was not completed, obtained a writ of injunction to restrain the Government from interfering. The Government proceeded to take possession, and a motion to dissolve the injunction being rejected, obtained leave to appeal to the Court of Queen's Bench.

Held, that, under these circumstances, an order to suspend the injunction until the appeal could be heard, should be granted, notwithstanding the fact that the injunction had been disregarded.

The defendants moved for an order to suspend the injunction (*ante* p. 446.)

RAMSAY, J., dissenting: This is an application under the statute of Quebec of last session for an order to suspend an injunction from the Superior Court, now pending before this Court on the merits of an interlocutory order rejecting a motion of appellants to dissolve the injunction. A preliminary difficulty was suggested that the writ of appeal was not returned, and that, therefore, no order could be made by this Court. With some hesitation I concurred in the judgment overruling this objection, and the parties were heard. Respondent then filed an affidavit setting forth in effect that the injunction had not been obeyed, and that the appellant, with armed force, resisted the execution of the writ of injunction. Under these circumstances, I must persist in the view I expressed on a previous occasion, and say that the appellant, while thus a wrong-doer, cannot be allowed to answer the injunction at all. His first duty is to obey. It must be manifest that if he is above the law he need not come to us. If he defies by an armed force the process of the Superior Court—the great Court of original jurisdiction in the Province—he will not likely pay much respect to our decree, and his appeal to us is an idle ceremony. To me it appears so clear that this must be the law of every community governed by law that I should hardly expect to be called on to cite any authority to justify it; but the ground I take is sanctioned by a very respectable authority which I quoted on a previous occasion, and which I shall repeat once more at length. "And if after service it shall be disobeyed, process for contempt issues till the offender be taken and committed upon an affidavit of his disobedience. And when he is taken he shall be committed till he obey or give security for his obedience, and shall not be heard in the principal case till he obey." Comyns Dig. V. Chancery (D. 8) Injunction, Vol. 2, p. 231. Supported by this authority I might in turn ask for some *dictum* of text writer or judge, either under the French or English system, but none has been produced, and I think that I may almost predict that none will be produced. We may be told that the proceedings are summary, and all sorts of cases, some of them apparently of great hardship, may be cited, but not one that says relief was given on an injunction the execution of which was defied. Of course, no authority short of this has any bearing on the case before us. It was said yesterday that the power to suspend the injunction necessarily implies the suspension before its execution. To me it appears to imply precisely the reverse. It was also said that the *dictum* in Comyns was good so far as it goes, but that it does not apply to appeal. This commentary seems to me to admit too much, or not go far enough itself. If it is good law in the Court below, one may fairly ask why it should not be applicable here? I think we should be as jealous of disregard of the authority of the Superior Court as we should be of a contempt of our own, and until we are I fear we have much to learn. Again, if it be contended that there were two motions, although but one judgment, and that the appeal is only as to that part of the judgment rejecting appellant's motion, and that the judge in the court below heard this motion and thereby overlooked the contempt, I must say that I consider the argument as evasive. Two motions were made in the court below—one to dissolve the injunction and the other on the rule for contempt. They were heard together and decided together, and while rejecting the motion of appellant and Peterson, the latter was adjudged to be in contempt. The whole matter, therefore, was before the Court, and it was all adjudicated upon. Are we, therefore, to suppose that the Judge overlooked or absolved the contempt? He condemned it then—it exists now, and we may say what we will, the effect of our judgment is to render nugatory the order of the Court on the contempt, if still existing. The bureaucratic argument has also been pressed on our attention. We have been told that the injunction was a nullity, and that with the warrant of the Lieutenant-Governor one can disregard all process. Such doctrine