

or if it is even strictly a contempt of Court, but not of such a nature as to impede the course of justice, then the applicant must resort to what other remedies, if any, the law gives him, and cannot successfully invoke the summary, and as it has been called, arbitrary remedy now sought. . . .

It is not even claimed by applicant that there was an intention to interfere with the course of justice. The utmost that is urged is, that the article is calculated to interfere with a fair trial.

Is the article then, under all the circumstances, one which, really and seriously, . . . is calculated to interfere with a fair trial of the petition against the applicant? In my opinion, it clearly is not.

I am not sure that the petition itself is before us, but I will assume that it is the ordinary petition alleging corrupt practices. The trial will, therefore, take place before two Judges upon the rota, and no one will for a moment believe that their minds will be prejudiced or affected in the very slightest degree by the article, or otherwise than by the evidence adduced upon the trial.

The only remaining room for prejudice must be that the witnesses may in some way be affected. But how? I confess that I have tried in vain to imagine in what possible way or mode the witnesses either for or against the issue joined can or will be affected. There is no attempt in the article to discuss in advance the evidence to be produced; nor any suggestion of what it will or will not prove; no suggestion that all the witnesses who can testify will not do so or that they will not when called tell the truth and the whole truth, or that full effect will not be given by the Judges to the testimony when adduced.

The subject of the article, namely, the unusual amount, over \$7,000, which the applicant had expended in the election in legitimate expenses, was a matter of public and general interest, and so a legitimate subject of newspaper comment. It was in fact public property, inasmuch, as the statute requires the publication of the particulars of such expenses.

The inquiry in the election petition would not necessarily involve any question about the amount or character of the expenditure for legitimate expenses. That inquiry would apply, as I assume, solely to illegitimate expenses and other corrupt acts and practices.

Prima facie, therefore, comment, however strong, upon the amount of the legitimate expenses would not necessarily