of the waggon struck. If the waggon had stopped it would have prevented the accident. Cross-examined, the witness said that he did not see the collision at the moment of collision. It was 12 feet from the point of collision to the slope. It was easy to stop the waggon. Cantin, the lad in charge of plaintiff's cart, said that in consequence of a mound or prominence in the road, when he was at his right—the proper side—he was obliged to go to the left. The waggon was in the middle, and he crossed in front of the waggon, which turned to his left. He called to defendants' man to wait. The front wheel of the waggon, the right one, struck his cart and dragged him 12 feet. Alexandre Lamoureux gave evidence to the same effect.

For the defence, Alphonse deRepentigny, defendants' driver, was produced. He says that Cantin's cart passed in front of him, and he told him he had no business to cross. He added, "I could not move more to the right; takes 45 feet to turn my waggon; axle turns 3 feet." In cross-examination he says, "I could have stopped my waggon when he cried out."

Per Curiam. Undoubtedly there was fault on both sides, or they would not have struck their right wheels. For the law of the road requires each man to take his right, and then the collision could not have taken place. If the plaintiff had waited till defendant passed, in place of crossing over because of the mound in front, the accident would not have happened. Is defendants' man, afterwards, so much to blame that they should pay? *Vide* 2 Sourdat, responsabilité, No. 662. "Lorsqu'il y a faute à la fois de la part de l'auteur du dommage et de la partie lésée, la question de responsabilité est abandonnée au pouvoir discrétionnaire des tribunaux. C'est à eux d'examiner si la faute imputable à la partie lésée est seulement de nature à atténuer la responsabilité de l'agent, ou si elle est assez grave pour rendre la partie lésée complètement irrecevable à se plaindre du dommage éprouvé." Campbell, in his "Law of Negligence," says, sec. 83: "To make contributory negligence a defence, it must be the proximate cause, or at least such as to constitute (conjointly with the other) a proximate cause. If, therefore, a person, by some negligence of his own, has placed himself in the way of danger by collision with another, so that he himself becomes unable to avert the danger, but yet the other by the use of ordinary care may avert the danger, the latter will be liable if damage occurs." See also 5 Legal News, 404, *Desroches et al. & Gauthier*, and 3 Q. B. R., 1. Here it appears to the Court that the defendants' man by the use of ordinary care could have averted the danger. The defendants are therefore liable for the default of their driver, but the man of the plaintiff violated the rule of the road and the plaintiff should therefore suffer too reduced damages for a portion of his loss. Judgment for $50 and costs.

CONTEMPT OF COURT.

It seems to be a law of legal history that at irregular intervals there should occur periods in which cases of contempt of court are plentiful. One such period occurred in the middle of the last century, and another at the beginning of the present; a third came ten years ago, and we are now in the middle of a fourth. If proof of the last assertion were needed, it would be found in the bill which the Lord Chancellor has deemed it advisable to introduce—a bill whose cause is to be found in the very dissimilar cases of Mr. Green and Mr. Gray, and perhaps in the proceedings which are now impending over the *Times* and the *Observer*. In introducing a sketch, necessarily scanty, of the law upon this matter, by distinguishing the different kinds of contempt, we are following the method of the Lord Chancellor. Contempts are of two kinds—ecclesiastical and civil. Ecclesiastical contempts are punishable by the writ *de contumace capiendo*, which is issued upon the presiding Judge's signification of the contempt to the Sovereign in Chancery; and acts of contempt against superior courts, other than ecclesiastical are, as is notorious, punished summarily by commitment to prison at the discretion of the court. Acts of contempt again, whether ecclesiastical or no, are susceptible of a threefold division into open contumacy in the face of the court, refusal to submit to the commands of the court, and all action tending to prejudice the course of proceedings before the court. Contempts of the last class were frequently brought into notice about ten years ago, not only in relation to the celebrated Tichborne trial, but also in the case of the Swansea and Chelten-