

RECENT SUPREME COURT DECISIONS.**ITS APPELLATE JURISDICTION IN PROCEEDINGS FOR CONTEMPT.**

The case of *Ellis v. The Queen* in the current volume of Supreme Court Reports (22 S.C.R. 7) is an important decision on the appellate jurisdiction of the court, and also presents some peculiar, if not remarkable, features in the manner in which the decision was arrived at.

The court, in this case, holds that an appeal does not lie from a judgment in proceedings for contempt of court, which is a criminal matter, except under section 68 of the Supreme Court Act (R.S.C., c. 135); that is to say, unless the proceedings are by indictment resulting in a conviction which has been affirmed by the non-unanimous judgment of the court of last resort for the province from which the appeal comes. This decision practically shuts out an appeal in such cases; for though contempt of court is clearly indictable, yet that form of proceeding has never been resorted to, and it is almost a certainty that it never will.

The Supreme Court has had occasion twice before to deal with this question of jurisdiction. In the first case, *Ellis v. Baird*, 16 S.C.R. 147, an appeal in this same case at an earlier stage, the point was avoided by a decision that the case was not ripe for appeal. In the same volume of the reports is the case of *O'Brien v. The Queen*, 16 S.C.R. 197, in which the court held that an appeal does lie in a case of contempt. The latter decision is now overruled, and the Supreme Court occupies practically the ground always taken by the Judicial Committee of the Privy Council, which has invariably refused to entertain such appeals. To the judges of the provincial courts it may be a matter of regret that the views expressed by the Privy Council in a number of well-known cases were not adopted by the Supreme Court when the matter was first before them judicially, namely, that every court should be allowed to protect its dignity and authority by summary proceedings without being more or less restrained by the probability of its action being reviewed by an appellate court, whose members would deal with the case from a very different standpoint. On the other hand, it may be that the very fact of its dignity being, or being supposed to be, treated lightly might ren-