



# CONTEMPT

*The late Rt. Hon. Sir Robert Megarry*  
*Edited by Bryan A. Garner*

The Right Honorable Sir Robert Megarry (1910-2006) was an important figure in modern English law. Called to the Bar in 1944, he became a Chancery judge in 1967 and was Vice-Chancellor of the Supreme Court when he retired in 1985. Throughout his career, he wrote leading books on equity, land law, the Rent Acts, and the literature of the law. Beginning in July 2004, I helped him produce his final book, *A New Miscellany-at-Law* (Hart, 2005), which appeared shortly before his death. Among the items he left to me were the “rump” chapters – those he hadn’t sufficiently readied for publication – with the understanding that I might bring them out from time to time as I could.

– Bryan A. Garner

**T**HE POWER TO PUNISH for contempt of court has long been regarded as being inherent in the court. When the point was raised in 18th-century America, the courts felt no hesitation. Hence Chief Justice Thomas McKean of the Supreme Court of Pennsylvania: “Some doubts were suggested, whether, even a contempt of the Court, was punishable by attachment; but, not only my brethren and myself, but, likewise, all the Judges of *England*, think, that without this power no Court could possibly exist:—<sup>1</sup> nay, that no *contempt* could, indeed, be committed

---

*Bryan Garner is the President of LawProse, Inc. © 2014 Bryan A. Garner.*

<sup>1</sup> Thus consigning to oblivion all magistrates’ courts in England, until the Contempt of Court Act 1981, gave them power to punish for contempt: see, e.g., *Schiavo v. Anderton* [1987] Q.B. 20 at 31.

Robert Megarry

against us, we should be *so truly contemptible* . . . . On this point, therefore, we entertain no doubt. But some difficulty has arisen with respect to our sentence . . . . Since, however, the question seems to resolve itself into this, whether you shall bend to the law, or the law shall bend to you, it is our duty to determine that the former shall be the case.”<sup>2</sup>

The strongest case is that of the flouting of a court order. The power has even been employed against a judge. In 1958 the Supreme Court of Michigan fined Judge Eugene Snow Huff, a circuit judge, \$250 for “contumacious disregard and willful and flagrant disobedience of its lawfully entered order.”<sup>3</sup> The judge had persistently refused to carry out a formal assignment to service on the Tenth Circuit in lieu of the Third Circuit (to which he had been elected), made through an agreement with the Chief Justice and the court administrator. The Supreme Court unanimously held the assignment and the fine to be constitutional and valid.

But there are orders, and there are orders. One deplorable tale comes from Los Angeles.<sup>4</sup> In 1976, the presiding judge of the Municipal Court there wished to go to Sacramento to lobby a legislative committee. He made an order requiring the transportation manager in the County Auditor’s office to issue airline tickets for himself and two other judges, and then went with his clerk to serve the order on the manager. On the instructions of his superior, the manager refused to issue the tickets, whereupon the judge placed him under arrest. He was then taken to court, where the judge sentenced him to two days’ imprisonment for contempt, though execution was stayed for four days. An unflattering report of this episode promptly appeared in a newspaper, followed some two months later by a critical editorial recording that the trustees of the Los Angeles County Bar Association had publicly (and uniquely) censured the judge. The judge’s ill-advised response<sup>5</sup> was to sue the publishers of the newspaper for

---

<sup>2</sup> *Respublica v. Oswald*, 1 Dall. 319, 329 (Pa. 1788) (per McKean J.) (emphasis added).

<sup>3</sup> *In re Huff*, 91 N.W.2d 613, 615 (Mich. 1958) (per Dethmers C.J.).

<sup>4</sup> *Grillo v. Smith*, 144 Cal.App.3d 868 (1983).

<sup>5</sup> *Id.* at 875 (indicating that by then the judge was no longer in office and that his

## Contempt

\$5,350,000 damages “for libel and interference with business.” But the trial judge entered summary judgment for the publishers, and the Court of Appeal held that he had been right to do so.

Conduct in court has sometimes been made the occasion for gross abuses of the power of committal. In the early 1960s, a black man sat down quietly in the Traffic Court of the City of Richmond, Virginia, on the side reserved for white persons. The judge ordered him to sit on the black side and, when he refused to do so, committed him to jail. On appeal, the Hustings Court affirmed the order. The Supreme Court of Appeals of Virginia then refused a writ of error on the ground that the decision was “plainly right.” It was thus left for the Supreme Court of the United States to reverse the decision.<sup>6</sup>

Again, during a trial in Alabama at about the same time, a lawyer addressed all the white witnesses as “Mr. Blank,” “Mrs. Blank,” and so on. But when he came to cross-examine a black<sup>7</sup> woman, the course of events was as follows:

Q: What is your name, please?

A: Miss Mary Hamilton.

Q: Mary, I believe – you were arrested – who were you arrested by?

A: My name is Miss Hamilton. Please address me correctly.

Q: Who were you arrested by, Mary?

A: I will not answer a question –

By Attorney Amaker: The witness’s name is Miss Hamilton.

A: – your question until I am addressed correctly.

The Court<sup>8</sup>: Answer the question.

The Witness: I will not answer them unless I am addressed correctly.

The Court: You are in contempt of court –

---

pursuit of “this ill-advised suit does no credit to his former office”) (per Crosby J.).

<sup>6</sup> *Johnson v. Virginia*, 373 U.S. 61, 61 (1963).

<sup>7</sup> The reports themselves do not disclose any questions of colour, or the different treatment of white witnesses, though these points appear in Earl Warren, *All Men Are Created Equal* 15 (1970).

<sup>8</sup> A.B. Cunningham J.

*Robert Megarry*

Attorney Conley: Your Honor – your Honor –

The Court: You are in contempt of this court, and you are sentenced to five days in jail and a fifty dollar fine.<sup>9</sup>

That is remarkable enough; but what is more remarkable is that the Supreme Court of Alabama unanimously refused certiorari, saying that “the record conclusively shows that petitioner’s name is Mary Hamilton, not Miss Mary Hamilton.”<sup>10</sup> It was thus left to the Supreme Court of the United States to reverse the decision (with Clark, Harlan, and White JJ., dissenting), though by this time Miss Hamilton had served the prison sentence.<sup>11</sup>

Sheriffs have made surprising contributions. In Hampshire, at Winchester Assizes in December 1892, Collins J., in charging the grand jury,

said he had to refer to a disagreeable subject – namely, the absence of the High Sheriff of the County of Hants (Sir Alfred Joseph Doughty Tichborne) from his post. He was absent without permission asked or given, and without excuse, explanation, or justification. His Lordship said he had heard some six weeks ago, through a private communication made to the under-sheriff, that the high sheriff proposed to visit Africa, saying he preferred a warmer climate to that of England at this time of year, and that he was not likely to return in time for the assizes. As the high sheriff was not there, his Lordship was sorry to say that he was obliged to deal with the matter. There was no question of slight to him as an individual. The Judge who went to deliver the jail went as the representative of the Queen, and it was not to the Judge that the duty of the high sheriff was owing, but to the Queen herself. It was the duty of the sheriff to be there in person just as though the Sovereign were there. The sheriff was given precedence over every one in the county by reason of his position, and his duties were conferred on him partly by the common law and partly by statute. It was obvious

---

<sup>9</sup> *Ex parte Hamilton*, 156 So. 2d 926 (Ala. 1963).

<sup>10</sup> *Id.* at 927 (per Merrill J.).

<sup>11</sup> *Hamilton v. Alabama*, 376 U.S. 650 (1964).

## Contempt

that many gentlemen in a position to serve as sheriff of a county might prefer a warmer climate than that of England at this time of the year, but it was equally obvious that it must not be left to the caprice of individuals to decide whether they would attend or not. His Lordship said he had fortunately been able to fortify his judgment in the matter by the help of the oldest and most-experienced members of the Bench, and added that it was his clear duty to fine the absent sheriff the sum of 500 guineas. That fine would be collected in the ordinary way; and, if there were any excuse or palliation to be urged, it would no doubt receive attention from the proper quarter.<sup>12</sup>

Another category of grave contempts consists of attempts to disturb or influence proceedings in court – but from outside the courtroom. American judges have warned copiously of this type of outside clamor. Hence Justice Oliver Wendell Holmes: “The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print.”<sup>13</sup> And Justice Hugo Black: “Legal trials are not like elections, to be won through the use of the meeting-hall, the radio, and the newspaper.”<sup>14</sup> And, most insistently and perhaps loquaciously, Justice Felix Frankfurter: “Of course trials must be public and the public have a deep interest in trials. The public’s legitimate interest, however, precludes distortion of what goes on inside the courtroom, dissemination of matters that do not come before the court, or other trafficking with truth intended to influence proceedings or inevitably calculated to disturb the course of justice.”<sup>15</sup>

One case of contempt of court by a newspaper arose in 1949 while a prisoner was in custody on a single charge of murder. Within three weeks of publication the proceedings for contempt had been heard and decided. In the words of Lord Goddard C.J., who spoke

---

<sup>12</sup> *The Times*, 17 Dec. 1892, at 6.

<sup>13</sup> *Patterson v. Colorado*, 205 U.S. 454, 462 (1907) (per Holmes J.).

<sup>14</sup> *Bridges v. California*, 314 U.S. 252, 271 (1941) (per Black J.).

<sup>15</sup> *Pennekamp v. Florida*, 328 U.S. 331, 361 (1946) (per Frankfurter J., concurring).

## Robert Megarry

for the court (he was sitting with Humphreys and Birkett JJ.), three separate issues of the paper were published containing

articles, photographs and headlines in the largest possible type, of a character which the court could only describe as a disgrace to English journalism and as violating every principle of justice and fair play which it had been the pride of this country to extend to the worst of criminals . . . . Anyone who had had the misfortune to read the articles must be left wondering how it could be possible for the applicant to obtain a fair trial after what had been published. Not only did the articles describe him as a vampire and give reasons for that description of him, but, after saying that he had been charged with one murder, went on to say not merely that he was charged with other murders but that he had committed others, and gave the names of persons whom, it was said, he had murdered. In the long history of the present class of case there had never, in the opinion of the court, been one of such gravity as this, or one of such a scandalous and wicked character. It was of the utmost importance that the court should vindicate the common principles of justice, and, in the public interest, see that condign punishment was meted out to persons guilty of such conduct. What had been done was not the result of an error of judgment but had been done as a matter of policy in pandering to sensationalism for the purpose of increasing the circulation of the newspaper.<sup>16</sup>

In the end, the editor of the paper was committed to prison for three months, and the proprietors were fined £10,000.<sup>17</sup>

The Court of Appeal has its own saga. In 1938, a Mr. Frank Harrison unsuccessfully applied in person to the Court of Appeal for an order for a new trial in a county-court case that he had lost. His application was refused; but he remained in court, and when the judges rose (the court consisted of Clauson and Goddard L.JJ.), he proceeded to throw tomatoes at them, though with defective aim. (He is reported to have observed afterwards, "It is a pity I was not a better shot.") He was promptly committed for six weeks for contempt, and

---

<sup>16</sup> *R. v. Bolam & Others, ex parte Haigh*, (1949) 93 S.J. 220.

<sup>17</sup> *Id.*

## Contempt

in due course made a written apology. He served three weeks of his sentence, and then, on the last day of the term, in overt recognition of the approach of Christmas (and perhaps in covert appreciation of his defective aim), he was released.<sup>18</sup> He had, in fact, been more successful than he had realized; for one of his tomatoes had sailed through the judges' entrance to the court, and had struck Bennett J. while he was innocently passing through the judges' corridor.<sup>19</sup> He was also more fortunate than he realized, since there is ancient authority for saying that the penalty was not merely imprisonment but also the loss of his right hand,<sup>20</sup> and this, in 1631, had been said to be "un bon exemple de justice in cest insolent age."<sup>21</sup>

In the county court there was a different missile. Not long after World War II, a female witness in Lambeth County Court who was being cross-examined by the future Comyn J. threw a dead cat at him, accurately. At this, the judge, Judge Clothier Q.C., said: "Madam, if you do that again, I'll commit you."<sup>22</sup> But she seems not to have come back into possession of the carcass after the first flinging of it.

Improper allegations against judges have also been held to be contempts. In 1638, Thomas Harrison "rushed to the Bar of the Common Pleas" while that court and the Courts of King's Bench and Chancery were sitting and said, "I accuse Mr. Justice Hutton of high treason." The consequence was an indictment, a conviction, a fine of £5,000, imprisonment during the King's pleasure, and an order to "have a paper on his head shewing his offence, and go therewith to all

---

<sup>18</sup> (1938) 86 L.J. News. 398, 411; (1939) 87 L.J. News. 33; see Megarry, *A Miscellany-at-Law* 295 (1955), where the case is briefly mentioned; see also Megarry, *A Second Miscellany-at-Law* 73 (1973).

<sup>19</sup> Goddard L.J., as recounted by A.H. King, Master of the Crown Office.

<sup>20</sup> See J.H. Baker, *Le Brickbat Que Narrowly Mist*, 100 L.Q.R. 544-548 (1984), where further and better particulars are given of the brickbat and of the judge who would have been slain had he been upright. See also Megarry, *A Miscellany-at-Law* 295 (1955); Megarry, *A Second Miscellany-at-Law* 70 (1973).

<sup>21</sup> J.H. Baker at 548 n.29 (citing a previously unpublished report by Hutton J.).

<sup>22</sup> James Comyn, *Summing It Up* 98, 99 (1991). This amplifies and corrects the version at Megarry, *A Miscellany-at-Law* 295 n.19 (1955).

the Courts of Westminster, and make his submission in every Court in Westminster-Hall and in the Exchequer.”<sup>23</sup> Hutton J., who was a judge of the Court of Common Pleas, and was present in court at the time, also sued Harrison (a “Batchelor of Divinity, and Parson of Creeke in Northamp.”) for damages in the Court of King’s Bench, and recovered £40,000.

Some years earlier one Jeffes had fixed a libel on the great gate at the entrance to Westminster Hall and in other public places, calling Coke (some years after his dismissal from office as Chief Justice of the King’s Bench) “traitor, perjured Judge.” But he was fined only £1,000, ordered to the pillory, imprisoned until he had made his perambulation with a paper round all the courts, and required to be bound with sureties to be of good behavior for life.<sup>24</sup>

In 1618, one John Wrenham (or Wrennum, or Wraynham<sup>25</sup>) was brought by the Attorney-General before the Star Chamber

because he had divers times petitioned the King against Sir Francis Bacon Lord Chancellor, pretending that the said Lord Bacon had done great injustice to him in granting an injunction, and awarding possession of land against him, for which he had two decrees in the time of the former Chancellor: and also he made a book of all the proceedings in the said cause between him and one Fisher, and dedicated and delivered it to the King, in which he notoriously traduceth and scandalizeth the said Chancellor, saying, that for his unjust decree, he, his wife and children were murthered, and by the worst kind of death, by starving; and that now he having done unjustly, he must maintain it by speaking untruths, and that he must use his authority, wit, art and eloquence, for the better maintenance thereof, with other such like scandalous words.<sup>26</sup>

It was resolved by the whole Court, that . . . it is not permitted under colour of a petition and refuge to the King, to rail upon the Judge or his sentence, and to make himself Judge in his

---

<sup>23</sup> *Harrison’s Case*, (1638) Cro. Car. 503 at 504.

<sup>24</sup> *Jeffes’ Case*, (1629) Cro. Car. 175.

<sup>25</sup> See *Wraynham’s Case*, (1618) 2 St. Tr. 1059, and the next two footnotes.

<sup>26</sup> *Wrennum’s Case*, (1618) Poph. 135.



## Contempt

own cause, by prejudicing it before the re-hearing (for which his suit to the King should be) which Wrenham in this case did through his whole book, with the most desperate boldness and desightful and virulent words that was possible.<sup>27</sup>

The reports concur in recording that Wrenham was fined £1,000; but according to one report he seems also to have been given the same sentence as was imposed in another case where “one Ford for an offence in the like manner against the late Chancellor was censured in this Court, that he should be perpetually imprisoned, and pay the fine of £1,000, and that he should ride upon a horse with his face to the tail, from the Fleet to Westminster, with his fault written upon his head, and that he should acknowledge his offence in all the Courts at Westminster, and that he should stand there a reasonable time upon the pillory, and that one of his ears shall be cut off, and from thence shall be carried to prison again, and in the like manner should go to Cheapside, and should have his other ear cut off, &c.”<sup>28</sup>

Views have differed on the application of the power to punish for contempt to newspaper criticism of judges. “The assumption that respect for the judiciary can be won by shielding judges from published criticism wrongly appraises the character of American public opinion. For it is a prized American privilege to speak one’s mind, although not always with perfect good taste, on all public institutions. And an enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion, and contempt much more than it would enhance respect.”<sup>29</sup> Yet as Justice Robert H. Jackson so aptly stated: “the consequence of attacks may differ with the temperament of the judge. Some judges may take fright and yield while others become more set in their course if only to make clear that they will not be bullied . . . . I do not know whether it is the view of the Court that a judge must be thick-skinned or just thickheaded, but nothing in my

---

<sup>27</sup> *Wrenham’s Case*, (1618) Hob. 220. Bacon’s iniquities were not exposed until 1620; and see Megarry, *A Second Miscellany-at-Law* 81 (1973).

<sup>28</sup> *Wrennum’s Case*, (1618) Poph. 135.

<sup>29</sup> *Bridges v. California*, 314 U.S. 252, 270 (1941) (per Black J.).

experience or observation confirms the idea that he is insensitive to publicity. Who does not prefer good to ill report of his work? And if fame – a good public name – is, as Milton said, the ‘last infirmity of noble mind,’ it is frequently the first infirmity of a mediocre one.”<sup>30</sup>

A case that evoked these conflicting views arose out of the publication by a local newspaper of a series of criticisms of a Texas judge who was a layman elected for a relatively short period. At the close of testimony from both sides, the judge had directed a verdict and the jury refused to sign it. The judge kept the jury sitting all night until it capitulated and signed the verdict as instructed, but with a note beneath that they did so under pressure.<sup>31</sup> A local newspaper reported that the judge’s actions were “high handed,” and a “travesty on justice.” It asserted that the judge had not heard all the evidence and the “first rule of justice” was to give both sides an opportunity to be heard and when that rule was “repudiated,” there was “no way of knowing whether justice was done.”<sup>32</sup>

It was contended that there had been a contempt of court, and the state courts accepted this view.<sup>33</sup> The United States Supreme Court, however, by a majority reversed this decision: “Silence and a steady devotion to duty are the best answers to irresponsible criticism.<sup>34</sup> Further: “The vehemence of the language used is not alone the measure of the power to punish for contempt. The fires which it kindles must constitute an imminent, and not merely a likely, threat to the administration of justice. The dangers must not be remote or even probable; it must immediately imperil . . . The law of contempt is not made for the protection of judges who may be sensitive to the winds of public opinion. Judges are supposed to be men of fortitude, able to thrive in a hardy climate.”<sup>35</sup>

---

<sup>30</sup> *Craig v. Harney*, 331 U.S. 367, 395, 396 (1947) (Jackson J., dissenting) (quoting Milton’s *Lycidas* 1.71).

<sup>31</sup> *Ex parte Craig*, 193 S.W.2d 178, 180-81 (Tex. Crim. App. 1946).

<sup>32</sup> *Craig*, 331 U.S. at 375-76.

<sup>33</sup> *Ex parte Craig*, 193 S.W.2d at 190.

<sup>34</sup> *Id.* at 383 (Murphy J., concurring).

<sup>35</sup> *Id.* at 376 (per Douglas J.).

## Contempt

This approach met with a dissenting thrust from the inimitable Justice Jackson: “From our sheltered position, fortified by life tenure and other defenses to judicial independence, it is easy to say that this local judge ought to have shown more fortitude in the face of criticism.”<sup>36</sup> A further comment, by Frankfurter J., was that changes had been rung on “the remark of Mr. Justice Holmes in the *Toledo* case<sup>37</sup> that ‘a judge of the United States is expected to be a man of ordinary firmness of character . . . .’ But it is pertinent to observe that that was said by an Olympian who was so remote from the common currents of life that he did not read newspapers.”<sup>38</sup>

A litigant who openly defies a court order on one point has little claim to the aid of the court on another. But there are limits to this doctrine. As Vice Chancellor of the Supreme Court of Judicature, I had occasion to write *in extenso* on this very point:

The bank’s submissions on the plaintiff’s contempt as justifying the striking out of his proceedings for specific performance seem to me far too wide and wholly unsupported by authority. A plaintiff in contempt of court may in certain circumstances be refused a hearing so long as he remains in contempt; but that is very different from saying that he cannot take proceedings, or, if he has taken proceedings, that they will be struck out. *Chuck v. Cremer (No.1)*<sup>39</sup> has a cluster of cases cited in annotations to the report, but none of those cited by Mr. Jennings went anywhere near supporting his proposition. Indeed, *Chuck v. Cremer (No. 2)*<sup>40</sup> makes it plain that although a contemnor could not, with some exceptions, be heard to move a motion until his contempt had been cleared, there was nothing to prevent him giving a notice of motion. A transient exclusion of this kind is quite inconsistent with the concept that the action would be struck out, and so destroyed rather than being suspended.

---

<sup>36</sup> *Id.* at 397 (Jackson J., dissenting).

<sup>37</sup> *Toledo Newspaper Co. v. United States*, 247 U.S. 402, 424 (1918) (Holmes J., dissenting).

<sup>38</sup> *Craig*, 311 U.S. at 391 (Frankfurter J., dissenting).

<sup>39</sup> (1846) 1 Coop. t. Cott. 205.

<sup>40</sup> (1846) 1 Coop. t. Cott. 247.

*Robert Megarry*

A modern authority is *Hadkinson v. Hadkinson*.<sup>41</sup> There, a mother who had taken her son out of the jurisdiction in defiance of a direction that he should not be removed from the jurisdiction without the leave of the court was not allowed to be heard on an appeal against an order to return the child within the jurisdiction until she had complied with the order; and when she had complied with the order, her appeal was heard, and in fact succeeded. . . . In general, the most that the contempt does is to bar an application to the court for what used to be called an “indulgence” of some kind, a concept that I need not explore. For the purposes of this case it suffices to say that I can see no ground, either on principle or on authority, on which it can be said that the existence of a continuing contempt in the plaintiff in an action justifies the striking out of his action. It is important, of course, that those guilty of contempt should not be able to escape unscathed: orders of a court must be obeyed and disobedience discouraged. But there are other means of securing compliance. It is neither the law, nor ought it to be, that a person in contempt is an outlaw, unable to take proceedings in the courts until he has purged his contempt, and liable, until then, to have any proceedings that he brings struck out. To be a contemnor is not to be *caput lupinum*.<sup>42</sup>

On the other way in which contempt was said to be relevant, I cannot see how either the clean hands maxim<sup>43</sup> or the requirement that a litigant must do equity if he seeks equity can justify the striking out of the action. . . . I do not think that there is any maxim that he who comes into common law must come with clean hands (though doubtless some of the ground is covered by *ex turpi causa non oritur actio*<sup>44</sup>), just as I do not think there is any maxim that he who seeks common law must do equity.<sup>45</sup>

---

<sup>41</sup> [1952] P. 285.

<sup>42</sup> “The head of a wolf,” and as such lawfully subject to being attacked.

<sup>43</sup> “He who comes into equity must come with clean hands.”

<sup>44</sup> “No action arises out of a wrongful consideration.” *Black’s Law Dictionary* 1913 (10th ed. 2014).

<sup>45</sup> *Pyke v. National Westminster Bank Ltd.*, [1977] Nov. 22 (unrep., but noted *The Times* Dec. 10) (per Megarry V.-C.).

## Contempt

Contempt may end with the Lords. The case of Lord Sturton and Lord Mordant in 1607 provides a little-known sidelight on the better-known trial of Guy Fawkes.<sup>46</sup> The two peers “were brought to the Barr now, being held for a contempt to the King for not coming to the Parliament by prorogation 5 Novemb. when the gunpowder treason was intended: and it was grandly suspected that they knew of the plot, because they were Papists, and their excuses were frivolous. And St. was fined 6000 marks, and Mor. to 1000 marks.”<sup>47</sup>

Two centuries later gunpowder had given way to an umbrella. In 1827, complaint was made to the House of Lords that one John Bell had served Frederick Plass, one of the doorkeepers of the House, while he was on duty, with process from Westminster Court of Requests, first to appear, and afterwards to pay 17s.6d. with 2s.10d. costs, in respect of an umbrella that Bell alleged he had deposited with Plass and had not been returned. Bell, together with the clerks of the court (Grojan and Hodgson) were then ordered to attend the House the next day to answer the complaint.<sup>48</sup> This they did. Bell said that he was not aware that he was offending against the privileges of the House, “expressed his Sorrow, and asked Pardon; and being admonished, was Ordered to withdraw.” Grojan and Hodgson said that they were not aware that the proceedings related to anything in the House, and they were simply directed to withdraw.<sup>49</sup> All in all, a contemptibly mean lawsuit.



---

<sup>46</sup> *R. v. Winter*, (1606) 2 St.Tr. 159.

<sup>47</sup> *The Lord Sturton and Lord Mordant*, (1607) Noy 102. A mark was worth 13s. 4d., or 66.6p.

<sup>48</sup> (1827) 59 Lds. Jnl.199.

<sup>49</sup> *Id.* at 206. See also *Stockdale v. Hansard*, (1839) 9 Ad. & El. 1 at 68.