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The decision of the Court of Appeal with reference to the issue of a writ of appeal in the *McShane* case has been widely misrepresented in the press. It has been asserted that the Court allowed or maintained the right of appeal. That is not the effect of the decision. The Court merely says, the writ, which the Clerk refused to issue as a matter of routine, may be issued, in order that both parties may be heard upon the question whether the Court of Review had jurisdiction. The case, we conceive, is now in the position of one where the writ of appeal has been issued in ordinary course, and the other side, contending that no appeal lies, takes steps to have the appeal rejected for want of jurisdiction. This is very different from what is usually expressed by allowing an appeal. Those who followed the learned Chief Justice's careful exposition of the clauses of the Statute bearing upon the question, could hardly fail to notice that while up to a certain point his Honour's statement appeared to indicate that the law vested one judge, or the Superior Court, with jurisdiction over the *mis en cause*, yet, that a grave difficulty in accepting this view was presented by sections 89 and 92. The former says, "the Superior Court sitting in review shall determine"——, and then there are mentioned first the matters more directly involved in the contestation—"(1). Whether the member whose election is complained of has been duly elected; (2). Whether any other person, and who, has been duly elected; or (3) whether the election was void"; and after thus specifying the matters specially raised by the petition, goes on to say that the Court of Review shall determine "*all other matters arising out of the petition.*" The *mis en cause* was made a party to the petition, and, by the order of Mr. Justice Loranger, the proceedings against him were carried on in the name of the petitioner, and therefore the decision of the Court of Review, that this was a matter arising out of the petition, can hardly be considered a strained interpretation of the Statute. But section 92 supports the jurisdiction of the Court of Review still more forcibly. That Court is specially directed to report to the Speaker "the names of any persons against whom, during the examination of the petition, the commission of any corrupt practice has been proved." If the judge in the Superior Court decided that there was proof of a corrupt practice against a person, the Court of Review, in fulfilling the duty imposed on it, might have to look at the same proof in order to decide whether the election was void, and might determine that the corrupt practice was not proved, or that the evidence was illegal or inadmissible; and how, then, could the Court of Review report the name of the person whom the judge had found guilty? The Court of Review would have to declare in one breath that there was no corruption, and then that A B or C had been proved guilty of corruption, which would be an absurdity.

The difficulty now raised was not overlooked, either by the learned judge before whom the case was tried, or by the Court of Review. In our next issue we propose to print the portion of the written opinion of Mr. Justice Loranger (who rendered the judgment of the Court), relating to proceedings against the *mis en cause*. This indicates that the point was the subject of deliberation, as the objection was specially raised by the *mis en cause* that the judge had not the power to deal with the evidence against him, and the point was decided in his favor by Mr. Justice Loranger.

UNITED STATES SUPREME COURT.

November 12, 1888.

In re TERRY.

Contempt—Commitment—Procedure.

Where a contempt has been committed in the presence of the Court, and the offender, immediately after leaves the court-room, going into another room in the same building, the Court still has jurisdiction, at least on the day of the offence, to order his arrest and imprisonment, without first ordering an attachment to bring him before the Court.

HARLAN, J.—The grounds upon which the