

and endeavoured to sell to him certain boxes of cigars, but Mr. Murphy declined to purchase them, because they did not bear the union label. Thereupon the defendant withdrew, and shortly afterwards returned to Mr. Murphy's establishment with the union label stamp affixed to the boxes of cigars in question, and sold them so stamped to Murphy. This use of the union label was a clear infraction of the injunction.

The defendant by his affidavit admits selling the cigars in question; he says that Murphy insisted upon their bearing the union label; and that, having some of these labels in his possession, he attached them to the boxes. His contention is that the labels which he used were real union labels, not imitations, and that the injunction only enjoined him from using imitations, and he swears that he would not have done what is complained of if he had thought such action would be a breach of the injunction.

It is evident that this use by him of the union label was a deliberate act, and I am unable to discover in his affidavit any excuse for his conduct. Persons enjoined by an order of Court are bound to obey such injunction.

The defendant has been guilty of a deliberate breach of the injunction. He says he is a man of no means. Therefore a pecuniary fine in his case would be no punishment. The order of the Court, therefore, will be that he be committed to gaol for 24 hours, and until he purges his contempt by filing with the Court a suitable apology, and that he pay the costs of and incidental to this motion.

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