

the contract, so far agreeing with the courts below—but their lordships held that the courts below had erred in decreasing specific performance, and that the only remedy the plaintiffs were entitled to was damages, and the judgment appealed from was varied accordingly.

SUMMARY PROCEEDINGS—RIGHT OF ACCUSED TO SHEW CAUSE—AUDI ALTERAM PARTEM.

*Chang Hang Kin v. Piggott* (1909) A.C. 312 is an instance of the fundamental nature of the rule of British law audi alteram partem. According to an ordinance of Hong Kong, the court is empowered in case it finds that a witness has committed perjury to summarily commit him for contempt of court. An action was tried before the Chief Justice of the colony, and he came to the conclusion that eight witnesses had committed wilful and corrupt perjury in the evidence which they gave, and without calling on them to shew cause why they should not be committed, he summarily committed the whole of them to prison for contempt. The Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson and Collins, and Sir A. Wilson) held that the neglect to call on the witnesses to shew cause which would have given the accused an opportunity for explanation and possibly the correction of misapprehension as to what had in fact been said or meant by them, was a fatal defect, and the committal order was accordingly rescinded.

RAILWAY—THIRD-CLASS CARRIAGES—16 VICT. c. 37, s. 3 (CAN.)—DOMINION RAILWAY ACT, 1906.

*Grand Trunk Railway v. Robertson* (1909) A.C. 325. In this case the Judicial Committee of the Privy Council (Lord Loreburn, L.C., and Lords Macnaghten, Atkinson, Collins and Gorell) affirmed the decision of the Canadian Board of Railway Commissioners, holding that under the Provincial Act, 16 Vict. c. 37, s. 3, the Grand Trunk Railway is bound to provide a train every day between Toronto and Montreal on which they provide for the carriage of passengers at the rate of a penny a mile; and that such provision is not superseded by any provision in the Dominion Railway Act, 1906.