Knight's defence was, that the facts mentioned in his article were not taken from the *Journal* but were taken from *Nash's County History* and the *Annual Register*. As soon as complaint was made, he sent to the plaintiff for approval an apology, which he proposed to publish in his paper. No answer being returned, he published it in a prominent part of his paper, and offered to pay any costs he had incurred in the matter up to that time. A bill of £32 had, however, been presented to him, and, thinking that sum beyond all reason, he had declined to pay it.

Both Birbeck and Knight tendered their apologies to the Court for their unintentional contempt.

Willcock, Q. C., and *Terrell* for the plaintiff, did not press now for committal, but asked that Birbeck and Knight might be ordered to pay the costs of these proceedings. On the question of contempt of Court and prejudice to the plaintiff, they referred to *Daw* v. *Eley*, 17 W. R. 245, L. R. 7 Eq. 49; *Tichborne* v. *Mostyn*, 15 W. R. 1072, L. R. 7 Eq. 55 n; *Re Cheltenham and Swansea Railway Carriage and Waggon Company*, 17 W. R. 463, L. R. 8 Eq 580; *Matthews* v. *Smith*, 3 Hare, 331; *Cann* v. *Cann*, *ib.* 333 n.

Kay, Q. C., and *Stallard*, for Birbeck, argued that such an article as that of the 29th of October was no ground for committal, and that, as far as the plaintiff was concerned, he alone was responsible for what had occurred. They also referred to *Daw* v. *Eley*.

W. Pearson, for Knight, argued that in the article of the 26th there were neither misrepresentations nor remarks calculated to prejudice the public mind against the plaintiff. He referred to Lord Hardwicke's judgment in *Roach* v. *Hall*, 2 Atk. 469. [The Vice-Chancellor referred to *Ex parte Jones*, 13 Vesey 237.]

Willcock in reply.

Bacon, V. C., said that as this motion had been opened with the disavowal of any wish to obtain an actual committal, the contest was really as to the costs. The law of the Court was perfectly clear. It was undoubtedly a contempt to publish an account of any proceedings pending the hearing, or to make any comments upon those proceedings likely to prejudice the parties in the litigation, or to interfere with the course of justice. There was no need to discuss the cases; for, as a matter of form, the articles complained of did infringe the rule of the Court. Apart from the question of contempt, however, —which there was no need to criticise beyond saying that there was clearly no malevolence on the part of either Birbeck or Knight—was the question whether the plaintiff was entitled to complain. The remarks of the Master of the Rolls in *Daw* v. *Eley* were most pertinent, to the effect that a person, submitting to have his affairs discussed in a public paper, could not afterwards complain of its being done. The plaintiff or his agent Millage supplied the materials for the article of the 22nd of October; and he could not be heard to say that he had thereby bought the partiality of the editor, and interdicted him from writing in any other interest or according to the dictates of his own judgment. As to the article of the 26th, considering the cirtumstances under which it was written, it was clearly within the principle laid down in the case of *Tichborne* v. *Mostyn*, where the *Pall Mall Gazette*, having published what was a contempt of Court, two other newspapers, which merely adopted what the *Pall Mall Gazette* had said, were held to be blameless, and were not ordered to pay the plaintiff's costs, though each had committed contempt. The same remarks applied to the article of the 29th as to that of the 22nd. Could anything excuse what took place afterwards? It was not hinted that there was any fear of Birbeck's repeating his offence. As to Knight's action in the matter, the explanation he gave of his article was not only sufficient in itself, but accompanied by the offer of the amplest apology, which apology was accordingly published at the earliest opportunity. The plaintiff neverthelesss determined to go on with proceedings in that court against the two respondents, because he had a technical hold upon them. Such conduct the Court would not countenance. Though, therefore, the case of contempt was clearly made out —for it was unjustifiable in any newspaper to publish statements of the pleadings or proceedings in a pending suit, with or without comment, and especially so if there were comments which might be injurious to either side—the plaintiff himself had no right to complain, and no order would be made on this motion.

NOTES OF RECENT DECISIONS IN THE PROVINCE OF QUEBEC.

Common Carriers.

Held, that the verdict of a jury, which is contrary to law and evidence, will be set aside, and a new trial granted.

2. That the respondent was not responsible for the loss of a trunk said to contain a large sum of money, which the appellant left in charge of the baggage-keeper, contrary to the advice and instructions of the captain of the steamer, who indicated the office as the proper place of deposit; the appellant stating at the time, in answer to the captain, that he would take care of the trunk himself.—*Senecal and the Richelieu Company* (in appeal), 15 L. C. Jurist, 1.

Compounding Felony—Consent obtained by threats null.

Held, 1. A signature to a note having been obtained from an old woman by threats, that if she did not sign, her son would be arrested for stealing money, an action *en garantie* will lie against the person who used the threats and extorted the note, to protect the signer from a judgment obtained by a third innocent *bona fide* holder.

2. A son having acknowledged to have stolen $25 from M., the latter, threatening to have the son arrested, induced the mother and son to sign a note in his favor for $400. *Held*, The note under the circumstances being signed by the mother, under the influence of