should for such disobedience be punished by imprisonment for his contumacy. The defendant, in answer to the plaintiff's application, filed affidavits on the merits; and, in addition, asserted that the Court had no jurisdiction to punish him for contempt, it not having been committed in the presence of the judge, and not being one of the forms of contempt specified in 9-10 Vict. c. 95. Section 113 of this Act is as follows:—

"And be it enacted that if any person shall wilfully insult the judge, or any juror, or any bailiff, clerk, or officer of the said Court for the time being during his sitting or attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the proceeding of the Court, or otherwise misbehave in Court, it shall be lawful for any bailiff or officer of the Court, with or without the assistance of any other person, by the order of the judge, to take such person into custody and detain him until the rising of the Court; and the judge shall be empowered, if he think fit, by a warrant under his hand, and sealed with the seal of the Court, to commit any such offender, to any prison to which he has power to commit offenders under this Act, for any time not exceeding seven days, or impose upon any such offender a fine not exceeding 5*l.* for every such offence; and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid."

The various County Court Acts passed after the above statute, and up to the County Court Act, 1865 (28-29 Vict. c. 99), contain no provision directly or indirectly affecting the power of the Court as to dealing with contempts. By section 1, however, of the last mentioned Act (which conferred a large equity jurisdiction on these Courts), the County Courts, in certain matters then only cognisable in a Court of Equity, are to have and exercise all the powers and authority of the High Court of Chancery; and, by section 2, in all suits and matters, the judge is, in addition to all the powers and authorities then possessed by him, to have all the powers and authorities, for the purpose of the Act, of a judge of the High Court of Chancery. Section 8 of this Act further provides that,

For the execution of any judgment, decree, or order made under the authority of this Act, ... the Court shall have power to order, and the registrar, upon such order, shall have authority to seal and issue, and the high bailiff to execute, any writ or warrant of possession, writ or warrant of execution, or other process of execution for carrying into effect any judgment, decree, or order of the said Court; and such writs, warrants, and processes shall be in the form and executed at the time and in the manner to be set forth in the rules and orders to be framed, &c.

The last statutory provision bearing on this subject is that contained in the Judicature Act of 1873, section 89 of which enacts as follows:—

Every inferior Court which now has, or which may after the passing of this Act have, jurisdiction in equity, or at law and in equity, and in admiralty respectively, shall, as regards all causes of action within its jurisdiction for the time being, have power to grant, and shall grant, in any proceeding before such Court, such relief, redress, or remedy, or combination of remedies, either absolute or conditional, and shall in every proceeding give such and the like effect to every ground of defence or counterclaim, equitable or legal, ... in as full and ample a manner as might and ought to be done in the like case by the High Court of Justice.

There are, apparently, no decisions on any of these enactments except that first quoted—viz. the 9-10 Vict. c. 95; but these decisions have a direct and important bearing on the question which was involved in this case. It was laid down in *Levy* v. *Moylan*, 19 Law J. Rep. C.P. 308, that there were strong reasons for the opinion that the courts held under that Act are inferior courts, though courts of record. In *Owens* v. *Breese*, 20 Law J. Rep. Exch. 359, it was held, in the Exchequer Chamber that though courts of record they were not courts of of record "proceeding according to course of the common law." Lastly, in *Ex parte Jolliffe*, 42 Law J. Rep. Q.B. 121, and referred to in Sir R. Harrington's judgment under the name of *Regina* v. *Lefroy*, it was held under section 3, in conjunction with section 13 of 9-10 Vict. c. 95, that a County Court Judge cannot commit for contempt a person who has published language of a contumelious character against him in a local newspaper, on the ground that the contempt was not *in facie curiæ*, and that it was not one of the contempts mentioned in