The Weekly Mail.

TORONTO, FRIDAY, JAN. 5, 1877.

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THE WEEKLY MAIL.

MR. BROWN'S CONTEMPT OF COURT.

THE outraged honour of the Judiciary has been avenged. Mr. Brown, who sought to cast contempt and insult on the Bench, has been punished in the most suitable manner. We should have been sorry to see him fined or imprisoned. No fine, no imprisonment, could make the just and vigorous condemnation of his conduct by the highest court in the province more emphatic, while both of these would have given Mr. Brown an opportunity to raise, in his usual clap-trap style, a cry about the liberty of the press. When in these columns the way by which the outraged honour of the Bench might be vindicated was pointed out some people said nobody would dare to move against the *Globe*, and that if an injustice could be found the Judges would shrink from dealing with Mr. GEORGE BROWN'S conduct as it deserved. Considerable time passed without steps being taken, as a good many persons felt that the whole country, men of every party, having condemned unmistakeably the furious attack on Mr. Justice WILSON, it would be hard to add to the moral punishment the writer of the article was undergoing. Ultimately Mr. WILLIAM MACKENZIE, who is the leader of a great Party. Yet so cowdy who was ever sent to the Penitentiary could show more disrespect for the fountain of justice, no loul-mouthed strumpet arraigned in a police court could abuse a magistrate with more vehemence of slang, than characterized Mr. BROWN'S assault on Mr. Justice WILSON. And this from a man who is an "honourable" in double right, an ex-Prime Minister, an actual Senator! To the violent proprietor of a little country paper, to a ward politician who had been guilty of contempt of Court, however violent or unwarrantable, Chief Justice HARRISON could use a stronger language of condemnation than he used towards Mr. BROWN, late "plenipotentiary" at Washington, a leading man in Canada for thirty years, and a member of our "House of Peers." The attack said the Chief Justice was not only "vituperative, but charged the Judge with being "as ignorant and vicious as to disregard evidence, so corrupt as to suppress "evidence, and so lost to all sense of "propriety as to utter deliberate false-"hood in his official judgment." The article of the 8th July he declared to be "quite unjustifiable." His duty, he said, was quite clear, and in his opinion the rule should be made absolute. If the rule had been made absolute Mr. BROWN would probably have been imprisoned and perhaps fined as well. But as this would in no way add to the weight of the judicial censure we should have been very sorry to see such an ending to this tragi-comedy. We should not like to see Mr. BROWN suffer more than is absolutely necessary for the good of the public, and to be perfectly frank we think it would have been a pity if the grotesque harlequinade which he has managed to make of his part of the proceedings should have been rendered respectable by a closing prison scene. Why however, is it that Mr. BROWN is not taking his breakfast in prison this morning?

The answer to the question is a eulogy on the Bench. Mr. Justice WILSON took no part in the sittings on a case in which he felt with almost an excess of delicacy he was himself personally concerned; and Mr. Justice MORRISON, behaving nimbly with rare courage, took a course which he knew would render him liable to great misconstruction. To his grief, no less than that of the Chief Justice, conduct such as Mr. BROWN'S was abhorrent. But it seemed to him that WHAIRNOW had been too late in coming into Court, and that having declared in his paper that the article of the 8th of July was injurious to the interests of the Bench, and that the Judges had taken notice of his complaint. The Chief Justice held that WHAIRNOW was in time. As there were no authorities the matter was for the discretion of the Court. If Mr. Justice MORRISON was on the Bench there should have been some positive material punishment. But if Mr. BROWN's judicial conscience had not been happily so scrupulous there must also have been some positive material punishment. But owing to the delicacy of one Judge and the fortunate doubt of another, Mr. Brown, though not sent to gaol or subjected to a fine, stands condemned in the strongest manner by the Court of Queen's Bench as a libeller of Judges, as guilty of offences which will not be permitted, and he has no opportunity of purging either as a martyr or a hero. Chastised he is, and in the most desirable manner. The injured authority of the Courts has been rehabilitated, and their defiled honour vindicated. Nor, we think, is there any danger that the *Globe* will again offend in such a shocking way. It will not be allowed to adopt such language, said the Chief Justice. We are ever forward to stand up for the liberties of our Press, our own profession, and to guard jealously the liberty of the press. Outrageous libels, however, like that of which Mr. Brown was guilty, not only imperils that liberty, but strikes a deadly blow at public freedom itself.

HALIFAX AND THE SUGAR DUTIES.

IT ought to stir the dry bones of the Ottawa Cabinet to find a leading feature of their commercial policy condemned in strong terms by the Press, in view of an election to the House of Commons, Mr. MACKENZIE has been doing so much to conciliate its citizens, Mr. JONES represents Halifax. What his views on the sugar question are we shall not pretend to say, for they have varied with intervening sessions; and his Halifax organ—partly his own property, unless we are misinformed—has been as fickle as himself. Mr. DUFFERIN would seem to have done good work, however. He has convinced the merchants of Halifax that it is suicidal policy on the part of our Government to permit refining to be discontinued in Canada by the system of drawbacks to refiners, which is in vogue below the line. Mr. GEO. A. DRUMMOND has put it plain to every fair-minded man last session that sugar refining could not be carried on in Canada except at a loss, so long as the United States Government allows the large drawbacks which at present exist to be paid. We need say what account to a man of Mr. DAVID MILLS' self-consciousness was the exposure of one who represented half a million of capital lying dead in Canada, and whose facts and figures were of unquestionable cogency! Mr. DRUMMOND said he could not understand the Government, United States allowed such large drawbacks. Mr. MILLS insisted he could. But he couldn't and hasn't been able to; and to-day his sharp intellect, lost to Canada, is engaged in the work of refining sugar in Scotland. We are glad that the Board of Trade has come to see the iniquity of the policy adhered to by the Government of Reciprocity, backed up by all the mischievous ingenuity by Mr. DAVID MILLS, now a member of the Cabinet. The Brown resolution which the Board of Trade adopted, and when we remember whence it comes we rejoice that it is of such unquestionable directness and force:

"That the Chamber feels and fully recognizes the great importance of such a change in the sugar duties of the Dominion as will place her trade on a sound and just basis, and effectually meet any and every enactment of the Government of the United States tending to deprive the Dominion of the desirable and hitherto lucrative trade and manufacture. That while the Chamber, in consideration of the vast importance of the sugar trade in all its branches to the Dominion generally, and the Maritime Provinces particularly, would refrain from any expression of opinion as to the nature of the necessary change would be most effectually enacted, whether in the form of increased specific or ad valorem duties on refined or raw or unrefined sugar, an advance of the duties on refined sugar to 25 per cent, the Chamber emphatically expresses its firm conviction that this important subject should be taken into the earliest best attention of the Dominion Parliament at its approaching session."

RICH AND POOR.

THERE are among us, as there are among other people, persons who never like to hear of poverty except indeed it be spoken of as SIDNEY SMITH's representative Scotch girl spoke of love, in the *abstract*. They want no poor to come between the wind and their nobility. They think there ought to be no poor; that everybody should have got on in the world just as they have done; and if everybody had done so poverty would be unknown, and there would be none to mar the unpleasant sight of squalour and wretchedness which offends them so much. What a pity it is that, on their account especially, all their neighbours have not succeeded as well in the race of life as they have done.

But let us see how that would have worked. Perhaps it is not worth while to ask our thrifty friend who has got on so well in the world that he has amassed a fortune while his neighbours generally remain poor; that he would like to have had precisely the same game played with him that he has played with some of those poor people who to-day such an offence to him. It is just possible that there are among the poor around him some who would not accept his fortune upon the conditions upon which he has obtained it. There are men who would prefer poverty to wealth if it be troubled at the presence of a poor man; it calls up the damning recollection of the wrong and outrage which he has practised upon such. There are comparatively few fortunes which have been rapidly made which are entirely free from the stain of wrong-doing. In assuming that the rich man's fortune has in every case been honestly and fairly earned, that it is the legitimate fruit of his own intelligent and assiduous application to his calling, it does not follow that he is not indebted in a considerable extent to those poor people for the success which has crowned his exertions. If everybody about him had been just as shrewd and as intelligent, and just as attentive to business, as himself, would it have been possible for him to have succeeded as well as he has? Is the productive power of any community sufficient to make every individual in it rich? Such a rock and such a wreck are thrown up in every community, men of every party, having condemned unmistakeably the furious attack on Mr. Justice WILSON, it would be hard to add to the moral punishment the writer of the article was undergoing. Ultimately Mr. WILLIAM MACKENZIE, who is the leader of a great Party. Yet so cowdy who was ever sent to the Penitentiary could show more disrespect for the fountain of justice, no loul-mouthed strumpet arraigned in a police court could abuse a magistrate with more vehemence of slang, than characterized Mr. BROWN'S assault on Mr. Justice WILSON. And this from a man who is an "honourable" in double right, an ex-Prime Minister, an actual Senator! To the violent proprietor of a little country paper, to a ward politician who had been guilty of contempt of Court, however violent or unwarrantable, Chief Justice HARRISON could use a stronger language of condemnation than he used towards Mr. BROWN, late "plenipotentiary" at Washington, a leading man in Canada for thirty years, and a member of our "House of Peers." The attack said the Chief Justice was not only "vitupera-"tive, but charged the Judge with being "as ignorant and vicious as to disregard "evidence, so corrupt as to suppress "evidence, and so lost to all sense of "propriety as to utter deliberate false-"hood in his official judgment." The article of the 8th July he declared to be "quite unjustifiable." His duty, he said, was quite clear, and in his opinion the rule should be made absolute. If the rule had been made absolute Mr. BROWN would probably have been imprisoned and perhaps fined as well. But as this would in no way add to the weight of the judicial censure we should have been very sorry to see such an ending to this tragi-comedy. We should not like to see Mr. BROWN suffer more than is absolutely necessary for the good of the public, and to be perfectly frank we think it would have been a pity if the grotesque harlequinade which he has managed to make of his part of the proceedings should have been rendered respectable by a closing prison scene. Why however, is it that Mr. BROWN is not taking his breakfast in prison this morning?

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MR. BROWN'S CONTEMPT OF COURT.

To the Editor of The Mail.

SIR,—As I was the person who pointed out how Mr. George Brown might be punished for the insult he had offered to the contempt of court committed in the *Globe* of the 8th of July, perhaps now, as the curtain falls on a Judiciary purged from all stain or taunt, and on the Queen's Bench, an apology which comes out as it half-strangled in its agonies by a curse, I may be permitted to say a closing word. I entreat the attention to what I have to say of every one, no matter what his party may be, who loves his country and prizes the ample freedom in which we in Canada expatiate.

You point out in your article to-day that Chief Justice Harrison has uttered an authoritative and condign condemnation of Mr. Brown's reckless libel on the Judiciary. You also point out what must not be allowed to escape the public, that Mr. Justice MORRISON condemns Mr. Brown's conduct just as strongly by implication as does the Chief Justice. In the opening sentences of his judgment Mr. Justice MORRISON says:—"I have arrived at the conclusion that we ought not to grant a rule. My opinion is that neither the article in the Saturday publication is so much and worst charge against Mr. Justice Wilson in the article of the *Globe* of July one that he had uttered, as the charge Mr. George Brown apologized on yesterday (Friday) for saying this, and acknowledged to be false and unjustifiable, yet in his paper of to-day he tells the world it had been found necessary in one of Mr. Justice Wilson's decisions a case of falsehood, an accusation he had the day before acknowledged to be false and unjustifiable, and for which he apologized in open Court.

The *Globe* using this word "despotic" in regard to one of the Judges, is a more intemperate utterance which ever fell from a Judge's lips, is guilty of a high crime and a misdemeanor, and should be severely punished. Without an independent Judiciary our freedom is a mockery and a delusion. Behind the unscrupulous and wicked article of to-day is that the *Globe* should be able to publish such cases as that of the Queen's Bench, and bring the whole judicial system of the country into the condition of a Grin compared to as far as sincerity to the two gentlemen who run the *Globe* is concerned. Mr. Justice Wilson, Mr. George Brown ever did anything which brought out so strikingly the most salient traits in the character of the man, that he intends to aim a blow at what may be truly described as the sacred bulwark of our liberties, the Judiciary? Contempt, the most enviable gifts as a public man, the all-grasping tyrannical and unscrupulous law was passed, that a man in Canada should entertain such new idea without his permission, is the cause of a great boyo and a great newspaper editor failure. That sinister trait, the most anti-social a man could have, makes him the Ishmael of politics. The independence of the Judiciary, which if the people would permit him, he would bring down to the level of the negro himself, and article throws dust into the people's eyes. But I hope the people are far too intelligent not to understand what Mr. Brown is at, if he takes such a wicked course as he seems determined to do. Contempt of court, contempt of the Judiciary, for the Judiciary, contempt of the Bench, contempt of the Legislature, contempt of the Queen's Bench, for his