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### NOTICE OF INJUNCTION BY TELEGRAPH.

In these days of easy telegraphic communication, it often becomes an interesting question how far the wires may be used to prevent the orders of the Court from being trifled with, or to convey them to a distance. We find a recent illustration in a case of *C. M. & S. L. R. Co., v. Johnson*, before the Court of Chancery in New Jersey, in which it was held that a notice by telegraph of the granting of an injunction is sufficient, provided it comes from a source entitled to credit, and informs the party clearly and plainly from what act he is enjoined. The Court was of opinion that advice of counsel that the notice may be disregarded, is no justification. The proceedings were for contempt in not obeying an order of injunction. The order of injunction was granted at Newark on June 20, 1881, about midday, and was directed to the city council of the city of Cape May, directing them to desist and refrain from passing a certain ordinance. The council, it was understood, were to meet the evening of the same day for the purpose of passing the ordinance, and the distance of Cape May from Newark prevented actual service of the order until the next day. Notice of the fact of the order being made, prohibiting the passage of the ordinance, was sent to the president of the council by telegraph, and was received by him, and read to the council on the evening of the 20th. A special messenger sent by complainants gave the council the same notice on the same evening. The council next day passed the ordinance.

The Court (*VanFleet, V. C.*) said: "The notice that the defendants had of the order, at the time they violated the command, was, according to the authorities, entirely sufficient. Where the charge is that the defendant has wilfully contemned the authority of the court, all that need be shown is that he knew of the existence of the order at the time he violated it: *Haring v. Kauffman*, 2 Beas. 397. Lord Eldon held that if a defendant is in court when an in-

junction is granted, he has sufficient notice of it to make it his duty to respect it. He also held that if the defendant is not in court when an order for an injunction is made, but is informed that such an order has been made, by a person who was in court when the order was made, he has sufficient notice of the injunction to render him liable to punishment for its breach: *Vansandeau v. Rose*, 2 Jac. & Walk. 264. The rule as thus stated by Lord Eldon was enforced in *Hull v. Thomas*, 3 Edw. Ch. 236; and *Hull v. Thomas* is cited with approbation by Chancellor Williamson in *Endicott v. Mathis*, 1 Stock. 110, 114.

"Notice given by telegraph has recently been adjudged in England to be sufficient. The solicitor of the party obtaining the injunction, immediately after it was granted, notified the defendant by telegram, that an injunction had been granted. The defendant disregarded the notice, and proceeded to do what the notice informed him he had been commanded not to do. The defendant was brought before the court on a charge of contempt, and Bacon, V. C., held that the telegram constituted sufficient notice, and adjudged the defendant guilty of contempt: *In re Bryant*, L. R. 4 Ch. Div. 98.

"Notice to be sufficient, need possess but two requisites: first, it must proceed from a source entitled to credit; and second, it must inform the defendant clearly and plainly from what he must abstain. The notice in the case under consideration possessed both requisites. It was sent by the counsel who obtained the order, and it not only informed the defendants what act the order prohibited, but warned them, if they disregarded the order, their disobedience would be a contempt of the authority of the court. There is nothing in the conduct of the defendants indicating that they had the least doubt concerning the authenticity of the notice or the truth of its contents. They made no inquiry respecting its authenticity or its truth, but say that they consulted counsel whether or not they could safely disregard it, and were advised that they could. This advice, to say the least of it, was both injudicious and dangerous. It affords the defendants neither justification nor palliation. They must be adjudged guilty of contempt."

An English case, which was not referred to by the Court, will be found in 3 Legal News, p. 265, *Tonkinson v. Cartledge*.