

Secondly, that this is an offence created by statute, and that the applicant should have been regularly proceeded against in the same manner as for any other offence under the License Act.

Thirdly, that the warrant of commitment is bad, inasmuch as it has not set forth the question or questions asked and which the applicant is required to answer.

Fourthly, that the magistrate adjourned the matter on the 29th, without fixing a date for the hearing at which the applicant was committed. This last objection, if a fact, would in my opinion be fatal, but in view of the positive statement of the magistrate to the contrary I must find the proceeding regular and that there was an adjournment to the 31st, the date on which applicant was committed. I must also hold the warrant of commitment good, as it follows the words of the statute, and in this case the words as set forth in the warrant constitute the question asked. I do not mean to imply that following the words in a statute is at all times sufficient, but in this case the language of the statute forms the question asked. I do not think it necessary for me to decide whether a magistrate has ordinarily the power to commit for contempt committed in the face of the Court, and I am not aware that there is any specific authority on the matter. The reasoning in the leading case of *In re Fernandez*, 30 L. J. C. P. at p. 332, in relation to contempt for refusing to answer a question, may be of some value—although the decision is not an authority for inferior Courts much less a Magistrates' Court: Willes, J., says, quoting Blackstone, that a witness refusing to answer commits an offence for which as being a contempt of Court he may be instantly apprehended and imprisoned at the discretion of the Judge without further proof or examination. Byles, J., in the same case says the power of commitment for contempt is almost indispensable to the administration of justice and it is the knowledge that it is indispensable which makes its exercise exceedingly rare.

I have no doubt that a magistrate has no power to commit for the ordinary case of contempt committed even in the face of his Court unless given him by statute, but it seems to me that if independently of statute the magistrate has no power to commit a witness for contempt for refusing to answer a question which in the opinion of the magistrate is a question he should answer, the administration of justice