement of the law.

An editor or reporter who loves Anglo-Saxon fair play will not, in this way, invade the temple of justice even to promote and hasten punishment upon what seems to him to be a great municipal or public wrong, because such conduct is calculated to destroy that benign and humane principle which presumes that the accused are innocent till the proof establishes their guilt; and because it tends to deprive the accused of his imprescriptible right to be tried by an unprejudiced court and an impartial jury.

In addition to the punishment for contempt by fine or imprisonment, or both, there are four other remedies for such a transgression of the law by the press.

1. Trial may be deferred till the inflamed temper of the public caused by such publications, disappears.