prisonment for six months. The other was a settler, who had got into a street brawl, and was brought up for an assault with intent to do grievous bodily harm, and was sentenced to three years in the penitentiary. These severe sentences excited much feeling in the community and were the subject of adverse criticism in one of the local papers, the Calgary *Herald*, edited by Mr. Cayley, a son of the Hon. Wm. Cayley, of Toronto. The editor was summoned by the stipendiary magistrate for contempt, and the result was the penalty, a statement of which has been telegraphed to the press. The statement thus communicated is that Mr. Travis was quite convinced that Mr. Cayley was himself disposed to be conciliatory, but that he had been urged on by ill-advised and wicked men, and that "in order that these men should bear the penalty instead of Mr. Cayley, he imposed a sentence of $400 fine, $100 counsel's fee to the Crown prosecutor and costs, to be paid by Monday next, failing which, Mr. Cayley would be sentenced to three months' imprisonment and $200 fine, and if the fines were not paid at the expiration of three months that the prisoner remain in gaol until the fines are paid."

The vicarious system of punishment introduced by Mr. Travis reminds us of the unlucky youth mentioned in *Gil Blas*, who was whipped whenever his noble playfellow deserved chastisement. The fines intended for the punishment of those "ill-advised and wicked men" not being paid, Mr. Cayley languishes in gaol to atone for their perverseness. Apart from the other aspects of this most extraordinary case, a summary proceeding for contempt by a magistrate against the writer of a newspaper article criticizing his decisions is of very doubtful legality. See 8 Legal News, p. 72, which shows that in England judges do not assume any such power.

APPEAL REGISTER—MONTREAL.

Dec. 30, 1885.

McDougall & Demers.—Re-hearing ordered.

Gilman & Campbell.—Judgment reversed.

Stearns & Ross.—Judgment confirmed.

Northwood & Borrowman.—Judgment confirmed.

Papineau & Taber.—Judgment reformed. Condemnation reduced to $20; appellant condemned to all the costs. Tessier, J., dissenting.

Corporation of Hereford & Guay.—Judgment confirmed.

Eastern Townships Bank & Paquette.—Judgment confirmed.

Dorion & Crowley.—Judgment confirmed.

Ross et vir & Ross.—Heard on motion to dismiss appeal. C. A. V.

Normor & Parker.—Motion for leave to appeal. C. A. V.

Trudeau & La Société de Construction Metropolitaine.—Motion to dismiss appeal; granted by consent.

Kieffer & Whitehead.—Respondent files a *retraxit*.

Canadian Pacific Railway Co. & Barry.—Motion for leave to appeal from interlocutory judgment. C. A. V.

The Court adjourned to January 15, 1886.

COURT OF REVIEW.

MONTREAL, Oct. 31, 1885.

Before SICOTTE, TORRANCE, LORANGER, JJ.

TREBAT dit L'AFRICAIN v. LEGRIS.

Appeal on question of fact—Judgment of Court below will not be disturbed unless manifestly erroneous.

The action was under the Lessor and Lessee Act, to recover rent of premises from 25th July to 1st November, namely $112.50, at the rate of $37.50 per month. Judgment went for this amount, less $50 proved to have been due by plaintiff. Costs were given in favor of plaintiff for the action as brought, except the costs of *enquête*, as to which each party bore his own. The witnesses were heard in open court.

R. Préfontaine for plaintiff.

C. A. Geoffrion, Q.C., for defendant.

TORRANCE, J. The grievance of the defendant is that the action was not dismissed for want of proof, in place of a condemnation for $62.50 besides costs. It is fair here to say that the same judgment disposed of a prior action brought by plaintiff against defendant to recover $1,627.50. The cases were united and tried together, and the first case was decided in favor of defendant, except as