



125-17

REPORTS

FROM THE

SELECT COMMITTEE

APPOINTED TO CONSIDER OF

THE PROCEEDINGS

HAD, AND TO BE HAD,

With reference to the several Papers signed

“*Francis Burdett;*”

The Contents of which relate to his being Apprehended,
and Committed to the Tower of London.

Together with an Appendix.

Ordered, by The House of Commons, to be printed,

11th and 23d May 1810.

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FIRST
REPORT

FROM THE
SELECT COMMITTEE

ON

PROCEEDINGS relative to Sir FRANCIS BURDETT.

Ordered, by The House of Commons, to be printed, 11th May 1810.

THE SELECT COMMITTEE appointed to consider of the Proceedings had, and to be had, with reference to the several Papers signed "*Francis Burdett*;"—the Contents of which related to his being apprehended and committed to the Tower of London, and which Papers were communicated to The House, by MR. SPEAKER, upon the 13th and 17th days of April last;—and to report such Facts, as they may think necessary, together with their Opinion thereupon, from time to time, to The House;—And to whom the matters stated by the Serjeant at Arms attending The House, and the Process served upon him in an Action at Law by Sir *Francis Burdett*;—and also the Summons served on MR. SPEAKER, and the Notice of Declaration delivered to the Serjeant at Arms, at the Suit of the said Sir *Francis Burdett*; were referred;—HAVE, pursuant to the Orders of The House, with all dispatch, considered the Matters referred to them; and have agreed to the following REPORT:

IT appears to Your Committee, after referring to the Order of the House of the 5th day of April last, for the Commitment of Sir *Francis Burdett* to the Tower; the Warrants of The Speaker for that purpose; the Letter of Sir Francis Burdett to The Speaker, dated the 17th day of April last; the Report and Examination of the Serjeant at Arms, touching his Proceedings in the execution of such Warrants; the Notices to The Speaker referred to Your Committee; the demand made upon the Serjeant at Arms of a copy of the Warrant under which he arrested Sir Francis Burdett; the Writ served upon the Serjeant, and the Summons served upon The Speaker, and the Notice of Declaration filed against the Serjeant; which said Notices, Demand, Writ and Summons, are all at the Suit or on behalf of the said Sir *Francis Burdett*, and all bear the name of the same Solicitor, *John Ellis*;—That the said Proceedings have been brought against The Speaker, and the Serjeant, on account of what was done by them respectively in obedience to the Order of the House; and for the purpose of bringing into question, before a Court of Law, the legality of the Proceedings of the House in ordering the Commitment of Sir Francis Burdett, and of the conduct of The Speaker, and the Serjeant, in obedience to that Order.

1.—Your Committee, not in consequence of any doubt upon the question so intended to be raised, but for the purpose of collecting into one view such Precedents of the Proceedings of the House upon Cases of Breach of Privilege as might afford light upon this important subject, have in the first place examined the Journals, with relation to the practice of the House in commitment of persons, whether Members or others, for Breaches of Privilege, by offensive words or writings derogatory to the honour and character of the House, or of any of its Members; and they have found numerous instances, in the History of Parliament, so far as the Journals extend, of the frequent, uniform, and uninterrupted practice of the House of Commons to commit to different custodies, persons whom they have adjudged guilty of a Breach of their Privileges by so offending.

The statement of these Precedents, which establish the Law of Parliament upon this point by the usage of Parliament; the Utility of such Law, and the Necessity which exists for its continuance, in order to maintain the dignity and independence of the House of Commons; its Analogy to the acknowledged powers of Courts of Justice, and the Recognition of such Right in various instances, by legal Authorities, by Judicial Decisions, and by the other Branch of the Legislature; as well as the invariable assertion and maintenance of it by the House of Commons, are topics which may be reserved for a further Report. And although there are some instances in which the House has thought proper to direct Prosecutions for such offences, yet the Committee confidently state that the more frequent practice of the House, at all times, has been to vindicate its own Privileges by its own Authority.

2.—The subject which appears to Your Committee to press most urgently for an immediate Report, is, The state of the Law and the practice of the House in cases either of Criminal Prosecution or Civil Action against any of its Members, for any thing spoken or done in the House of Commons; or for any Proceeding against any of its Officers or other persons acting under its authority.

The principal instances to be found under this head are out of those proceedings which, in the time of Charles the First, Charles the Second, and James the Second, were instituted by the Officers of the Crown, in derogation of the Rights and Privileges of the Commons of England. Those Proceedings were resisted, and resisted by the House of Commons; were condemned by the whole Legislature, as utterly and directly contrary to the known Laws and Statutes and Freedom of this Realm; and led directly to the Declaration of the Bill of Rights, “That the Freedom of Speech, and Debates “ or Proceedings in Parliament, ought not to be impeached or questioned in any Court “ or Place out of Parliament;”—and Your Committee have no hesitation in stating, that this Article in the Bill of Rights extends as clearly to Actions or Indictments brought or Prosecutions by Individuals, as to Informations or other Proceedings directly instituted by the authority of the Crown.

The Law of Parliament on this subject, so far as relates to words spoken in Parliament, was legislatively declared in a Statute to be found in the Parliament Roll of the 4th of Henry VIII.: By that Act, the Rights and Privileges of free Speech in Parliament are established, and a Special Action is given in favour of the party injured by any Action brought against him for words spoken in Parliament. And, from this Statute, it appears that Parliament at that time, when the case occurred which seemed to shew the expediency of legislative provision to give fuller force and protection to its Privileges, made it the subject of such provision.

ii. Com.
Jour. July
6 & 8. 1641.

In the 5th of Charles I. an Information was filed against Sir J. Elliot, Denzel Holles, Esq. and Benjamin Valentine, for their speeches and conduct in the House of Commons; Judgment was given against them in the King's Bench, they were sentenced to imprisonment, and were fined: In the Parliament which met in 1640 the House of Commons, after a Report made of the state of the cases of Mr. Holles and the rest of the imprisoned Members, in the 3d of Charles, came to several Resolutions; by which they resolved, That these Proceedings were against the Law and Privilege of Parliament; and condemned the authors and actors in them as persons guilty of a Breach of the Privilege of Parliament.

State Trials,
vol. vii.
p. 242.

In the reign of Charles II. these Proceedings were again taken into consideration; and the House of Commons came to several Resolutions. On the 12th of November 1667, they resolved, That the Act of Parliament in the 4th year of the Reign of Henry VIII. above referred to, is a Declaratory Law of the ancient and necessary Rights and Privileges of Parliament. On the 23d of November 1667, they resolved, That the Judgment above referred to against Sir J. Elliot, D. Holles, and B. Valentine, Esquires, in the King's Bench, was an illegal Judgment; and on the 7th December 1667, they desired the concurrence of the Lords. The Lords on the 12th of December agreed with the Commons in these Votes.

Your Committee next refer to the case of Sir William Williams; the detail of which they proceed to insert from the Report of a former Committee of this House.

27 Mar. 1771.
iii. Com.
Rep. p. 11.

' The case of Sir *William Williams*, against whom after the dissolution of the Parliament held at Oxford, an Information was brought by the Attorney General, in the King's Bench, in Trin. Term 36 Car. 2^d, for a misdemeanour, for having printed the Information against Thomas Dangerfield, which he had ordered to be printed when he was Speaker, by Order of the House. Judgment passed against him on this Information in the second year of King James the Second. This Proceeding the Convention Parliament deemed so great a grievance, and so high an Infringement of the Rights of Parliament, that it appears to Your Committee to be the principal, if not the sole object of the first part of the Eighth Head of the means used by King James to subvert the Laws and Liberties of this Kingdom, as set forth in the Declaration of the Two Houses; which will appear evident from the account given in the Journal, 8th February 1688, of the forming of that Declaration, the Eighth Head of which was at first conceived in these words; videlicet, "By causing Informations to be brought and prosecuted in the Court of King's Bench, for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses."

11th February 1688. "To this Article the Lords disagreed; and gave for a reason, Because they do not fully apprehend what is meant by it, nor what instances there have been of it; which therefore they desire may be explained, if the House shall think fit to insist further on it."

12th February 1688. "The House disagreed with the Lords in their Amendment of leaving out the Eighth Article. But in respect of the liberty given by the Lords in explaining that matter; Resolved, That the words do stand in this manner: "By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses." By which Amendment, your Committee observes, that the House adapted the Article more correctly to the case they had in view; for the Information was filed in King Charles the Second's time; but the Prosecution was carried on, and judgment obtained, in the second year of King James."

' That the meaning of the House should be made more evident to the Lords, the House ordered, "That Sir William Williams be added to the Managers of the Conference;" and Sir William Williams the same day reports the Conference with the Lords; and, "That their Lordships had adopted the Article in the words as amended by the Commons." And corresponding to this Article of Grievance, is the assertion of the Right of the Subject in the Ninth Article of the Declaratory part of the Bill of Rights; videlicet, "That the Freedom and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament."

' To which may be added, the latter part of the sixth Resolution of the Exceptions to be made in the Bill of Indemnity, Journal, vol. x. p. 146, wherein, after reciting the surrender of Charters, and the violating the rights and freedoms of Elections; &c. it proceeds in these words: "And the questioning the Proceedings of Parliament, out of Parliament, by Declarations, Informations or otherwise, are crimes for which some persons may be justly excepted out of the Bill of Indemnity."

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x.Com.Jour. p.177. On the 11th of June 1689, the House ordered, "That the Records of the Court of King's Bench, relating to the Proceedings against William Williams, Esquire, now Sir William Williams, Knight and Baronet, late Speaker of this House, be brought into this House, by the Custos Brevium of the said Court, on Thursday morning next."

Ibid. p. 215. On the 12th of July, "the Record was read; and the House thereupon Resolved, That the Judgment given in the Court of King's Bench, in Easter Term 2 Jac. 2^d, against William Williams, Esquire, Speaker of the House of Commons in the Parliament held at Westminster 23^d October 32 Car. 2^d, for matter done by Order of the House of Commons, and as Speaker thereof, is an illegal Judgment, and against the Freedom of Parliament."

"Resolved, That a Bill be brought in to reverse the said Judgment."

"This Bill was twice read, but went no further in that Session:—A similar Bill was in the following Session ordered to be brought in; and a third Bill passed the Commons in 1695, and was sent up to the House of Lords, but did not proceed there to a second reading."

x.Com.Jour. p.164. It appears further, that on the 4th June 1689, "a Petition of John Topham, Esq. was read; setting forth, That he, being a Serjeant at Arms, and attending the House in the years 1679 and 1680, when several Orders were made, and directed to the Petitioner, for the taking into his custody the several persons of Sir Charles Neal, &c. &c. and others, for several misdemeanors by them committed in breach of the Privilege of the House; and after that the Commons were dissolved, the said persons being resolved to ruin the Petitioner, did, in Hilary Term, the 33d or 34th of King Charles; sue the Petitioner in the King's Bench in several Actions of Trespas, Battery and false Imprisonment, for taking and detaining them as aforesaid: to which Actions the Petitioner pleaded to the jurisdiction of the Court, the said several Orders; but such his Plea was over-ruled; the then Judges, ruling the Petitioner to plead in chief, and thereupon he pleaded the Orders in bar to the Actions: notwithstanding which Plea and Orders, the then Judges gave Judgment against him," &c.

x.Com.Jour. p. 209. "Upon the Report from the Committee of Privileges and Elections, to whom this Petition of J. Topham was referred, the House Resolved, That this House doth agree with the Committee, That the Judgment given by the Court of King's Bench, Easter Term 34 Car. II. Regis, upon the Plea of John Topham, at the suit of John Jay, to the Jurisdiction of that Court; and also the Judgments given against the said Mr. Topham, at the suit of Samuel Verdon, &c. are illegal, and a violation of the Privileges of Parliament, and pernicious to the Rights of Parliament." Whereupon it was Ordered, "That Sir Francis Pemberton, Sir Thomas Jones, and Sir Francis Wythens, do attend this House on Wednesday morning next."

x.Com.Jour. p. 227. "In consequence of this Order, Sir Francis Pemberton and Sir Thomas Jones, who had been two of the Judges of the Court of King's Bench at the time when the Judgment was passed, were heard in their defence; and afterwards committed to the Serjeant at Arms, for their Breach of the Privileges of this House, by giving Judgment to over-rule the Plea to the Jurisdiction of the Court of King's Bench."

State Trials vol. viii, from p. 3 to 6. Your Committee think it proper to state, That Sir Francis Pemberton and Sir Thomas Jones, in defending themselves at the Bar of this House for their conduct in over-ruling the Plea to their Jurisdiction in the Actions of Jay v. Topham, &c. defended the Judgment they had given, by resting upon the nature of the pleading, and not by denying the Jurisdiction or Authority of this House; and Sir Francis Pemberton expressly admitted, that for any thing transacted in this House, no other Court had any jurisdiction to hear and determine it.

Your Committee in the next place think it expedient to state to the House, that there are various instances in which persons committed by the House of Commons have been brought up by Habeas Corpus before the Judges and Courts of Common Law; and in these cases, upon its appearing by the Return to the Habeas Corpus that they were committed under The Speaker's Warrant, they have been invariably remanded.

PROCEEDINGS relative to Sir FRANCIS BURDETT. 7

3.—Having stated these instances of the manner in which the Acts and Committees of this House have been brought into Judgment in other Courts, and the consequences of such Proceedings; Your Committee further think it proper, and in some degree connected with this subject, to advert to the course which was adopted for staying Proceedings in Suits brought against Members and their Servants, while they were protected from such Suits during the sitting of Parliament.

The Roll of Parliament 8 Ed. II. affords the earliest trace which Your Committee has found upon this subject. It is a Writ from the King confirmatory of the Privilege of being free from Suits in time of Parliament; and is in the following words: Rex mandavit Juficiaries fuis ad affias, jurat: &c. capiend assignat: quod superfedant Captioni corandem ubi comites barones et alii fummonati ad Parl' regis sunt partes quamdiu dictum Parliamentum duraverit.

There have been various modes of proceeding to enforce this Privilege. In Dewes's Journal, pa. 436. 31 Eliz. 1588—1589, Friday 21st of February, Your Committee find the following Entry: "Upon a Motion made by Mr. Harris, that divers Members of this House having Writs of Nisi prius brought against them, to be tried at the Assizes in sundry places of this Realm to be holden and kept in the Circuits of this present Vacation, and that Writs of Superfedas might be awarded in those cases in respect of the Privilege of this House due and appertaining to the Members of the same; It is agreed, that those of this House which shall have occasion to require such benefit of Privilege in that behalf, may repair unto Mr. Speaker, to declare unto him the state of their Cases, and that he, upon his discretion (if the cases shall so require) may direct the Warrant of this House to the Lord Chancellor of England, for the awarding of such Writs of Superfedas accordingly."

But the House used to stay also Proceedings by its own authority; sometimes by sending the Serjeant at Arms to deliver the person arrested out of custody; and sometimes by Letter from The Speaker to the Judges before whom the cause was to be tried. Of this latter mode of proceeding, Your Committee find many instances previous to the 3d of Charles I. Your Committee find a decision* against the authority of such a Letter, in the Court of King's Bench, which is reported in the Marg. of Dyer's Reports, p. 60. and in Latch, pp. 48 & 150. And shortly after the refusal by the Court of King's Bench to notice this Letter from the Speaker, the Parliament was dissolved. There are, however, many other instances of this course of proceeding after the Restoration; and in the instance of Lord *Newburgh* (23 February 1669) the House ordered the Proceedings to Outlawry to be staid during the Sessions, and the Record of the Exigents to be vacated and taken off the file.

* *Hodges v. Moor*, Trin. 3 Car. I.

ix. Com. Jour. p. 126.

The last instance which Your Committee find of such Letters having been written, occurs in the Lord Bulkeley's case in 1691, in which the Speaker is directed to write a Letter to the Prothonotary that he do not make out, and to the Sheriff of the County of Pembroke that he do not execute any Writ, whereby the Lord Bulkeley's possessions may be disturbed, until Mr. Speaker shall have examined and reported the matter to the House, and this House take further Order thereon. By the 12 & 13 W. III. c. 3. this Privilege was curtailed; and further by Stat. 2 & 3 Ann, c. 18.—11 Geo. II. c. 24.—10 Geo. III. c. 50.

Lord Chief Justice De Grey says in Crosby's case, "If a Member was arrested before the 12 & 13 W. III. the method in Westminster Hall was to discharge him by Writ of Privilege under the Great Seal, which was in the nature of a Superfedas to the proceeding. The statute of William has now altered this, and there is no necessity to plead the Privilege of a Member of Parliament."

All these Acts merely apply to proceedings against Members in respect of their debts and actions as individuals, and not in respect of their conduct as Members of Parliament; and therefore they do not in any way abridge the ancient Law and Privilege of Parliament so far as they respect the freedom and conduct of Members of Parliament as such, or the protection which the House may give to persons acting under its authority.

4.—Upon the whole, it appears to Your Committee, That the bringing these Actions against The Speaker, and the Serjeant, for acts done in obedience to the Orders of this House, is a Breach of the Privileges of this House.

And it appears, that in the several instances of Actions commenced in breach of the Privileges of this House, the House has proceeded by commitment, not only against the party, but against the Solicitor and other persons concerned in bringing such Actions; but Your Committee think it right to observe, that the commitment of such party, Solicitor, or other persons, would not necessarily stop the proceedings in such Action.

That as the particular ground of Action does not necessarily appear upon the Writ or upon the Declaration, the Court before which such Action is brought cannot stay the Suit or give Judgment against the Plaintiff, till it is informed by due course of legal proceeding that such Action is brought for a thing done by Order of the House.

And it therefore appears to Your Committee, That even though the House should think fit to commit the Solicitor or other person concerned in commencing these Actions; yet it will fall be expedient that the House should give leave to The Speaker, and the Serjeant, to appear to the said Actions, and to plead to the same; for the purpose of bringing under the knowledge of the Court, the authority under which they acted: And if The House should agree with that opinion, Your Committee submits to The House, whether it would not be proper that directions should be given by This House, for defending The Speaker, and the Serjeant, against the said Actions.

SECOND

R E P O R T

FROM THE

SELECT COMMITTEE

ON

PROCEEDINGS relative to Sir FRANCIS BURDETT.

Ordered, by The House of Commons, to be printed, 23d May 1810.

The SELECT COMMITTEE appointed to consider of the Proceedings had, and to be had, with reference to the several Papers signed “*Francis Burdett* ;” — the Contents of which related to his being apprehended and committed to the Tower of London, and which Papers were communicated to The House, by MR. SPEAKER, upon the 13th and 17th days of April last; — and to report such Facts, as they may think necessary, together with their Opinion thereupon, from time to time, to The House; — And to whom the matters stated by the Serjeant at Arms attending The House, and the Process served upon him in an Action at Law by Sir *Francis Burdett*; — and also the Summons served on MR. SPEAKER, and the Notice of Declaration delivered to the Serjeant at Arms, at the Suit of the said *Sir Francis Burdett*; were referred; — And to whom the Report was re-committed, which was made from the said Committee; — Have, pursuant to the Orders of The House, further considered the Matters referred to them; and have agreed to the following REPORT:

YOUR Committee, resuming the consideration of the principal matters referred in their former Report, do not think it necessary to state all the various Precedents which are to be found of the exercise of the power of Commitment by the House of Commons for Breaches of Privilege and Contempt in general, conceiving that to be a power too clear to be called in question, and proved, if proof were necessary, by the same Precedents, which they have collected with a view to the point to which they have more immediately directed their attention, and which Precedents are subjoined to their Report. APP. (A.)

The Cases which Your Committee have selected as most directly connected with the subject referred to them, are those of Commitments for Libel, an offence which tends to excite popular misapprehension and dissatisfaction, endangers the freedom

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dom of the Debates and Proceedings in Parliament, and requires the most prompt interposition and restraint. The effect of immediate punishment and example is required to prevent the evils necessarily arising from this offence, which evil it is obvious would be much less effectually guarded against by the more dilatory proceedings of the ordinary Courts of Law; nevertheless upon some occasions the House of Commons have proceeded against persons committing such offences, by directing Prosecutions, or by addressing His Majesty to direct them, as appears by the Precedents collected in the Appendix.

Appx. (B.)

From the series of Precedents which Your Committee find on Your Journals, it will most clearly appear that the House of Commons have treated Libels as Contempts; that they have frequently punished the Authors and Publishers of them by Commitment; whether those Authors and Publishers were or were not Members of the House; and that this power has been exercised at all times, as far back as the Journals afford an opportunity of tracing it. And Your Committee cannot forbear observing, that the Precedents subjoined to their Report establish this Law of Parliament, upon the ground and evidence of an immemorial usage, as strong and satisfactory as would be held sufficient in a Court of Law, for the establishment of any legal right.

(Appx. A.)

Your Committee also beg leave to observe, that the general power of Commitment was solemnly asserted by the House of Commons in 1675, and in their Resolutions of 1701; and was also claimed by the House of Commons, and admitted by the House of Lords in the most explicit terms, in the Conference between the two Houses, in the Case of Ashby and White, in 1704; although other points arising in that case were strongly controverted between the two Houses.

Appx. (C.)

Your Committee further state, that it has been recognized by legal authority, and by the most solemn decisions of the Courts of Law on various occasions, whenever any question upon it has been brought before them:

Appx. (D.)

By eleven of the Judges—in the Case of the Aylesbury Men. 2 Lord Raym. p. 1105. 3 Will. p. 205.

By the Court of King's Bench—in Murray's Case. 1 Will. p. 299. 1751.

By the Court of Common Pleas—in the Case of Brafs Crosby. 3 Will. p. 203. 1771.

By the Court of Exchequer—in the Case of Oliver. 1771.

And that this power of Commitment by either House of Parliament, was further recognized by the Court of King's Bench in the Case of Benjamin Flower, 8 Term Reports, p. 323, who had been committed by the House of Lords. And Your Committee have not found the authority of a single decision to the contrary in any Court whatever.

Appx. (E.)

Your Committee also beg leave to state, that the Judges of the Common Law have considered Libels upon their Courts or the proceedings in judicature as Contempts, and have frequently punished the authors and publishers of them by summary commitment. This appears from various instances stated in the Appendix which have occurred both in Courts of Law and Equity.

Appx. (E.)

Amongst the Judges who have concurred in those decisions, upon the power of Parliament and of the Courts of Law and Equity to commit for such Contempts, are to be found Lawyers the most distinguished for their zealous regard for the liberty of the Subject, and the most upright, able and enlightened men that ever adorned the seat of Justice; and the doctrines laid down by them all coincide with the opinion solemnly delivered by Lord Chief Justice De Grey in Crosby's case, that the power of Commitment is "inherent in the House of Commons from the very nature of its institution, and that they can commit generally for all contempts." 3 Will. p. 198.

Under

Under all these circumstances, Your Committee can have no hesitation in submitting their decided Opinion, that the power of Commitment for a Libel upon the House, or upon its Members, for or relative to any thing said or done therein, is essential to the Freedom of Debate, to the Independence of Parliament, to the security of the Liberty of the Subject, and to the general preservation of the State.

This power is in truth part of the fundamental Law of Parliament; the Law of Parliament is the Law of the Land; part of the Lex Terre, mentioned in Magna Charta, where it is declared, that "no Freeman shall be taken or imprisoned but " by lawful judgment of his Peers, or by the Law of the Land;" and it is as much within the meaning of these words, "the Law of the Land," as the universally acknowledged power of Commitment for Contempt by the Courts of Justice in Westminster Hall, which Courts have inherent in them the summary power of punishing such Contempts by Commitment of the Offenders, without the intervention of a Jury.

Your Committee therefore are of Opinion, That this Power is founded on the clearest principles of expediency and right, proved by immemorial usage, recognized and sanctioned by the highest legal Authorities, and analogous to the power exercised without dispute by Courts of Justice; that it grew up with our Constitution; that it is established and confirmed as clearly and incontrovertibly as any part of the Law of the Land, and is one of the most important safeguards of the Rights and Liberties of the People.

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APPENDIX.

Appendix (A.)

PRECEDENTS of COMMITMENTS for Words and Publications, Speeches, &c reflecting on the Proceedings of the House.

YEAR.	Volume and Page.	Name of Person.	CAUSE of COMMITMENT.	SORT of CUSTODY.	
				Serjeant.	Newgate. Tower.
Eliz.					
1559 -	i. 59	Tynder.	Member—was expelled	Serjeant.	—
1580 -	i. 122, 124, 125, 126, 132	Hall, a Member.	For contumacious words against the House of the House N. B.—Also fined and expelled.	Serjeant.	— Tower.
1625 -	i. 805/6	Montague.	For contempt of the House	Serjeant.	—
1628 -	i. 922	Lewes, a Member.	For words spoken against the last Parliament	Serjeant.	—
1628 -	i. 925	Aicyn.	For a libel on last Parliament	Serjeant.	—
Car. I.					
1640 -	ii. 63	Piers, a Member.	Archdeacon of Bath, for abusing the last Parliament	Serjeant.	—
	iii. 71	Pregon.	Scandalous words against this House	Serjeant.	—
			King, did not leave London till the 10th of January 1641. In the year preceding there are very many cafes of strangers, committed for contemptuous words spoken against the Parliament.	Gatehouse.	—
Car. II.					
1660 -	viii. 24	Lenthall, a Member.	For words in the House against the preceding Parliament	Serjeant.	—
	viii. 183, 185, 186	Drake.	For a pamphlet, reflecting on the Parliament	Serjeant.	—
	193	Crayfeld.	D°	D°	—
1662 -	viii. 368	Gregory & Withers.	For pamphlets reflecting on the justice of the House They were prisoners in Newgate, and were committed to the Tower, and ordered into close custody.	D°	Tower.
	446	Green.	D°	Serjeant.	—
	ix. 147	Woodward.	For contemptuous words of this House	Serjeant.	—
	ix. 364	Howard.	For a scandalous paper	Serjeant.	Tower.
1680 -	642	Sir Robert Cann, a Member.	For words in the House, reflecting on a Member—was expelled.	Serjeant.	Tower.
1680 -	654, 656	Garington and Grafine.	For a pamphlet against a Member	Serjeant.	—
1685 -	760	Cooke, a Member.	For words in the House	Serjeant.	Tower.

II.—Precedents of the like nature, from the Restoration to the Revolution.

Appendix (A.)—Precedents of Commitments—continued.

III.—Precedents, &c. from the Revolution to the end of King William.

YEAR.	Volume and Page.	Name of Person.	CAUSE OF COMMITMENT.	SORT OF CUSTODY.		
				Serjeant.	Newgate.	Tower.
1689 -	x. 244	<i>Christopher Smelt.</i>	Spreading a false and scandalous report of Sir Peter Rich, a Member - - - - -	Serjeant, } 29th July.	-	-
1690 -	x. 512	<i>William Briggs.</i>	Contemptuous words and behaviour, and scandalous reflections upon the House and upon Sir Jonathan Jennings, a Member thereof - - - - -	-	-	-
1691 -	x. 548, 558	<i>Richard Baldwin.</i>	Printer of a pamphlet entitled, "Mercurius Reformatus," reflecting on the proceedings of the House - - - - -	9th & 21st } Nov.	-	-
1693 -	xi. 123	<i>William Soader.</i>	Affirming and reporting that Sir Francis Maffam, a Member, was a pensioner - - - - -	9th Mar. } -	-	-
1695 -	371	<i>Sir George Meggot.</i>	Having scandalized the House, in declaring that without being duly chosen he had friends enough in the House to bring him into the House - - - - -	27th Dec. } -	-	-
1696 -	xi. 581	<i>John Manley.</i>	A Member, for words in the House - - - - -	-	-	Tower, 9th Nov.
1696 -	xi. 651	<i>Francis Duncombe.</i>	Having declared that he had distributed money to several Members of the House - - - - -	5th Jan. } -	-	-
1696 -	xi. 656	<i>John Ryge.</i>	Having caused a libel, reflecting on a Member of the House, to be printed and delivered at the door - - - - -	11th Jan. } -	-	-
1699 -	xiii. 141	<i>John Haynes.</i>	Writing a letter, reflecting upon the honour of the last House and of a Committee - - - - -	24th Jan. } -	-	-
1701 -	xiii. 735	<i>Thomas Colepeper.</i>	Reflections upon the last House of Commons N. B.—And Attorney General ordered to prosecute him for his said crimes. This was the Kentish petition. - - - - -	- - - } 7th Feb.	-	-

IV.—Precedents of the like nature, from 1701 to 1809.

1703 -	xiv. 270	<i>John Tutchin, John How, Benjamin Bragg.</i>	As Author, Printer, and Publisher of a printed paper, entitled, "The Observer," reflecting upon the Proceedings of the House - - - - -	3d Jan. } -	-	-
1704 -	xiv. 565.	<i>James Mellet.</i>	False and scandalous reflections upon two Members. - - - - -	9th Mar. } -	-	-
-	-	<i>Edward Theobald.</i>	Scandalous reflections upon a Member - - - - -	2d Mar. } -	-	-
1712 -	xvii. 182	<i>Samuel Buckley.</i>	As Printer of a pretended Memorial printed in the "Daily Courant," reflecting upon the Resolutions of the House - - - - -	11th Apr. } -	-	-
1715 -	xvii. 195	<i>E. Berrington. J. Morphet.</i>	As Printer and Publisher of a pamphlet, entitled, "The Evening Post," reflecting on His Majesty and the two Houses of Parliament - - - - -	1st July } -	-	-
1729 -	xxi. 396	<i>Richard Corbes.</i>	Reflecting upon the Proceedings and the authority of a Committee - - - - -	31st Mar. } -	-	-
1733 -	xxii. 245	<i>William Noble.</i>	Asserting that a Member received a pension for his voting in Parliament - - - - -	19th Feb. } -	-	-

Second REPORT from COMMITTEE on [Appx.

Appendix (A.)—IV. Precedents of Commitments, from 1701 to 1809.—continued.

YEAR.	Vol. and Page.	Name of Person.	CAUSE OF COMMITMENT.	SORT OF CUSTODY.	
				Serjeant.	Newgate.
1740 -	xxiii. 545 546 547	William Cooley, John Mares, John Hughes.	As Author, Printer, and Publisher of papers reflecting upon His Majesty's Government, and the Proceedings of both Houses of Parliament.	} 3d December.	—
1746 -	xxv. 454	Samuel Johns.	Author of a printed paper containing impudent reflections on the Proceedings of the House		
1768 -	xxxii. 97	Dennis Shadc. Joseph Thornton.	Sticking up a paper to inflame the minds of the people against the House	} 9 December.	—
		Henry Baldwin, Thomas Wright.	Giving directions for sticking up the above-mentioned paper.		
1774 -	xxxiv. 456	H. S. Woodfall.	Printing the Debates, and misrepresenting the Speeches of Members.	} 14th March.	—
1805 -	lx. 217	Peter Stuart.	For publishing a Letter highly reflecting on the character of the Speaker.		
			For printing in his Paper libellous reflections on the character and conduct of the House	} 14th February.	—

Appendix (B.)

CASES since 1697, of Prosecutions at Law against Persons for Libels, &c. upon the House of Commons or any of its Members; and whether by Order or Address.

Year.	Vol. & Page.	Name.	TITLE or DESCRIPTION of PUBLICATION.	By Order.	By Address.
1699 -	xiii. 230	Edward Stephen.	Libel on the House, and on an individual Member	} 27th February.	—
1701 -	xiii. 730	William Fuller.	Libel on the House by malicious pamphlets		
1701 -	xiii. 735	Thomas Colepeper.	A Letter to the Freeholders and Freemen of England, aspersing the House	} 7th February.	—
1702 -	xiv. 37.	Mr. Loyd.	Aspersing the character of a Member		
1702 -	xiv. 207 } 208 }	Dyer. News writing.	Misrepresenting the Proceedings of the House	} 18th November.	—
1740 -	xxiii. 546	Thomas Punter.	"The Daily Post." Highly and injuriously reflecting upon an act of Government, and the Proceedings of both Houses of Parliament		
1750 -	xxvi. —	Author, Printer and Publisher.	Publishing paper, entitled, "Constitutional Queries," grossly reflecting on the House	} 3d Dec.	22 Jan.
1751 -	xxvi. 304	Authors, Printers and Publishers.	The case of the Honourable Alexander Murray Aspersing the Proceedings of the House, and tending to create misapprehensions of the same in the minds of the people.		

Appendix (B).—Prosecutions at Law against Persons for Libels, &c.—*continued.*

YEAR.	Vol. & Page.	Name.	TITLE or DESCRIPTION of PUBLICATION.	By Order.	By Address.
1774	xxxiv. 464	<i>Author, Printers and Publishers.</i>	Publishing paper called the "South Briton," reflecting on the House	16th February.	
1788	xliii. 213	<i>Authors, Printers and Publishers.</i>	"The Morning Herald, The Gazetteer, and New Daily Advertiser" — Grossly reflecting on the House and the Members, and tending to prejudice the defence of a person answering at the Bar.		8th February.
1788	xliii. 232	<i>Authors, Printers and Publishers.</i>	"Review of the principal Charges against Warren Hastings," &c. — Highly disrespectful to His Majesty, and the House; and indecent Observations reflecting on the motives which induced the House to prefer the Impeachment against Warren Hastings.		15th February.
1789	xliv. 463	<i>Printer and Publisher.</i>	"The World" — Containing matter of scandalous and libellous nature, reflecting on the Proceedings of the House.		16th June.
1795	ii.	<i>John Reeves.</i>	"Thoughts on the English Government" — Complaint made of passages therein as containing matter in breach of the privilege of the House.		15th December.

Appendix (C.)

CLAIM and RECOGNITION of the Privileges of Parliament, and the Power of Commitment.

11 Rich. II.—Rot. Parl. Vol. iii. p. 244.

EN ycest Parlement, toutz les Seigns si bien Espiritels come Temporels aloirs presentz clamerent come leur Libertee & Franchise, q̄les grosses matires moeyez en cest Parlement, & a moers en autres Parlemez en temps a venir, tochant Pies de la Terre, ferroient deueinez, ajugez, & difens par le cours de Parlement, & nemye par la Loy Civile, ne par la Coimune Ley de la Terre, uzez en autres plus bas Courtes du Roialme: quell claym, liberte, & franchise le Roy lout benignement alloua & ottoira en plein Parlement.

32 Hen. VI.—Rot. Parl. Vol. v. p. 239.—Thorpe's Cafe.

The seid Lordes Spirituelx and Temporelx not entyng to enpeche or hurt the Libertees and Privileges of theyn that were comen for the Commune of this lande to this present Parlement, but egally after the cours of lawe to mynyfre justice, and to have knowlege what the lawe will wey in that behalve, opened and declared to the Justices the premisses, and axed of them whether the seid Thomas ought to be delivered from prison, by force and vertue of the Privelege of Parlement or noo. To the which question the chefe Justices, in the name of all the Justices, after sadde communication and mature deliberation hadde among them, answered and said, that they ought not to answer to that question, for it hath not be used afore tyme that the Justices should in any wyfe determine the Privelege of this high Court of Parlement.

4 Hen. VIII.—The original Roll in the Parliament Office.—Stroude's Cafe.

This is the act coneyng Richard Stroude for matt' retoned in the Parliament.—The Act begins by reciting the Petition of R^d Stroude, and after that recital proceeds thus:

HENRY R.

And on that be it inacted by the seide Autorite, That al futs, accusements, condempnacons, execucions, fyns, am'ciamentis, punysshements, correccions, grev'ncez, charges, & impositions putt or hadde or her aft' to be put or hadde unto or upon the seide Richard, and

Soit baill aux Senio's.

and to every other of the p'son or p'fons afore specified that nowe be of this p'sent Parliament or that of any Parliament her after shall be for any bylle speyking, reasonyng or declaring off any mat' or maters concyning the Parliament to be comencd and treated off, be utt'ly voyde & of none effecte, and on that be hyt inacted by the seide Autorite, That if the seide Richard Strode or any of all the seide other p'son or p'fons her after be vexy'd, trobeled or other wyse charged for any causes as is aforesaide, that then he or they & every of them so vexed or troubled off stand for the same, have acc'on upon the case agaynste ev'ry such p'son or p'fons so vexyng or trobeling any cot'rie to this Ordyns & p'vision, in the whych acc'on the p'tie greyv'd shall be recov' trebyll damages & cofis & that no p'tecon, effouie nor wayer of Lawe yn the seide acc'on in any wyse be admittyd nor receyv'd.

A Cest Bill Ley Seinos ff Assent.

1606.—Com. Journ. Vol. i. p. 349.

The Commons tell the Lords "that they doubt not, but the Commons Houle is a Court, and a Court of Record."

1620.—Com. Journ. Vol. i. p. 545.

In a Report of Precedents by Sir Edward Coke, it is agreed, "The Houfe of Commons, alone, hath a power of punishment, and that judicial."—Hall's Case 23 Elizth, and Long's Case 5th Elizth cited.

1675, June 4th.—Com. Journ. Vol. ix. p. 354.

In the matter of the appellant Jurisdiction of the Houfe of Lords, the Commons assert their right "to punish by imprisonment a Comoner that is guilty of violating their Privileges, that being according to the known Laws and Custom of Parliament and the right of their Privileges declared by the King's Royal Predecessors in former Parliaments and by himself in this;" and "that neither the great Charter, the Petition of Right, nor any other Laws, do take away the Law and Custom of Parliament, or of either Houfe of Parliament."

1701.—Vol. xiii. p. 767.—Kentish Petition.

Resolved, That it is the Opinion of this Committee, that to assert the Houfe of Commons have no power of Commitment, but of their own Members, tends to the subversion of the Constitution of the Houfe of Commons.

Resolved, That it is the Opinion of this Committee, That to print or publish any Book, or Libels reflecting upon the proceedings of the Houfe of Commons, or any Member thereof for or relating to his service therein, is a high violation of the Rights and Privileges of the Houfe of Commons.

Ashby & White.

Conferences between the two Houses.

The Commons at the second Conference with the Lords re-assert their Resolution o

1701:

"For it is the ancient and undoubted right of the Houfe of Commons to commit to breach of Privilege; and the instances of their committing persons (not Members of th
"Houfe) for breach of Privilege, and that to any Her Majesty's prisons, are ancient, a
"many, and so well known to your Lordships, that the Commons think it needles to pu
"duce them."—Lords Journ. Vol. xvii. p. 799.

The Lords in answer say,—“The Lords never disputed the Commons power of con
"mitting for breach of Privilege, as well persons who are not of the Houfe of Common
"as those who are,” &c.

Lords Journ. Vol. xvii. p. 714.

Appendix (D.)

RECOGNITION of the Law and Privilege of Parliament, and of the Pow
of the Houfe of Commons to commit for Contempt, by Legal Authority
and by the Decision of Courts of Justice.

Coke, 4 Inst. fo. 15.

Lord Coke observes, upon the Claim of the Lords, in 11 of Rich. II. sanctioned by the King (as stated in the first paragraph of Appendix C.) under the head of 'Lex & Consuetudo Parliamenti'; as followeth—“And as every Court of Justice hath Laws and Customs for its direction; some by the Common Law, some by the Civil Law and Common Law, some by peculiar Laws and Customs, &c. so the High Court of Parliament—*scilicet* *legibus et consuetudinibus subsistit*—It is *lex et consuetudo* Parliamenti, that all weighty matters

“ matters in any Parliament, moved concerning the Peers of the Realm, or Commons in Parliament assembled, ought to be determined, adjudged, and discussed by the courts of Parliament, and not by Civil Law, nor yet by the Common Laws of this Realm used in inferior Courts; which was to be declared to be—*secundum legem et consuetudinem Parliamenti*—concerning the Peers of this Realm, by the King, and all the Lords Spiritual and Temporal: And the like, *pari ratione*, is for the Commons for any thing moved or done in the House of Commons.”

Coke, 4 Inst. fo. 30.

And on another occasion, in treating of the Laws, Customs, Liberties and Privileges of the Court of Parliament, which he saith, “ hath been much desired, and are the very heart-strings of the Commonwealt;” Lord Coke says,—“ All the Justices of England and Barons of the Exchequer, are assistants to the Lords, to inform them of the Common Law, and thereunto are called severally by Writ; neither doth it belong to them (as hath been said) to judge of any Law, Custom, or Privilege of Parliament: And to say the truth, the Laws, Customs, Liberties, and Privileges of Parliament, are better to be learned out of the Rolls of Parliament, and other Records, and by Precedents and continued experience, than can be expressed by any one man’s pen.”

26 Car. II.—1674.—State Trials, Vol. vii. p. 449.—Somme’s Case.

Lord Chief Justice North said,—“ I can see no other way to avoid consequences derogatory to the honour of the Parliament, but to reject the action; and all others that shall relate either to the Proceedings or Privilege of Parliament, as our predecessors have done.

“ For if we should admit general remedies in matters relating to the Parliament, we must set bounds how far they shall go, which is a dangerous province; for if we err, Privilege of Parliament will be invaded, which we ought not in any way to endamage.”

1675.—State Trials, Vol. ii. p. 622.—Earl of Shaftesbury’s Case.

In the Case of the Earl of Shaftesbury, who was committed by the House of Lords, “ for high contempts committed against the House,” on being brought up to the King’s Bench on the Return of an Habeas Corpus, the Court unanimously determined against entertaining the case; when Rainsford, Chief Justice, said, “ This Court has no jurisdiction of the Cause, and therefore the form of the Return is not considerable. We ought not to extend our jurisdiction beyond its limits, and the actions of our ancestors will not warrant such an attempt.

“ The consequence would be very mischievous, if this Court should deliver a Member of the House of Peers and Commons who are committed, for thereby the business of Parliament may be retarded; for it may be the commitment was for evil behaviour, or indecent reflections on other Members, to the disturbance of the affairs of Parliament.

“ The commitment in this case is not for safe custody; but he is in execution of the judgment given by the Lords for contempt; and therefore, if he should be bailed, he would be delivered out of execution; for a contempt *in facie curiæ* there is no other judgment or execution.

“ This Court has no jurisdiction, and therefore he ought to be remanded. I deliver no opinion whether it would be otherwise in case of a Prerogative.”

1751, Feb. 7th.—1 Wilton, p. 206.—Murray’s Case.

When he was brought up to the King’s Bench by a Habeas Corpus, and the Court unanimously refused to discharge him, Mr. Justice Wright said, “ It appears upon the Return of this Habeas Corpus, that Mr. Murray is committed to Newgate by the House of Commons, for an high and dangerous contempt of the Privileges of that House; and it is now insisted on at the Bar, that this is a bailable case, within the meaning of the Habeas Corpus Act.

“ To this I answer, that it has been determined by all the Judges to the contrary; that it could never be the intent of that Statute to give a Judge at his chamber, or this Court, power to judge of the Privileges of the House of Commons.

“ The House of Commons is undoubtedly an high Court; and it is agreed on all hands that they have power to judge of their own Privileges; it need not appear to us what the contempt was for; if it did appear, we could not judge thereof.

“ Lord Shaftesbury was committed for a contempt of the House; and being brought here by an Habeas Corpus, the Court remanded him; and no case has been cited wherever this Court interposed.

“ The House of Commons is superior to this Court in this particular; this Court cannot admit to bail a person committed for a contempt in any other Court in Westminster Hall.”

Dennison, Justice.—“ This Court has no jurisdiction in the present case. We granted the Habeas Corpus, not knowing what the commitment was; but now it appears to be for a contempt of the Privileges of the House of Commons: what those Privileges (of either House) are, we do not know; nor need they tell us what the contempt was, because we cannot judge of it; for I must call this Court inferior to the House of Commons, with respect
E
256 & 259.

“spect to judging of their Privileges, and Contempts against them. I give my judgment
“so suddenly, because I think it a clear case, and requires no time for consideration.”

“Foster, Justice.—“The Law of Parliament is part of the Law of the Land; and there would
“be an end of all Law, if the House of Commons could not commit for a Contempt. All
“Courts of Record (even the lowest) may commit for a Contempt; and Lord Holt, though
“he differed with the other Judges, yet agreed the House might commit for a Contempt in
“the face of the House. As for the Prisoner’s illness, we can take no notice of it, having no
“power at all in this case.”
“The Prisoner was remanded.”

1771.—3 Wilk. 188.—Crosby’s Case.

In the year 1771, Bras Crosby, esq. the Lord Mayor, who was committed to the Tower
by order of this House, under the Speaker’s Warrant, on 25th March 1771, was brought
up by Habeas Corpus before the Court of Common Pleas in Easter Term. The Question
was fully argued, and, by the unanimous judgment of the Court, he was remanded.

The Lord Chief Justice de Grey, in giving the opinion of the Court, stated, “That this
“power (viz. of commitment) must be inherent in the House of Commons, from the very
“nature of its institution; and therefore is part of the Law of the Land. They certainly
“always could commit in many cases; in matter of Elections, they can commit Sheriffs,
“Mayors, Officers, Witnesses, &c. and it is now agreed, that they can commit generally
“for all Contempts. All Contempts are either punishable in the Court contemned, or in
“some higher Court. Now the Parliament has no superior Court; therefore the contempt
“against either House can only be punished by themselves.”

“The Stat. of James I. cap. 13. sufficiently proves that they have power to punish it, in
“these words: ‘Provided always, that this Act or any thing therein contained shall not extend
“to the diminishing of any punishment to be hereafter by censure in Parliament inflicted
“upon any person which hereafter shall make or procure to be made any such arrest as
“afore said, so that it is most clear that the Legislature have recognized this power of the
“House of Commons. In the case of the Aylebury Men, the Counsel admitted, Lord
“Chief Justice Holt owned, and the House of Lords acknowledged, that the House of
“Commons had power to commit for Contempt or breach of Privilege. Indeed, it seems
“they must have power to commit for any crime. When the House of Commons adjudge
“any thing to be a Contempt or a breach of Privilege, their adjudication is a conviction,
“and their commitment in consequence an execution; and no Court can discharge or
“bail a person that is in execution by the judgment of any other Court.”

And he concluded his judgment in these words:

“I am perfectly satisfied that if Lord Holt himself were to have determined it, the Lord
“Mayor would have been remanded. In the case of Mr. Murray, the Judges could not
“hesitate concerning the contempt by a man who refused to receive his sentence in a proper
“posture; all the Judges agreed, that he must be remanded, because he was com-
“mitted by a Court having competent jurisdiction. Courts of Justice have no cognizance
“of the acts of the Houses of Parliament, because they belong ad aliud examen. I have the
“most perfect satisfaction in my own mind in that determination. Sir Martin Wright, who
“felt a generous and distinguished warmth for the liberty of the Subject; Mr. Justice Denison,
“who was so free from connections and ambition of every kind; and Mr. Justice Foster,
“who may be truly called the Magna Charta of liberty, of persons as well as fortune; all
“these revered Judges concurred in this point. I am therefore clearly and with full satis-
“faction of opinion, that the Lord Mayor must be remanded.”

Gould, Justice.—I entirely concur in opinion with my Lord Chief Justice, that this Court
“hath no cognizance of Contempts or breach of Privilege of the House of Commons; they
“are the only Judges of their own Privileges; and that they may be properly called Judges,
“appears in 4 Inst. 47. where my Lord Coke says, an alien cannot be elected of the Par-
“liament, because such a person can hold no place of judicature. Much stress has been
“laid upon an objection, that the Warrant of the Speaker is not conformable to the Order
“of the House; and yet no such thing appears upon the Return, as has been pretended. The
“Order says, that the Lord Mayor shall be taken into the custody of the Serjeant or his
“Deputy; it does not say, by the Serjeant or his Deputy. This Court cannot know the
“nature and power of the proceedings of the House of Commons: it is founded on a dif-
“ferent law; the *lex et consuetudo Parliamenti*, is known to Parliament men only. Trewyn-
“nard’s case, Dier, 59, 60. When matters of Privilege come incidentally before the Court,
“it is obliged to determine them, to prevent a failure of justice. * It is true this Court did,
“in the instance alluded to by the Counsel at the Bar, determine upon the Privilege of
“Parliament in the case of a Libel; but then that Privilege was promulged and known; it
“existed in records and law books, and was allowed by Parliament itself. But even in that
“case, we now know that we were mistaken; for the House of Commons have since deter-
“mined, that Privilege does not extend to matters of Libel. The cases produced respecting
“the High Commission Court, &c. are not to the present purpose, because those Courts
“had not a legal authority. The Resolution of the House of Commons is an adjudication,
“and every Court must judge of its own contempts.”

* Wilkes’s Case,
2 Wilk. 151.

Blackstone, Justice.—“I concur in opinion, that we cannot discharge the Lord Mayor. The present case is of great importance, because the liberty of the Subject is materially concerned. The House of Commons is a Supreme Court, and they are Judges of their own Privileges and Contempts, more especially with respect to their own Members.—Here is a Member committed in execution by the judgment of his own House. All Courts, by which I mean to include the two Houses of Parliament and the Courts of Westminster Hall, can have no control in matters of contempt. The sole adjudication of contempts, and the punishment thereof, in any manner, belongs exclusively, and without interfering, to each respective Court. Infinite confusion and disorder would follow, if Courts could by Writ of Habeas Corpus examine and determine the contempts of others. This power to commit results from the first principles of justice; for if they have power to decide, they ought to have power to punish. No other Court shall scan the judgment of a superior Court, or the principal Seat of Justice. As I said before, it would occasion the utmost confusion, if every Court of this Hall should have power to examine the commitments of the other Courts of the Hall for contempts; so that the judgment and commitment of each respective Court as to contempts, must be final and without control. It is a confidence that may, with perfect safety and security, be reposed in the Judges and the Houses of Parliament. The Legislature since the Revolution (see 9 & 10 W. III. c. 15.) have created many new contempts. The objections which are brought, of abusive consequences, prove too much, because they are applicable to all Courts of dernier resort: et ab abuti ad usum non valent consequentia, is a maxim of law as well as of logic. General convenience must always outweigh partial inconvenience; even supposing (which in my conscience, I am far from supposing) that in the present case the House has abused its power. I know, and am sure that the House of Commons are both able and well inclined to do justice. How preposterous is the present murmur and complaint! The House of Commons have this power only in common with all the Courts of Westminster Hall: and if any persons may be safely trusted with this power, they must surely be the Commons, who are chosen by the people; for their privileges and powers are the privileges and powers of the people. There is a great fallacy in my brother Glynn's whole argument, when he makes the question to be, Whether the House have acted according to their right or not? Can any good man think of involving the Judges in a contest with either House of Parliament, or with one another? And yet this manner of putting the question would produce such a contest. The House of Commons is the only Judge of its own proceedings; Holt differed from the other Judges in this point, but we must be governed by the eleven, and not by the single one. It is a right inherent in all supreme Courts; the House of Commons have always exercised it. Little nice objections of particular words, and forms and ceremonies of execution, are not to be regarded in the acts of the House of Commons; it is our duty to presume the Orders of that House, and their execution, are according to law. The Habeas Corpus in Murray's case was at Common Law. I concur intirely with my Lord Chief Justice.”

1771.—Oliver's Case.

And in Mr. Alderman Oliver's case, argued in the Court of Exchequer on the 27th of April 1771, the four Judges, Chief Baron Parker, Mr. Baron Smythe, Mr. Baron Adams, and Mr. Baron Perrot, unanimously acknowledged in like manner the right of the House of Commons to commit.

1779.—Durnford and Eaff's Report, K. B. Book 8. p. 314.

Flower's Case.

In the case of Flower, committed by the House of Lords, for a libel on the Bishop of Landaff, on his being brought up to the King's Bench upon Habeas Corpus.

Lord Kenyon, Chief Justice, said—“If we entertained any doubts upon this subject, it would be unbecoming in us to rush to a speedy decision without looking through all the cases cited by the Defendant's Counsel; but not having any doubts, I think it best to dispose of the case at once. The cases that have been referred to are all collected in Lord Hale's Treatise on the Jurisdiction of the Lords' House of Parliament, and that valuable Preface to it published by Mr. Hargrave; but in the whole of that publication the Defendant's Counsel has not found one case applicable to the present. This is one of the plainest questions that ever was discussed in a Court of Law. Some things, however, have dropped from the learned Counsel. That require an answer.—First, it is said that the House of Lords is not a Court of Record that the House of Lords when exercising a legislative capacity is not a Court of Record, is undoubtedly true; but when sitting in a judicial capacity, as in the present case, it is a Court of Record. Then it was objected, that the Defendant was condemned without being heard in his defence: but the warrant of commitment furnishes an answer to that; by that it appears, that he was informed of the complaint made against him, &c. and having been heard as to what he had to say in answer to the said complaint, &c. he was adjudged guilty of a high breach of the Privileges of the House, &c. so that it clearly appears that he was heard in his defence, “and

“ and had the same opportunity of calling Witnesses, that every other Defendant has in a Court of Justice. Then insinuations are thrown out against the encroachments by the House of Lords on the liberties of the Subject: but the good subjects of this country feel themselves protected in their liberties by both Houses of Parliament. Government rests in a great degree on public opinion; and if ever the time shall come, when factious men will overturn the Government of the Country, they will begin their work by calumniating the Courts of Justice and both Houses of Parliament.

“ The ground of this proceeding is, that the Defendant has been guilty of a breach of Privileges of the House, and a contempt of the House. This claim of right to punish by fine and imprisonment for such an offence, is not peculiar to the House of Lords; it is frequently exercised by this and other Courts of Record, and that not merely for contempts committed in the presence of the Court: One instance of which was that of Mr. Beardmore (a). Under Sheriff of Middlesex, for a contempt of the Court in not executing part of the sentence pronounced on Dr. Shebbeare. And that case answers another objection, strongly insisted on by the Defendant's Counsel here, that if the party accused can be punished in any other manner, this mode of trial cannot be resorted to; for there Mr. Beardmore might have been indicted, but yet he was attached, examined upon interrogatories, and fined and imprisoned. Again it is objected, that the House of Lords cannot impose a fine for such an offence; but this and other Courts of Record have the power of fining in this summary manner; and why should not the House of Lords have the same power of imposing a fine for a contempt of their privileges? Then several instances were alluded to, where the House did not choose to exercise this privilege, but directed prosecutions to be instituted in the Courts of Law. The same observations might equally be made on the proceedings of this Court, who have sometimes directed indictments to be preferred. We are not therefore to conclude that the House of Lords has not the power of inflicting this punishment, from the circumstance of its not exercising it on all occasions. When Lord Shaftesbury's case came on, there were some persons who wished to abridge the Privileges of the House of Lords: but Mr. Sergeant Maynard was one of those who argued in support of their Privileges; and he justly was not capable of concurring in any attempt to infringe the liberties of the people. It has been said, however, that though many instances are to be found in which the House of Lords has in point of fact exercised this power, whenever that power has been exercised it has been resisted with effect; from whence it is inferred, that the House of Lords has not the authority which it assumes: but in this case I may avail myself of the same argument in favour of its Jurisdiction, for no case has been found where it has been holden to be illegal in the House of Lords to fine and imprison a person guilty of a breach of Privilege. We were bound to grant this Habeas Corpus; but having seen the Return to it, we are bound to remand the Defendant to prison, because the subject belongs to a law examen. There is nothing unconstitutional in the House of Lords proceeding in this mode for a breach of Privilege; and unless we wish to assist in the attempt that is made to overfet the Law of Parliament and the Constitution, we must remand the Defendant.”

“ Grose, J.—“ This question is not new; it has frequently been considered in Courts of Law; and the principles discussed to-day, and the Cases cited, were examined not many years ago; and the result is very ably stated by Lord Ch. Just. De Grey, in 3 Will. 199. When the House of Commons (and the same may be said of the House of Lords) adjudge any thing to be a Contempt or a breach of Privilege, their adjudication is a conviction, and their commitment in consequence, is execution; and no Court can discharge or bail a person that is in execution by the judgment of any other Court. In another passage he said, “ Every Court must be sole judge of its own contempts.” And again, “ The Counsel at the Bar have not cited one case where any Court of this Hall ever determined a matter of Privilege which did not come immediately before them.”

“ Having stated this, I think I need not add more in the present case.”

Per Curiam. (b)

Let the Defendant be remanded.

(a) Vide 2 Burr. 792.

(b) Mr. Justice Lawrence was not in Court, being indisposed; and Mr. Justice Le Blanc, having attended at the Guildhall Sittings for Lord Kenyon, and not returning till the argument was closed, gave no opinion.

Appendix (E.)
 CASES of Commitments for Contempt by Courts of Justice.

A N A L O G Y.

In Michaelmas Term 18 Edward III.
John De Northampton, an Attorney of the Court of King's Bench, confessing himself guilty of publishing a Libel upon the Court, was committed to the Marshal, and ordered to find securities for his good behaviour.—3. Inf. 174.

Hilary Term 11 Ann.
 A Writ of Attachment was issued against *Thomas Lawson*, for speaking disrespectful words of the Courts of Queen's Bench, upon his being served with a Rule of that Court.

Hilary 12 Ann.
 A Writ of Attachment was granted against *Edward Hendale*, for speaking disrespectful words of the Lord Chief Justice of the Court of Queen's Bench, and his Warrant.

Trinity Term 5 Geo. I.
 A Writ of Attachment against *Jones*, for treating the Process of the Court of King's Bench contemptuously; and there being an intimation that he relied on the assistance of his fellow-workmen to rescue him, the Court sent for the Sheriff of Middlesex into Court, and ordered him to take a sufficient force.—1 Strange 185.

Michaelmas Term 6 Geo. I.
 A Writ of Attachment was granted to *Richard Lamb*, for contemptuous words concerning a Warrant from a Judge of the Court of King's Bench.

Easter Term 6 Geo. I.
Wilkins having confessed himself guilty of publishing a Libel upon the Court of King's Bench, the Court made a rule committing him to the Marshal.
 The next Term Wilkin having made an affidavit charging Doctor Colebatch with being the author of the Libel, was sentenced to pay a fine of £. 5, and to give security for his good behaviour for a year.

Hilary Term 7 Geo. I.
 An Attachment was granted against *John Barber*, Esquire, for contemptuous Words of the Court of King's Bench, in a speech to the Common Council of London.—1 Strange, 443.

Hilary Term, 9 Geo. I.
 Doctor Colebatch having been examined upon interrogatories, for contempt in publishing a Libel, the interrogatories and answer were referred to the King's Coroner and Attorney; and

In Easter Term 9 Geo. I.
 Dr. Colebatch, being in the custody of the Marshal, was brought into Court, and was sentenced to pay a fine of £. 50, and to give security for his good behaviour for a year, and was committed to the Marshal in execution.

Michaelmas Term 9 Geo. I.
 A Writ of Attachment was granted against *John Bolton*, Clerk, for contemptuous words respecting the Warrants of the Lord Chief Justice of the Court of King's Bench, at a meeting of his parishioners in the Church-yard.

Easter Term 9 Geo. I.
 John Wyatt, a bookseller in St. Paul's Church-yard, published a pamphlet, written by Dr. Conyers Middleton, in the dedication of which to the Vice-Chancellor of Cambridge, were some passages reflecting upon a proceeding of the Court of King's Bench; the Court granted a Rule against Wyatt, to shew cause why a Writ of Attachment should not issue against him for his contempt; and Wyatt having made an affidavit that *Cornelius Crewyfield* had employed him to sell the pamphlet, and he having charged Dr. Conyers Middleton with being the author of it, Crewyfield was discharged upon payment of the costs, and a Writ of Attachment was granted against Dr. Conyers Middleton, who, in the next Term, gave bail to answer the contempt; he was afterwards examined upon interrogatories, and upon the report of the King's Coroner and Attorney he was adjudged to be in contempt, and was committed to the Marshal in execution quousque, &c. and it was referred to the Master to tax the Professor's costs. It

It is stated in Fortescue's Reports, that Dr. Middleton was sentenced to pay a fine of £.50, and to give security for a year; but no Rule for such sentence has at present been found; and Dr. Colebatch having received such a sentence, for a similar offence, in the preceding Term, it is *possible* that this sentence may, by mistake, have been applied to Dr. Middleton.

Michaelmas Term 5 Geo. II.

The Court granted a Writ of Attachment against Lady Lawley, for a contempt in publishing a paper reflecting upon the proceedings of the Court; and she having been examined upon interrogatories, was in Easter Term following reported by the Officer of the Court to be in contempt, and was committed to the Marshal.

And in Trinity Term 6 Geo. II. she was brought into Court, and a Rule made, stating that "fecit in submissionem suam petitiv veniam de curiâ;" and thereupon she was fined five marks and discharged.

Maria Halpern, the husband of Lady Lawley, was also examined upon interrogatories, for publishing the same Libel.—2 Barnardiston, K's B. 43.

Extract from Atkyns's Reports, Book 2, page 469.

First Seal after Michaelmas Term, December 3d, 1742.

A motion against the printer of The Champion, and the printer of The Saint James's Evening Post; that the former, who is already in the Fleet, may be committed close prisoner, and that the other, who is at large, may be committed to the Fleet, for publishing a Libel against Mr. Hall and Mr. Garden (executors of John Roach, Esquire, late Major of the garrison of Fort Saint George in the East Indies, and for reflecting likewise upon Governor Mackay, Governor Pitt, and others, taxing them with turning affidavit-men, &c. in the Cause now depending in this Court; and insinuating that the publishing such a paper is a high contempt of this Court, for which they ought to be committed.

Lord Hardwicke, Lord Chancellor,

Nothing is more incumbent upon Courts of Justice than to preserve their proceedings from being misrepresented; nor is there any thing of more pernicious consequence, than to prejudice the minds of the public against persons concerned as parties in causes, before the cause is finally heard. It has always been my opinion, as well as the opinion of those who have sat here before me, that such a proceeding ought to be discontinued.

But to be sure Mr. Solicitor-General has put it upon the right footing, that notwithstanding this should be a Libel, yet unless it is a contempt of the Court, I have no cognizance of it; for whether it is a Libel against the public, or private persons, the only method is to proceed at law.

The Defendants' Counsel have endeavoured two things—1st, to shew this paper does not contain defamatory matters; 2dly, if it does, yet there is no abuse upon the proceedings of this Court: And therefore there is no room for me to interpose.

Now take the whole together, though the letter is artfully penned, there can remain no doubt in every common reader at a coffee-house but this is a defamatory libel.

It is plain therefore who is meant; and as a Jury, if this fact was before them, could make no doubt, so, as I am a Judge of facts as well as law, I can make none.

I might mention several strong cases, where even feigned names have been confuted a libel upon those persons who were really meant to be libelled.

Upon the whole, as to the libellous part, if so far there should remain any doubt whether the executors are meant, it is clear beyond all contradiction upon the last paragraph, in which are these words: "This case ought to be a warning to all fathers to take care with whom they trust their children and their fortunes, lest their own characters, their widows and their children be affected, and their fortunes squandered away in law-suits."

And likewise, though not in so strong a degree, the words "turned Affidavit-men," is a libel against those Gentlemen who have made them.

There are three different sorts of Contempt:

One kind of Contempt is, scandalizing the Court itself.

There may be likewise a Contempt of this Court, in abusing parties who are concerned in causes here.

There may also be a Contempt of this Court, in prejudicing mankind against persons before the cause is heard.

There cannot be any thing of greater consequence than to keep the streams of justice clear and pure, that parties may proceed with safety both to themselves and their characters.

The case of Raikes, the Printer of the Gloucester Journal, who published a libel in one of the Journals against the Commissioners of Charitable Uses at Burford, calling his advertisement, A Hue and Cry after a Commission of Charitable Uses, was of the same kind as this; and the Court in that case committed him.

There are several other cases of this kind: one strong instance, where there was nothing reflecting upon the Court, in the case of Captain Perry, who printed his brief before the

* Vide Baker v. Hart, post. 488. Mrs. Farley's Case, 2 Ves. 520.

cause came on; the offence did not consist in the printing, for any man may give a printed brief as well as a written one to Counsel; but the Contempt of this Court was, prejudicing the world with regard to the merits of the cause before it was heard.

Upon the whole, there is no doubt but this is a Contempt of the Court.

With regard to Mrs. Read, the Publisher of Saint James's Evening Post, by way of alleviation, it is said, that she did not know the nature of the paper; and that printing papers and pamphlets is a trade, and what she gets her livelihood by.

But though it is true this is a trade, yet they must take care to do it with prudence and caution; for if they print any thing that is libellous, it is no excuse to say that the printer had no knowledge of the contents, and was entirely ignorant of its being libellous: and so is the rule of Law, and I will always adhere to the strict rules of Law in these cases.

Therefore Mrs. Read must be committed to the Fleet, according to the common order of the Court upon Contempts.

But as to Mr. Huggonson, who is already a prisoner in the Fleet, I do not think this any motive for compassion; because these persons generally take the advantage of their being prisoners, to print any libellous or defamatory matter which is brought to them, without scruple or hesitation.

If these printers had disclosed the name of the person who brought this paper to them, there might have been something said in mitigation of their offence; but as they think proper to conceal it, I must order Mrs. Read to be committed to the Fleet, and Huggonson to be taken into close custody of the Warden of the Fleet.

13th Vesey, jun. page 237.

Ex parte Jones.

The object of this Petition was to remove the Committee of a Lunatic, and to bring before the Lord Chancellor an alleged Contempt by the Committee and his Wife and other persons, as the authors printers and publishers of a Pamphlet, with an Address to the Lord Chancellor by way of dedication, reflecting upon the conduct of the Petitioner and others acting in the management of the affairs of the Lunatic under orders made in pursuance of the Trusts of a Will, the Affidavit representing the conduct of the Committee and his Wife intruding into the Master's Office, and interrupting him, not only in the business of this particular Lunacy, but all other business. The Wife of the Committee avowed herself to be the author of the Pamphlet, alleging the innocence of her Husband.

The Solicitor-General (Sir Samuel Romilly) and Mr. Hart, in support of the Petition, were stopped by the Lord Chancellor, who called on the Council against it.

Mr. Plowden refuted the Petition, contending that the Petitioners had a remedy at Law.

Lord Erskine: The Lord Chancellor.

As to remedy at Law, the subject of this application is not the Libel against the Petitioner.—The case of Roach v. Garvan (a) and another, there mentioned, were cases of constructive Contempt, depending upon the inference of an intention to obstruct the course of justice. In this instance, that is not left to conjecture; and whatever may be said as to a constructive contempt through the medium of a libel against persons engaged in controversy in the Court, it never has been nor can be denied, that a publication not only with an obvious tendency but with the design to obstruct the ordinary course of justice, is a very high contempt.—Lord Hardwicke considered persons concerned in the business of the Court as being under the protection of the Court, and not to be driven to other remedies against libels upon them in that respect.—But without considering whether this is or is not a libel upon the Petitioner, what excuse can be alleged for the whole tenor of this book, and introduced by this declaration of the purpose which the Author intended it to answer? It might be sufficient to say of the book itself, fringed of the dedication, that it could be published with no other intention than to obstruct the duties cast upon the Petitioner, and to bring into contempt the orders that had been made. But upon the dedication this is not a constructive Contempt. It is not left to inference. In this dedication the object is avowed, by defaming the proceedings of the Court standing upon its Rules and Orders, and interesting the public, prejudiced in favour of the Author by her own partial representation, to procure a different species of judgment from that which would be administered in the ordinary course, and by flattering the Judge to taint the source of justice.—This Pamphlet has been sent to me.

As to the printers, Lord Hardwicke observes, it is no excuse that the printer was ignorant of the contents. Their intention may have been innocent, but, as Lord Mansfield has said, the fact whence the illegal motive is inferred must be traversed, and the party admitting the act cannot deny the motive.—The maxim "Actus non facit reum, nisi mens sit rea," cannot be made applicable to this subject in the ordinary administrations of justice, as the effect would be that the ends of justice would be defeated by contrivance. But upon the satisfactory account given by three of these printers, though undoubtedly under a criminal proceeding, they would be in mercy in a case of Contempt. Though I have the jurisdiction, I shall not use it.—The other printer appears upon the affidavits under different circumstances. Having made the observation, that this Pamphlet ought not to be printed, being totally uninteresting to the public, yet he does print it; and though the locus penitentiae was afforded to him, and he was called upon not to print any more, he proceeded until he had notice of this Petition.

Let

Lord Erskine,
Lord Chancellor.

1806.

Dec. 20. 23.

Commitment in the
Jurisdiction of Lunacy
for a Contempt, by the
publication of a pam-
phlet. Ignorance of the
contents will not excuse
the Printer.

(a) 2 Atk. 469.

Second REPORT from COMMITTEE, on [Appx.

Let the Committee, and his Wife, and the Printer to whom I have last alluded, be committed to the Fleet Prison. Diminish the Committee from that office; and direct a reference to the Masfery as to the appointment of another Committee.

Extracts from Sir Eardley Wilmot's Opinions and Judgments; p. 253.

Hilary Term, 5 Geo. III.—1753.

The KING against ALMON.

It has been argued that the mode of proceeding by Attachment is an invasion upon the ancient simplicity of the Law; that it took its rise from the Statute of Westminster, ch. 2.; and Gilbert's History of the practice of the Court of Common Pleas, p. 20. in the first edition, is cited to prove that position. And it is said, that Act only applies to persons refusing process; and though this mode of proceeding is very proper to remove obstructions to the execution of process, or to any contumelious treatment of it, or to any contempt to the authority of the Court, yet that papers reflecting merely upon the qualities of Judges themselves, are not the proper objects of an attachment; that Judges have proper remedies to recover a satisfaction for such reflections, by actions of "Scandalum Magnatum;" and that in the case of a Peer, the House of Lords may be applied to for a breach of Privilege: That such Libellers may be brought to punishment by indictment or information; that there are but few instances of this sort upon Libels on Courts or Judges; that the Common Pleas lately refused to do it; that Libels of this kind have been prosecuted by Actions and Indictment; and that Attachments ought not to be extended to Libels of this nature, because Judges would be determining in their own cause; and that it is more proper for a Jury to determine "quo animo" such Libels were published.

As to the origin of Attachments, I think they did not take their rise from the Statute of Westminster, ch. 2.; the passage out of Gilbert does not prove it; but he only says, "the origin of commitments for contempt, seems to be derived from this Statute," but read the paragraph through, the end contradicts the 'seeming' mentioned in the beginning of it; and shews, that it was a part of the Law of the Land to commit for contempt, confirmed by this Statute. And indeed when that Act of Parliament is read, it is impossible to draw the commencement of such a proceeding out of it; it empowers the Sheriff to imprison persons refusing process, but has no more to do with giving Courts of Justice a power to vindicate their own dignity, than any other chapter in that Act of Parliament.

The power which the Courts in Westminster Hall have of vindicating their own authority, is coeval with their first foundation and institution; it is a necessary incident to every Court of Justice, whether of Record or not, to fine and imprison for a contempt to the Court, acted in the face of it, I Vent. toward the issuing of Attachments by the supreme Courts of Justice in Westminster Hall, for contempting out of Court, stands upon the same immemorial usage as supports the whole fabric of the Common Law; it is as much the "Lex Terria," and within the exception of Magna Charta, as the issuing any other legal process whatsoever.

I have examined very carefully to see if I could find out any vestiges or traces of its introduction, but can find none; it is as ancient as any other part of the Common Law; there is no priority or posteriority to be discovered about it, and therefore cannot be said to invade the Common Law, but to act in alliance and friendly conjunction with every other provision which the wisdom of our ancestors has established for the general good of society. And though I do not mean to compare and contrast Attachments with Trials by Jury, yet truth compels me to say, that the mode of proceeding by Attachment stands upon the very same foundation and basis as Trials by Jury do, immemorial usage and practice; it is a constitutional remedy in particular cases; and the Judges in those cases are as much bound to give an activity to this part of the Law, as to any other part of it. Indeed it is admitted, that Attachments are very properly granted, for instances of process, or a contumelious treatment of it, or any violence or abuse of the Ministers or others employed to execute it. But it is said that the Courts of Justice in those cases is obstructed, and the obstruction must be instantly removed, that there is no such necessity in the case of Libels upon Courts or Judges, which may wait for the ordinary method of prosecution, without any inconvenience whatsoever. But where the nature of the offence of libelling Judges for what they do in their judicial capacity, either in Court or out of Court, comes to be considered, it does, in my opinion, become more proper for an Attachment than any other safe whatsoever.

It is by our Constitution, the King is the fountain of every species of Justice which is administered in this Kingdom, 12 Co. 25. The King is "de jure" to distribute justice to all his Subjects; and because he cannot do it himself to all persons, he delegates his power to his Judges, who have the custody and guard of the King's oath, and sit in the seat of the King, as concerning his Justice. It is the fountain of every species of Justice which is administered in this Kingdom, and the Judges are the choice of his Judges, and excites in the mind of the people a general dissatisfaction, with all judicial determinations, and indisposes their minds to obey them; and whenever mens allegiance to the Law is so fundamentally shaken, it is the most fatal and the most dangerous obstruction of justice, and, in my opinion, calls out for a more rapid and immediate redress than any other obstruction whatsoever; not for the sake of the Judges, as private individuals, but because they are the channels by which the King's justice is conveyed to the people. To be impartial, and to be universally thought

Appx.] PROCEEDINGS relative to Sir FRANCIS BURDETT. 25

fo, are both absolutely necessary for the giving justice that free, open and uninterrupted current, which it has for many ages found all over this Kingdom, and which is eminently distinguished and exalts it above all Nations upon the earth.

“ In the moral estimation of the offence, and in every public consequence arising from it, what an infinite disproportion is there between speaking contumelious words of the rules of the Court, for which Attachments are granted constantly, and coolly and deliberately printing the most virulent and malignant scandal which fancy could suggest upon the Judges themselves. It seems to be material to fix the ideas of the words “ Authority” and “ Contempt” of the Court,” to speak with precision upon the question.

“ The Trial by Jury is one part of that system, the punishing Contempts of the Court by Attachment is another: we must not confound the modes of proceeding, and try Contempts by Juries, and murders by Attachment; we must give that energy to each which the Constitution prescribes. In many cases, we may not see the correspondence and dependance which one part of the system has and bears to another; but we must pay that deference to the wisdom of many ages as to presume it. And I am sure it wants no great intuition to see, that Trials by Juries will be buried in the same grave with the Authority of the Courts who are to preside over them.

Trinity Term, 8 Geo. III.

Writs of Attachment were granted against *Staples Steare, John Williams, and John Pridden*, for Contempt, in publishing the North Briton Extraordinary, No. 4, containing a Letter addressed to Lord Mansfield, Lord Chief Justice, containing gross reflections on his Lordship.

They were all examined upon interrogatories, and reported in Contempt. And in Michas. Term, 9 Geo. III. Steare was sentenced to be imprisoned three calendar months.

0383

R E P O R T S

FROM THE

SELECT COMMITTEE

On PROCEEDINGS relative to

Sir Francis Burdett.

Ordered, by The House of Commons, to be printed,
11th & 23d May 1810.

256. & 295.