The Legal News.

Vol. X. DECEMBER 3, 1887. No. 49.

Notice is given in the *Official Gazette*, that the new Court House at Quebec, to replace the building which was destroyed by fire on the 1st February, 1873, will be ready for occupation on Dec. 21, and from that date will be used for the purposes of the administration of justice and registration of deeds for the registration division of Quebec.

The following additional appointments to the Bench of Ontario have been gazetted:—William P. R. Street, Esq., Q.C., of London, is appointed a Justice of the High Court of Justice for Ontario, and a member of the Queen's Bench Division, *vice* Mr. Justice O'Connor, deceased. Hugh MacMahon, Esq., Q.C., of Toronto, is appointed a Justice of the High Court and a member of the Common Pleas Division, *vice* Mr. Justice Galt, appointed President of that Division.

Lord Coleridge, according to the *Law Times*, has been indulging in sarcasm at the expense of the Justices in Appeal. His lordship "has formed a very definite opinion as to the source of all the evils arising out of the last Bills of Sale Act. That source is not any infirmity in the Act; the 'mental intention' of Parliament was well known, and the result has been a simple, plain, and unambiguous enactment. Unluckily, decisions upon it came up for review before the court of appeal. Then confusion began: 'powerful and ingenious minds' were brought to bear upon simple words of the English language. Consequence: fog impenetrable. Moral: If it is desired to keep the law clear and certain, abolish the Court of Appeal."

In a recent contempt case, *In re Johnson*, Nov. 7, the English Court of Appeal decided that it was not necessary that the contempt complained of should take place in Court, or be a contempt of a Judge who was sitting in Court. All that was necessary was that it should be a contemptuous interference with judicial proceedings, the judge acting in his judicial capacity as a judge of the High Court. This case (of which we shall publish a fuller note in a future issue), supports the ruling of Mr. Justice Mackay in a case which occurred here some years ago, *In re Lanctot*. The defendant sent a letter to the judge through the post office, declaring that a judgment which had been rendered by the learned judge was absurd and oppressive. Mr. Justice Mackay proceeded against him for contempt. The judge asked him from the bench, "Did you send me this letter?" Mr. Lanctot said, "Yes." The proceedings for contempt were stayed upon Mr. Lanctot making an apology.

SUPERIOR COURT.

Aylmer (District of Ottawa), Nov. 16, 1887.

[In Chambers.]

Before Wurtele, J.

Gilmour et al. v. Monette.

Costs—Capias—Cases between $100 *and* $200—*Fees of advocates and bailiffs—Articulations of facts.*

Held:—1. *That in cases in the Superior Court between* $100 *and* $200, *instituted by writ of capias ad respondendum, the advocates' and bailiffs' fees on the action are to be taxed as in a case in the Circuit Court over* $100, *and the prothonotary's and and sheriff's fees as in a case in the Superior Court under* $400.

2. *That in such cases the costs on a petition to quash the writ of capias are to be taxed according to the tariffs for the Superior Court.*

3. *That in such incidental proceedings, when the contestation is founded upon the falsity of the allegations of the affidavit, the advocates are entitled to fees on articulations of facts.*

Per Judicem. The action in this cause was founded on a claim for $186, and was instituted in the Superior Court by writ of *capias ad respondendum*. The defendant presented a petition to quash the capias, and contested the truth of the allegations of the affidavit; issue was regularly joined upon the petition and articulations of facts were