ascertained the legal existence of the writ, will therefore be the facts that constitute the contempt complained of, and those that constitute the answer to it. These facts are, as far as the sheriff is concerned, distinctly traversed; and I think fairly and successfully traversed. All that was done by that officer was done previously to his getting notice of the requirements of the writ. In Mr. Peterson's case, however, the matter stands very differently. He does not traverse the facts at all; but merely justifies them by setting up the warrant and saying that he acted in obedience to it. As far as regards Mr. Chauveau, therefore, the plaintiff will take nothing by his motion for contempt against him and it will be dismissed, but without costs. In the case of Mr. Peterson, though I have said, and still say, that as a matter of law his position is a very grave one, I should be sorry to believe that that was the light in which the matter presented itself to him, for he says he acted under advice, and the circumstances were undoubtedly such as would impose upon him. Although, therefore, he may be without excuse in law, there may have been much to excuse him in point of fact, and the judgment I am about to give is one that will be suited to the singular circumstances of the case. This gentleman seems to have had everything on his side except the law, and that was clearly against him. The law is supreme, and, unless we are in a state of anarchy, it must be so held and regarded by all men, and they can only disregard it at their peril. The law, in this case, received its clearest expression in the terms of the writ that Mr. Peterson had seen, and that writ told him and all concerned to stop for the present, and to come before the Court and make proper answer to it, where they could be heard and their rights decided. It cannot, in a civilized community, admit of doubt that it was Mr. Peterson's duty to obey this writ. The judgment of the Court upon this motion is, that Peter Alexander Peterson is adjudged guilty of contempt; and, as regards the punishment for his offence, the Court reserves to itself to pronounce hereafter, and it is further ordered that he enter into his own recognizance in the sum of $1,000, to be and appear in his own proper person before this Court whenever he shall be called upon by a twenty four hours' notice in writing so to do—then and there to receive the judgment of the Court in his own person, or (if he shall make default to appear) in his absence—and that he pay the costs of the present motion.

Carter, Q.C., representing the Government, took exception to the judgment dismissing his motion to revise the order, and intimated that an appeal would be had.

Doutre, Q.C., for Macdonald.

Carter, Q.C., for the Quebec government.

COURT OF QUEEN'S BENCH—APPEAL SIDE.

Montreal, Sept. 18, 1878.

Present: DORION, C. J., MONK, RAMSAY, TESSIER, and CROSS, JJ.

MACDONALD v. JOLY et al.

Injunction—Contempt—Appeal.

Held, that a party seeking relief from an injunction, and whose motion to dissolve it has been rejected by the lower court, may, in the discretion of the court, be permitted to appeal, though he appears to have disregarded the injunction and to be in contempt of court.

This was a petition to be permitted to appeal from the judgment reported above.

RAMSAY, J., dissenting, remarked that as a general rule it would be extremely inexpedient to grant lightly an appeal in a proceeding of a summary character, and here there had been brought to the knowledge of the court another matter which should prevent it from passing at this time upon the question. It appeared that this writ of injunction had been absolutely set at defiance by the persons to whom it was addressed. They had not obeyed the writ, and so long as they had not obeyed the writ, it appeared to him that they had no right to appeal or proceed upon the original suit. The authority for this was very ancient. It was to be found in Comyns's Digest under the words Chancery and Injunction The rule was laid down in the most express terms. The first thing to be done was to obey the order of the Court, and however illegal the order might be it must be obeyed before the party seeking relief from it could come into Court and take any proceeding whatever. His Honor was under the impression that unless this rule was adhered to, parties would frequently delay to obey the orders of the Court, and appeal to avoid compliance. He did not feel