was outrageous; and he did not believe that instances of constructive contempt were at all common."—*Hansard*, vol. 277, page 1615.)

(2.) Mr. Travis' complaint really was that the editorial strictures in Cayley's paper were libellous. If so the more appropriate remedy would have been indictment, or criminal information. He chose, however, the more summary and exceptional method of trial for contempt, and, as is common in cases of contempt, but not in proceedings by indictment or criminal information, the aggrieved party sat as judge in his own cause.

An application was made for a writ of *habeas corpus* to some of the judges of the Supreme Court of Canada, but those judges considered that their jurisdiction did not extend to the Territories and declined to give relief. The case seemed to be eminently a proper one for Executive interference, because the action of the judge in enforcing the assertion of a very doubtful right, seemed to indicate personal resentment.

The Executive had to keep in view the generally recognized principle that punishment for contempt is a matter for judicial discretion, and is not one in respect of which the crown usually exercises the prerogative of mercy.

It was necessary also to consider that Mr. Travis, according to his own representations, was engaged in a conflict with sympathizers of an illicit business in Calgarry. It seemed therefore possible that a direct interference, in relieving Cayley, would weaken the authority of the magistrate, and give encouragement among his opponents, leading them to hope that the Government would come to their aid in other cases. Mr. Travis was therefore asked, by telegraph, to release the prisoner, and was told that his authority would be less impaired by his doing so, than by direct interference on the part of the Government.

Travis alleges that Cayley would have been glad to submit himself to the mercy of the court, pay the penalty or a portion of it, and make an apology. There is no reason for supposing that Cayley had any such disposition, but, if he had, the telegram sent to Travis did not prevent him from acting on that disposition. Mr. Travis, however, preferred not to take the advice tendered him by the Executive, but, in open court, announced that Cayley would be released, that the release was by order of the Minister of Justice, and that he repudiated all responsibility for so ill-advised a step.

Mr. Travis has taken a good deal of trouble to give evidence that the release of Cayley was immediately followed by an outbreak of lawlessness, and by manifestations of triumph on the part of people in Calgary who were not law-abiding. These were the natural results of the announcement by the magistrate that his authoriy had been over-ruled, and that the prisonner had been discharged, not by his clemency, but by the exercise of authority which he could not resist.

The next measure of resentment which M. Travis took was against Mr. Davis, who had been practising law in the courts of the Territories.

At that time there were no regulations providing for calls to the bar, or establishing the practice or standing of legal practitioners. In the absence of such, any person who, in his own opinion, was qualified to practise law, entered upon that practice without hindrance. Some of these were barristers from the Provinces, and some had only been law students. Subsequently the North-West Council passed an ordinance providing for the regulation of the Bar. This ordinance established the right of all persons who were in practice when, it came into force, to con-