

in its actions. One of them, Moss, was one of those who cried out "scab."

The affidavits submitted on the part of the accused defendants do not seem to me to meet specifically these definite charges. Moss admits that he used the word "scab," but gives a modifying effect to its meaning which, to my mind, is quite unsatisfactory. No attempt is made to deny the assembling of large masses of the strikers, that the entrance to the mine was the objective point, that insulting epithets were applied to plaintiff's workmen as they were on their way peaceably to their homes, nor that jostling and crowding took place.

In my judgment, on a reasonable interpretation of the order of Mr. Justice Drysdale, these acts were precisely those which the order was intended to prohibit, and the active, aggressive and open manner in which defendants participated in prohibited acts make it impossible for me to reach any other conclusion than that they were done in deliberate and wanton defiance of the terms of the order and constitute a plain contempt of the order of the Court. In this view I have no alternative but to direct an attachment against the said Joseph B. Moss, Milton Cameron, Thomas Long, Lionel Dobar and James Price.

I am disposed to think that defendants, if they so desire, have an appeal to the full Court from my decision in this matter.

NOVA SCOTIA.

SUPREME COURT.

MEAGHER, J.

JANUARY 25TH, 1911.

TRIAL.

CHISHOLM v. THE HALIFAX TRAM CO.

*Negligence—Accident to Person on Street Railway Track—
Guard Rail—Improper Height of Rail — Contributory
Negligence—Evidence—Damages—Quantum.*

Action claiming damages for injuries received by plaintiff in consequence of the defective condition of defendants' rails.