

from the assessment where no statement is furnished, relates only to an appeal against over-valuation under C.S. N.B. c. 100, s. 60, and does not abridge the power of the court to do justice if the assessors assess arbitrarily or upon a wrong principle, or no principle at all.

Held, per Gwynne and Patterson, JJ., that the assessment law of St. John does not apply to railway companies, there being no provision made for ascertaining the amount of business done in the city as proportioned to the whole business of the company.

Appeal allowed with costs.

Weldon, Q.C., for appellant.

Jack, Q.C., for respondents.

New Brunswick.]

ELLIS V. THE QUEEN.

Appeal—Contempt of court—Criminal proceeding—Sup. & Ex. Courts Act (R.S.C. c. 135), s. 68.

Contempt of court is a criminal matter, and an appeal to the Supreme Court from a judgment in proceedings therefor, cannot be brought unless it comes within sec. 68 of the Supreme and Exchequer Courts Act (R.S.C., c. 135). *O'Shea v. O'Shea* (15 P.D. 59) followed. *In re O'Brien* (16 Can. S.C.R. 197) referred to.

The Supreme Court of New Brunswick adjudged E. guilty of contempt, but deferred sentence.

Held, that this was not a final judgment from which an appeal would lie to the Supreme Court of Canada.

Appeal quashed.

Weldon, Q.C., for appellant.

Currey, for respondent.

EXCHEQUER COURT OF CANADA.

OTTAWA, March 13, 1893.

Coram BURBIDGE, J.

THE QUEEN V. FARWELL.

Information of intrusion—Appropriate remedies to be prayed for therein—Injunction to re-convey—Practice—Subsequent action between same parties—Res judicata.

Where, in a former action by information of intrusion to recover possession of land, the title to such land was directly