

Judge he would be deprived of his right of appeal. I think a statute ought not to be so construed unless the language of the legislature clearly requires that meaning to be given to it.

When the emphasis that was given by two of the Judges of the Court of Appeal in the Nottawasaga case to the negative form in which the section there under consideration was cast is regarded—that it was a prohibitory section—I think I am not prevented by that decision from holding the provisions of sec. 48 of the Municipal Drainage Act to be directory only.

The motion must be refused with costs.

[Leave to appeal from this decision was granted by RIDDELL, J., on the 1st December: see ante 305.]

BOYD, C.

DECEMBER 3RD, 1910.

BROOM v. GODWIN.

*Contempt of Court—Breach of Injunction—Settlement—Condition not Fulfilled—Motion to Commit—Delay in Moving—Punishment—Fine—Costs.*

Motion by the plaintiff to commit the defendants for contempt of Court in not obeying an injunction order.

The plaintiff in person.

J. T. Loftus, for the defendants.

BOYD, C.:—Having read the affidavits of Broom and wife, Mulvey, and Sinclair, and the opposing affidavits of Godwin and Edmandson, I think it is very clear that the terms contained in the letter signed by Broom and dated the 21st October, 1910, as to being allowed to remove his goods that night or next day, were not complied with, and that he is bound by the terms of that to abstain from making complaint of what happened before.

By an injunction granted on the 30th June, 1910, the defendant and his wife were enjoined from interfering with the rights of the plaintiff in respect to the apartments occupied by him, No. 24 Dundas street, otherwise than by proper and legal procedure in a Court of law, till the action should be tried and disposed of.

By numerous affidavits filed by the plaintiff it appears that