

*Held*, 1. The revising officer had power to continue the sessions of his court beyond the day and hours specified in the notice received by him, as long as he was satisfied that it was reasonably necessary for the purpose of considering applications to be entered on the lists, as sections 71, 72, 76 and 91 of the Act all contain expressions to show that the revision might occupy more than one day, and s. 88 gives the revising officer, with reference to the revision, all the powers which belong to or might be exercised by a Judge of a County Court in any action pending in a County Court.

2. But after the lists, books and papers have been returned by him to the Chairman, and after the Chairman had transmitted them as above mentioned, both the Board and the revising officer were functi officio, and it would be futile and useless to grant a mandamus.

Application refused without costs.

*Ewart*, K.C., and *Wilson* for applicant. *Aikins*, K.C. and *Elliott* for revising officer.

Full Court.]

IN RE BONNAR.

[July 11.

*Contempt of court—Publication of articles reflecting on revising officer under Election Act.*

This was an application to the court to take into consideration certain newspaper articles reflecting on the decision of a revising officer appointed to revise lists of electors under R.S.M., 1902, c. 52, who had refused to continue the sittings of his court beyond the hours named by the Board of Registration, and accusing him of partisanship and misconduct in his office, with a view to determine whether the court should deem it proper to take summary proceedings for contempt against the publishers. A motion had been made for a mandamus to compel the revising officer to re-open his court, which motion, after two days' adjournment, was refused by a single judge and afterwards by the full court on appeal, and the newspaper articles complained of had appeared pending the application for a mandamus and after its original dismissal and pending the appeal.

As to the conduct of the revising officer which had been so criticised, the full court, while agreeing that his view of the law was erroneous, admitted that, upon the face of the statute, the point was not so clear that another might not take the opposite view in good faith. The subject matter of the articles was one of immediate public importance; and the court considered that they would not be warranted in inferring that their publication was intended to influence the decision of the case then pending, or could tend to prejudice the interests of the revising officer in the litigation.

*Held*, that, so far as the articles complained of were defamatory, the revising officer's proper remedy was that which was open to other members of the community, but that there was no reason why the court should take summary proceedings to punish the publishers as for a contempt of court.