

Robinson, and continued to do so until they arrived downstairs at the Temple Bar entrance to the building, when Johnson called Robinson a "liar" and a "d—d perjured scoundrel," and shook his fist in Robinson's face, without, however, actually striking him. Robinson also stated in his affidavit that while in the judge's chambers Johnson would not let him see the judge's endorsement on the summons, but snatched it from his hands, and the judge rebuked Johnson. Next day, on Robinson's application, Mr. Justice Kekewich gave leave to serve Johnson with notice of motion to commit him for contempt. This notice was not served personally, and when the motion came on in court on August 24, as Johnson did not appear, Mr. Justice Kekewich ordered the motion to stand over till August 31, and copies of the notice of motion to be sent by registered letter to Johnson's address. This was done, the affidavits in support of the motion being sent in the registered letter. Johnson did not appear on August 31, and Mr. Justice Kekewich made an order of committal, the order stating that "it appearing by the evidence that the said Johnson did within the precincts of this court threaten, assault and intimidate the said Charles Robinson, and this court being of opinion, upon consideration of the facts disclosed by such evidence, that the said Johnson has been guilty of contempt of this court, it is ordered that the said Johnson be committed to prison for his said contempt." From this order Johnson appealed, and filed an affidavit, in which he denied having used the language attributed to him or having intimidated Robinson, and stated that he was at the time suffering from personal trouble, and that he regretted his language and acts. He also denied that he was personally served with the notice of motion, and said that he had no knowledge of the notice of motion until August 23.

Mr. Oswald (Mr. F. Watt with him), for Johnson, contended that there was no contempt of court. A judge sitting at Chambers did not constitute a court, and there was no power in a judge at Chambers to fine or imprison. (*R. v. Faulkner*, 2 Cr. M. & R., 525.) The Judicature Acts had not enlarged

his powers. There could be no "contempt of court" where what took place occurred at Chambers. Further, even if the judge at Chambers was sitting in court, there was no contempt here, what happened being mere personal abuse, and not an attempt to interfere with the course of justice. There was no insult to the judge (*Ex parte Wilton*, 1 Dowl. N.S. 805; *Republic of Costa Rica v. Erlanger*, 46 L.J., Ch., 375); and considering where the alleged violent language took place, the contempt, if any, was not committed within the precincts of the court. He also contended that the proceedings were irregular, as the notice of motion to commit had not been personally served, and no sufficient notice of the application had been given to the solicitor.

Mr. Johnston Watson, for the respondents, was not called upon to argue.

The Court dismissed the appeal.

The MASTER of the ROLLS said that he would take no notice of what took place before the judge at Chambers on the day in question, but when the solicitors left the room, Johnson began his infamous conduct (whether close to the judge's door or within a particular building was immaterial), and continued it down the stairs to the door of the building. His disgraceful conduct consisted in his using vile language to the other solicitor in connection with the proceedings before the judge, who had given a decision against him. Was that an insult to the administration of justice? No doubt it was intended to be an insult to the administration of justice and to bring it into contempt, and there could be no doubt that it was an insult to the administration of justice. The matter then came before the judge in court. His Lordship (the Master of the Rolls), having dealt with the argument that Johnson had no notice of the motion before the judge, said that he was clear that Johnson had actual notice of the application, as the notice and affidavits were sent by registered letter to his office and private address and not returned through the Post Office, and Johnson had not sworn that they did not come to his notice. The judge having made an order for his committal, the solicitor, instead of going before the judge and apologizing, appealed to this