

Q.—Notwithstanding my order you still refuse to answer the question? A.—Simply because.....

Q.—Did you refuse to answer the question? say “yes” or “no”? A.—Under advice I refuse to answer.”

Counsel for plaintiff thereupon applied for rule against the witness, and the court stated to the witness:

“I am going to condemn you to jail until you are ready to answer. You are declared in contempt of Court. I am going to send you to the jail of this District and condemn you to remain there until such time as you are ready to answer the question which you now refuse to answer”.

Counsel for plaintiff thereupon moved for a rule against the witness. The rule was issued condemning him to be imprisoned in the common jail of this District for the period of one year, or until he should give evidence in this case, unless cause to the contrary should be shown on the 26th day of September.

On the 26th day of September the appellant was called and made default. Counsel appeared for appellant and asked for answer by writing. This application was refused and the rule declared absolute. Hence the present appeal.

The appellant contumaciously refused to answer a question which the court ruled he was bound to answer. The reason for refusal assigned by the witness in the first case was that the question had nothing to do with the case, but it was not for the witness to judge of the relevancy or irrelevancy of the testimony, and his disobedience persisted in became wilful. It was a case of wilful defiant and manifest contempt. The witness was competent and the Court ruled the question pertinent to the issue and he should be compelled to answer. If he perseveres in silence he should be committed for contempt and confined until he does an-