

make any application to the Court until he has first purged his contempt. This rule, however, is subject to an exception as this case illustrates, viz., that the rule only applies to voluntary applications by the contemnor, i.e., when he comes into court asking for something, but does not preclude him from applying to set aside an order which he claims to be erroneous. In this case the applicant in contempt moved to vary an order made against her ordering costs to be paid out of her separate estate notwithstanding it might be subject to a restraint against anticipation, and the Court of Appeal (Williams, Stirling and Cozens-Hardy, L.JJ.), being of opinion that the order was erroneous in this respect, it was varied accordingly.

NOTARY—APPOINTMENT OF COLONIAL NOTARY BY MASTER OF FACULTIES.

Brilleau v. Victorian Society of Notaries (1904) P. 180, is referred to here not because it can be considered to have any authority here, but because of the fact that the Master of the Faculties of the Archbishop of Canterbury, under the powers conferred by 25 Hen. 8, c. 21, appointed a notary for the State of Victoria. This is a matter of constitutional interest. Notaries in England prior to the Reformation were quasi ecclesiastical officers, or, perhaps it would be more correct to say, public officers deriving their authority from the ecclesiastical authority. This jurisdiction of appointing notaries, which had originally been exercised by the Roman Emperors, was one of those numerous imperial powers which in process of time had been assumed by the Roman Pontiffs who regarded themselves in this, as in many other respects, as the natural heirs of imperial prerogatives, and so it had come to pass that this, with many other appointments, was a fruitful source of revenue to the Holy See. One of the first of the Reformation Acts was to cut off the Papal jurisdiction in this matter, and the power of appointing notaries was vested in the Court of Faculties of the Archbishop of Canterbury by 25 Hen. 8, c. 21, s. 3. It is somewhat surprising at this late day to find that jurisdiction being exercised in Australia, and no doubt the various States of Commonwealth will ere long provide by local legislation for such appointment, as has been done by the various Provinces of Canada.