THE WILMINGTON POST. PUBLISHED SEMI WEEKLY.

CHERRENAL CRECIAN.

CHAS. I. GRADY, EDITOR AND PROPRIETOR.

TERMS OF SUBSCRIPTION INVARIABLE IN ABVANCE. Per Year.....\$4 00 Three Months...... 1 50

RATES OF ADVERTISING: . Advertisements will be inserted at \$1.00 per subsequent insertion.

Ten lines or less, solid, minion type, sonstitute

CITY.

Lemons are high. Oysters are rare.

R. (Cure!)

Peaches are scarce. Fac-

Turkies are coming-so is Thanksgiving

Read our New York letter.

Why should we read large books in autumn? Because the leaves turn themselves. Western Fairs offer premiums for pretty

girls. How about our Fair? The City Marshabis all, and what two let ters do you think he wishes for? Wny Q.

The hotels are crowded with the stock holders of the Wilmington and Weldon rail-

road. united in their support of the regular Republican party. No shum-republican ideas

desolate, discouraging, and demoralizing. effects yesterday.

will do in sterling old Brunswick!

We are always pleased to bear from our country friends, and the very good letter we received from our triend Nichols of Brunswick proves that many plain farmers can give very useful information.

How is This! No arrests since the 8th row. Nothing significant of it. No politi-477 stand this!

CIEN, L G. ESTES. -For a complete refutation of the columnious charges being circulated against this brave and gallant officeriour readers are referred to the gentleman's card in another column.

Through the kindness of Sheriff Schenck we have been enabled to furnish our readers with the decision of Judge Russell in the contempt case. The decision has been in the hands of the Sheriff, we understand, for the hist two weeks.

Some of Pearcits. - We have been shown a sample of one hundred and twenty peamuts grown on the "Excelsior" plantation, (G. Z. French's), from a single seed. "Hard nuts to crack, them are.'

New Hanaver county farmers are rejoicing in much "peanuts," alies "ground peas," alias "gobers," alias "pinders." Many stacks of the fauity vine stand in farm yards awaiting the machine to " pick" the

"THUS IS IN EVER The copious drizzle of the last few days, presents an irrepressible and obstinate argument in favor of paving our streets. When there is dust, why our city contemporaries pray for rain, and when there is rain, they pray for "Old Sol" to share his benignant rays. And this is consistency ! | Can't you see!

Hospitagle. The Board of Alderman, last evening, passed a resolution placing the City, Hal, building at the disposal of the Cape Fear Agricultural Society during the continuance of the Fair; and appointed his Honor, the Mayor, Aldermen Servoss gender, indigenous to the soil, who bere and Rumley a committee to confer with the Chamber of Commerce as to providing sleeping quarters for the great inflax of the reflective rays of our cheerful firelight, strangers, expected.

has announced free transportation to the th mands who desire to attend our fair. The wands will roll in. Their eyes must be feaste, i, their hearts must be satisfied. Advertise in the Post, and they will be directed where to go. It you study your interests, colored jellies, beautiful bon-bons, luscious improvements to be carried on more gradually new is the tim e to advertise.

acter of Mr. John .T. Ford's entertainments Washington and Baltimore, during our residence there of nearly two years, are any criterion of what we may rely on in this eits, then we bespeak for the citizens of Wilmington an excellent dramatic season under the management of this able, experienced, and gentlemaniy impressario. If we understand rightly, and by the way, which our cotemporaries have not yet comprehended, Mr. Ford will present his two traveling companies, alternating with first-class troupes, engaged by Mr. Ford, so as to add variety to his entertainments and thereby striving to give universal satisfaction.

BOARD OF ALDERMEN.—Pursuant to spe-

rily carried on.

on the police force.

Considerable discussion arose on a proposition to publish all ordinances, resolutions, &c., in the Post, whether passed by the Board or not. After some remarks, of an uninteresting nature, as to whether a cersquare for first insertion and 50 cents for each , tain policeman should do duty at night or day; the Board adjourned.

GRANTITES VS. HOLDENITES-WHAT, 110 -The slight "scrimmage" of Tuesday night, so ingloriously defeated, and captured. ing the night. The return on the warrants issued by Arbiter Rutherford was returned from Cadi Neff. The return on the army roster showed the capture of General Burnett, Nash and Birney; and Brigadier The Republicans of Brunswick county are | General's Hill, VanAmringe, and Woodford refusing to surrender in the name of General Grant, Here was a go! Who ever heard of a prisoner refusing to surrender?

Drizzly, damp, dolorous, dull, dreary, M. London, Esq., appeared for the "sashed | suant to call. and girded sphynx;" and Adam Empie, and W. W. H.

Burnett swore, that Woodford refused to Secretaries. come out of the store of Weill. Birney unto the Arbiter did swear that he was present at appointed a committee to verify proxies. the engagement; saw no warrant in the tured ones did selemly asseverate. And great | reading of the same was dispensed with. was that asseveration. And much comment sum of \$500 to appear this morning before the Arbiter. Selah.

ALL THE WAY ROUND. - A wooden wed

ding-Marrying a blockhead. - Ex. A golden wedding - Marrying for money.

Elmira Gazette eye." - Syracuse Courier.

A tin wedding-Marrying a milk maid.

A paper wedding - Marrying an editor. -Ithaca Democrat. A plain wedding-Marrying a carpenter.

St. Louis Journal. of 60. - Waverly Democrat. An iron wedding-Marrying a black-

smith. - Brandon Republican. A copper wedding-Marrying a squaw. Rocky Mountain Herald.

The worst sort of wedding - Marrying nobody .- Manayunk Chronicle. A steel wedding-Marrying a shoulifter.

Corry Blade. A glass wedding - Marrying a toper. -Toledo Blade.

A cotton wedding -Marrying almost and girl, now-a-days. - Raleigh Scatinel. A second hand wedding Marrying a widow. - Raleigh Standard.

A high toned wedding-Marrying a musician. - WILMINGTON POST.

OUR EDITOR SURPRISED! While quietly cogitating our brain yesterday afternoon over "sundry and divers" things appertaining to the Post, our sanctum was unceremoniously invaded, not by a bilicoose female, tion calculated to show the policy which the exoh! no! but by a peaceful one, of the male aloft, Excelsior-like, a mammoth tray, and on that salver, glimmering and glistening in was the silvery sheen of a grand cake basket laden down with an immaculate sugared The Wilmington and Weldon Railroad fruit cake. We were approached! The running of the trains during the past year withcover was raised! And there before our out any serious loss or accident. And particuastonished gaze, like, unto that of Bassanio at the casket of Portia, or of Aladdin's in-Cavern," stood, dazzling in their richness, figs, delicious imported grapes; Oh! we

THE COMING L'MPRESSARIO. If the char- can't tell you all. They were Scrumptous! were made to cat. And then we feasted!

"Right royal was the gay repast!" And we turned over a note on that salver. and "thusly" did it read:

With compliments of E. D. HALL.

Confectioner. Enough, if in the coming holidays, Mr. ensuing year: Hall makes such cakes and "sweeties," we know who'll monopolize the confectionery

The dandy who makes the greatest flourish isu't always in a flourishing condition.

MERCHANTS READ THIS .- Our fair will cial call, this body held a meeting last even- open in a few days; Thanksgiving is coming. So is Christmas. Here are holidays. Holi-Committee on streets reported that the days bring plethoric pocket books. Plethograding of Nun street was being satisfacto- rie pocket books create an uncontrollable desire to spend money. People must be ac-Several petitions were received requesting | quainted with the emporiums where cheap permission to crect buildings; for the grant- and durable articles can be purchased; ing of licenses; and applying for positions Everybody reads the Post. So, Ergo, you

> and intelligent number of colored laborers jet, briefly, we ascended to the top story and mechanics assembled at the City Hall o the building, in order to intelligently Tuesday evening, pursuant to a widely cir- comprehend the concomitant adjuncts of culated call. On motion, Mr. William Cut- mchinery, organization and process of lar was called to the chair, and Mr. Geo. M. manufacturing. Arnold appointed as Secretary.

The following resolutions were adopted : WHEREAS, A call has been issued by the Me-wandering visitor; is the same having been done in accordance with a resolution adopted by the Labor Congress in promiscuously mixed with "cheat," and its Philadelphia; last August), and it is our opinion [thousand impurities as it is taken from the that the best interest of the Mechanics and Laborers here, as elsewhere, will be benefitted by, and through a healthy organization, such as it is contemplated to organize at the proposed Conwention, which is to assemble at Washington, D. in its primitive form is placed. These C., Dec. 12th, 1869; therefore

Resolved. That the Chairman of this meeting is hereby empowered and respectfully requested to ters made on an angle of about sixty de call together at an early a day as possible, the laborers and mechanics of this city, with a view of complying with the call.

Resolved further, That a committee of five be appointed, whose duty it shall be to select some person or persons to address the meeting when robs it off its "cheat" (imperfect grain;) the called together, and enlighten the laborers and mechanics as to their Cuty in the premises; failig in this, they are requested to make a detailed wherein the forces of General Burnett were report as to what, in their opinion, is best for the material interest of the same. Resolved, That this committee be requested to

at Weill's store, was renewed this morning, I make known to the Chairman, at an early a day after the enemy had-lain on their arms dur- as possible, their progress, as his guide, and as to whether the meeting shall be called for the

> Resolved, That the Secretary furnish a copy of these proceedings to the Post, and request their WM. CUTLAR, SR.,

GEORGE M. ARNOLD, Sec y.

WILMINGTON AND WELDON R. R. AN NUAL MEETING. - The annual convention of the stockholders of this railroad was held flour or corn. On this floor, is what is term-Mr. Geo. Davis, Col. Robert Strange and | yesterday morning at the Court House, pur

Such was the state of the weather and its | Esq., appeared on behalf of the accused face was called to preside. J. W. Thompson and J. A. Engelbard were appointed

The President submitted the annual Re-

hands of the deputy. Several of the cap- ports, but, on motion of P. Murphy, the down to the mill, to be ground, after being

did it create. And it ended as all things of committees were referred to a committee This rather complex piece of machinery is must end, in the retaining of these Holden- of three stockholders to examine the same nothing more than a frame thirty feet long, call excitement. No nothing. We Cant- ites in their own personal recognizance in the and report thereou at the afternoon session. AFTERNOON SESSION.

pursuant to adjournment, Mr. S. D. Wallace coarse material, and general unpalatable in-

The committee to whom was referred the Browne's "Miller:" Report of the President and Directors, with the accompany document, have had the A crystal wedding-Marrying a "glass same under consideration and beg leave to present the following Report :

"It is a matter of congratulation that the Re ports give evidence of the general good manage-ment of the Road, and that the regular and gradual increase of receipts, together with the encouraging prospects of a still larger business from the completion of the great work of the Wilmington Bridge Company, and of other Rail-roads now in progress, afford reasonable ground for hope that the stockholders will soon be A silver wedding-Marrying an old maid again realizing regular profits on their invest-

The subject of reduction of local fare and freight appears to have occupied much attention. and the committee notices with regret that the experiments which have been made with the view of satisfying the wishes of the patrons of the road, in this respect, have resulted so far unsuccessfully, and that while eight thousand more way travelers have been transported during thousand dollars less income has been realized by the Company from that source. The committee, however, are not disposed to recommend at once an abandonment of the system, which has been adopted, but think that the experiment should be continued until it is fully demonstrated that the rates should be again increased, The public can hardly be supposed to be so unreasonable as to desire the stockholders to manage their property without some profit, but every effort should be made to convince them pany to take undue advantage of the monopoly which it enjoys in common with all similar cor cension will always be given to every reasonable complaint of those from whom the income of the matter, the committee recommend that the Board of Directors shall present to the next aucorporation charges made by other railroads in this and adjoining States the, difference between them, through local rates, and all other informaperience of such other companies have led them

With regard to the branch road, to which reference has been made in the reports of commitconstruction, in the present financial condition of the Company, no money can be contributed.

or any debt incurred in aid of such enterprize. The committee are very much gratified with the facts stated in the reports, to the successful arly as to the improved, and excellent condition

of the road personally They recommend that the strictest regard to conomy should be practiced in the management nocent amazement in the "Enchanted of the Company, in all its branches, and in view of the fact that no large outlay has been reportthan the board seems to be contemplating, so they Company, during the current year, may be appropriated to dividends and the stockholders.

Respectfully submitted. A. J. DEROSSET, H. T. CLARK, M. CROBLY,

On motion, the next annual meeting of the Convention was decided to be held at Wilmington, on the first Wednesday afree ham's "pearl hominy." the second Monday in November. The following officers were elected for the

President -- R. R. Bridgers. W. T. Walters, B. F. Newcomer, Gov. W. W. Holden, Hon, Geo. Howard, A. J. De-

Rosset, S. M. Shoemaker, Geo. Harriss and W. H. Wallace. The meeting then adjourned.

Our Mannfacturing Interests.

AN HOUR WITH OUR FLOUR MANUFAC-URERS. - WHAT WE SAW, AND HEARD. -VHAT THE PEOPLE EAT!-Thursday last e determined on visiting our fellow townsan, Alexander Oldham, for the purpose of "nterviewing" the aforesaid, and his imtense Flour Mill. We were politely usherel in, and as courteously received, as on MASS MEETING. - Quite an enthusiastic femer occasions. Making known our ob-

> FIFTH FLOOR-CLEANSING ROOM. Here spead before the uninitiated and

"Countless grains of grain," thousand impurities as it is taken from the growing fields. Here are four different and distinct channels, wherein the "staff of life" channels are nothing more than 'square gutgress, sufficient to give the grain the momentum requisite to carry it to the "Cleanser" on the floor below. The first "leader" second of sand; the third and fourth of "shells" &c. Up to a few years ago, when machinery was unknown and

"The miller would to market go"

dients were choice food.

FOURTH FLOOR. each floor is a pulley, of course propelled by their motive power. And here is a minabelts. These belts have small buckets attached to them, about twelve inches apart, | tion. and formed for the capacity of a handful of ed a "Corn Cleanser or Screener." It is circular in form, inclined, six feet in length, in the perfection of his mill still contem-On motion of R. R. Bridgers, S. D. Wal- and two feet in diameter. At the more elevated end, it is covered with half inch wire, to admit of the refuse corn. The second apartment allowing the screening of The Secretaries, with P. Murphy, were | dirt, sand &c. Under each of these screens is a hopper, which conveys the different grades of corn. The last one carrying it thoroughly cleansed. To the left of this, is On motion of Col. Brogden, the Reports | the "Boiting Cloth," manufactured from silk and four and a half feet in circumferance, inclined, and acting as a sieve, allowing the The convention assembled at 3 o'clock four to pass through, removing the doc-balls, gredients. Though it is better expressed in

"For as the miller in his bolting hutch, Drives out the pure meal nearly as he can, And in his sifter, leaves the coarser bran." It is necessary, to make intelligent the working of this indispensable instrument to all mills, to take the reader below; and

therefore we descend again, to the

And here is a mammoth "corn bin," built to the capacity of three hundred bushels, a daily task in grinding. Here also is a 'Hominy Hopper" for making that delicious and wholesome breakfast dish, of which, Mr. Oldham is the only manufacturer in the State. And en passant, we will here describe the result of our flour inquiries. The immense encasement of the bolter, renders the past year, than the year previous, about two it necessary that it should occupy two floors, and hence the principal description of this machine must necessarily be made have never received a judicial interpretationhere. And here the mystery of flour grading is explained. In the centre of the casing is a small slide, and the egress or ingress of the slide controls the action of the revolving bolter, and therefore, the "poor that there is no intention on the part of the Com- | grade" is passed down below. The second slide creates a still finer; the third a "superfine," and the fourth a "Double Extra. And it is "double extra" truly. It requires of the Company is derived. In connection with | no so called expertness, or connects to be able to designate good flour. The taste, mual meeting, a tabular statement showing the the sight, the handling is sufficient. Void of a solitary grit, as white as new laid snow, and as fine as the imagination possibly can conceive, it is the purest, apparently, than can be manufactured. The visitor is shown here also, "Young's Patent Combined Rubtees, we are of opinion that, while every encour-agement and facility should be given to their room. And here we were forcibly reminded of the benefits of machinery, and their wonderful money making power. We just "peeped" into this room, and saw the marvelous amount of "smut." We should term it "death;" se it is naught but unadulterated dust, of which our present generation can justly feel relieved at the thought, that our grand parents once were compelled ed, as immediately necessary, for in the way of to cat this filth, and in other towns where are not blessed with a benefactor that a reasonable portion of the profits of the like Mr. Oldham, they are still masticators of this pleasant edible.

> SECOND FLOOR. On this floor, taken immediately from the recepticle, we tasted a small particle of coru meal, a sample of which took the premium at the State Fair, as did also Mr. Old-

On this floor, are the Grist Mills, two in number, operated as all other machinery in the department, by steam, and ground on Directors-W. A. Wright, C. H. Brogden, the bottom rock; consequently differing from other mills, as they are all run upon the top, thus grinding a poorer and coarser quality of meal. Here also, are two hominy mills, a "Dutch fan" for cleaning out the it not mean simply to refer to cases which fall

light, useless material from the hominy, strictly under the general classification of actions, civil and criminal cases which are almaking one thousand revolutions per min-

From this scene, we were accompanied to the engine room, and here a little surprise greeted us, in response to our interrogatories regarding the engine. That it was final adjudication between parties by a compethe identical engine that was intended for Harpers Ferry, manufactured at Richmond, and captured by Sherman at Fayettville. It still bears the marks of Union bayonets. The fly-wheel is of towering immensity being no less than twenty feet in diameter, and weighing ten thousand pounds, and with torty pounds of steam will make forty revolutions per minute. The engine has a cylinder of twenty inches, and three feet stroke lutions per minute. The engine has a cylinder of twenty inches, and three feet stroke lution of the action of inferior Courts.

In support of this view on the construction of the Act of 69 it will be observed that in Section 21, Paragraph 3 it is said that it about the lution of the action of inferior Courts. of piston. The boilers are thirty four feet long, two flues to each boiler, the fire passing around the boiler three times before escaping to the chimney. Before leaving this building, our attention was drawn to the massive iron door, 9x3 feet, and of solid iron, raised from our harbor. It is one of the plates of the numerous English blockade runners sunk in the Cape.

FIRST FLOOR.

In this instance, the first is the last, and therefore we usher you into the packing department and sales rooms. Here

"Where the eye may feast on fancy, Until the brain grows wearisome." Here are bins for stowing corn, meal and hominy. Here is the grand gulf which receives the thousands of barrels of flour and corn meal, which are received from the up-

different part of the globe. Here is the monster drum, greater, far greater than Twas here we witnessed the method of that which graced (?) the coliseum, upon elevating in these enclosed channels. On whose control the numerous belts receive why he should not be attached for a contempt. steam, and these pulleys are connected with | ture railrand track on which the produc. tions of the mill are wheeled for transporta-

CONCLUSION.

Mr. Oldham, though he has spent an immense amount of money, time, and labor plates improvement. The manufactory will proceedings of said Court. "turn out" sixty bushels of hominy daily; three hundred bushels of corn, and two hundred bushels of wheat. In closing, we cannot but recommend to our readers, the excellent quality of Mr. Oldham's flour, hominy and corn meal. The perfection of the machinery, the complete organization, and the able management, renders it useless for either article to be touched by human hands from the inception to the time it reaches the purchaser.

THAT CONTEMPT.—The following exhaustive decision has been rendered by Judge Russell in this somewhat remarkable ease. We hope this will disposes of the

In the matter Habeas Corpus.

It appears by the petition and the return of city of Wilmington. Then, if the room was by the Sheriff in this case, that the petitioner is law under the exclusive control of the Board of held under two separate orders of commitment, from the Speial Court, of the City of Wilmington-both purporting to be issued on the same day and being founded on the same alleged acts said above, this view of the fourth, entirely of contempt, yet differing in form and substance, disposes of the three first specifications. It is in respect to the manner of stating the acts charged, and the finding of the Court thereon. the "forcible and unlawful seizure," or the un-What is more remarkable still, one of these pro-authorized removal" of the records or that any cesses came to the hands of the Sheriff after the of these acts were in the presence of the Court, writ in this case had issued, and when the or so near thereto as to obstruct the petitioner was in custody under this precess. The Counsel for the petitioner, however, allowed the Sheriff to amend his return, and introduce the second commitment as an additional cause of the detention, so as to bring up the whole question as to the legality of the imprisonment upon the return of this writ—thereby avoiding the necessity of another application for

The case seems to present two questions of law-one of them, perhaps, not so clear by reason of the enactment of recent statutes which the other so manifest as scarcely to admit of an

1st. It being conceded that the Special Court of the City of Wilmington is invested with the same authority to punish for contempt, which is possessed by other Courts of this State, even the Supreme Court itself, can its findings and judgments in this summary proceeding be subjected to review by means of the writ of Habeas Corpus? As a general principle of law it must be admitted that the final judgments of a Court of competent jurisdiction cannot be disturbed in this manner. Not only is this so upon principle, but by the recent Act of Assembly. regulating proceedings in Habaes Corpus, Public Laws, 1868-63, Chapter 114, Section 2, Paragraph 2, it is provided that the writ shall be denied when it appears that the party is "committed or detained by virtue of the final judgment, order or decree of a competent tribunal of civil or criminal jurisdiction." But does this mean that the mere fact, that the committing authority has jurisdiction of the general class of cases to which the particular case may belong, shall exclude any inquiry into the legality of the imprisonment? That if a person convicted of a misdemeanor should be sentenced to be hanged, he could have no judicial remedy cause the Court which tried him had the authority to try misdemeanors? It may be said, that in this case, the party would have the right to appeal from the unlawful judgment, or, if the appeal should be refused, he would be entitled to a certiorari. Admitting for the sake of argument, the sufficiency of this answer as applied to almost every other case it will not do in cases of contempt, because it is well established, that from the judgment of a Court in an attachment for contempt there can be no appeal; neither will the writ of certiorari lie. State vs. Mott, 4th Jones. State vs, Woodfin, 5th Ire. So that it is clear, that unless the party is enticled to the writ of Habeas Corpus he is entirely without remedy. The result of this would be that the citisen would be placed entirely at the mercy of

every Court in the State, from the highest to the lowest. One of the inferior Courts of the State a person holding the office of Justice of the Peace, might under a mistaken idea of his own authority, or from corrupt motives, perpetrate the most alarming outrage upon the liberty or the person of the citizens, and the law would be powerless to give him protection. The Courts would be slow to come to a conclusion which might result in consequences so dangerous to the rights and liberties of the people.

It will be observed that the statute uses the

criminal jurisdiction." Strictly speaking, the proceeding in contempt, is neither a civil nor a criminal action. It is simply a proceeding provided by the Legislature for the guidance of the Courts in enforcing an authority that is inherent in every Court and necessary to the existence of every independent tribunal. When the statute uses the words "Court of competent civil or criminal jurisdiction," does

expression-"Court of competent civil or

most universally inter partes, where the remedies by rppeal and certiorari exist and in which it would not be allowable to have a review of the merits, to have in effect a venire de novo by means of the writ of Habeas Corpus. I take it, that after all, the statute is but in affirmance of the common law under which it is admitted that after a tent court, such adjudication could not be reviewed by means of this writ. But it is equally clear that at the common law a commitment for contempt, in which the particulars of the offence were set out , could be reviewed by Habeas Covpus. Ex parte Summers 5th Ire. Under the Act of '46, which required all the particulars to be dis tinctly set forth in the record; it is believed that it has never been doubted, that the commitment could be reviewed in this manner. The Court cannot believe that the Legislature intended to take away this efficient and necessary restraint upon the action of inferior Courts.

ragraph 3, it is said that it shall be the dutylof the Judge to remand the party if it appear that he is in custody "for any contempt specially and plainly charged in the commitment by some Court of ficer, or body having authority to commit," for the contempt so charged. "Not for contempts generally, but for the contempts so charged—that is when the acts charged constitute in themselves a contempt in law and one which the Court has authorify to punish. 2d. The remaining question is this: Do the

acts found by the Court to have been done by the petitioner constitute a case of contempt under the laws of North Carolina? From the record, commitments and affidavits upon which the pro-ceeding was founded, we gather that a controversy had arisen between the Clerk of the Special Court of the city of Wilmington, and the petitioner who is Mayor of the city of Wlmington, in regard to the possession of a certain room in a public building belonging to the city, that the Clerk was in possession of the room and the Mayor claimed the control of it ; that the Mayor demanded the possession which was refused, he being at the same time informed that the Special Court would meet in a few days and that it would be most inconvenient to remove the papers, books, &c., before the session of the Court; that the petitioner then took forcible posession These dyspeptic, and indegestible ingre- per floors, then packed and shipped to the of the room in question, turning out the Clerk and removing the archives of the Court; and that the business of the Court which met some three days afterwards was interfered with by reason of the so recent removal of the records. A rule issued to this petitioner to show cause At the same time an order was made directing the Sheriff to demand a restitution of the room. The petitioner responded, admitting that he had taken forcible possession of the room as charged, asserting his right to do so by virtue of his office as Mayor of the city, and averring that it was not his purpose to commit a contempt of the Court. Thereupon he was adjudged guilty of a contempt, found by the Court to have been committed in this:

(1.) "A breach of the peace and disturbance complained of by the Clerk of the special Court under oath, directly tending to luterrupt the

(2.) The forcible and unlawful seizure, &c.
(3.) The unauthorized removal of the records, &c.

(4.) Wilful disobedience of an order of said Court lawfully issued.' As the opinion in regard to the last specification will be decisive of the other three, it is only necessary to consider that. Was the order made by the Judge commanding the petitioner to restore the room, "lawful process?" This depends simply upon the rights of the respective parties to the room in dispute. In answer to the rule, the respondent (the present petitioner) affirms that this room is in a public building belonging to the city of Wilmington; that it had been temporarily appropriated to the use of the Clerk of the Special Court; that this was done as a mere act of courtesy, and with the reservation that it was to be at all times subject to the control of the Mayor and Aldermen; and that in removing the said Clerk he was acting in obedience to an order of the Board of Aldermen of the city. These averments are not denied by any thing in the record. It nowhere appears that the Court found them to be false or erroneous, and they must be taken as true. I do not find in the act establishing this Court or in any other public law, any provision setting apart this room for the use of the Special Court of the Aldermen of the city, the Mayor of the city committed no contempt of any Court in exercising that control under the orders of the Board. As not alleged that the "breach of the peace," or

the third section applies only to acts committed in the presence of the Court or so near thereto as to interrupt its proceedings. There is among the papers an affidavit to the effect that the petitioner had caused notice to be given that application would be made to the Legislature to abolish the Court. It must be taken that the affidavit was heard for some other purpose than that of making a rule upon it; for would not do the Judge the injustice to sup-

administration of justice. It is true

"breach of the peace," and the "disturbance"

"directly tended to interrupt its proceedings,"

following the words of the act of April, 1869;

but a careful reference to this act will show that

charges that

Court

POSTLINGS.

pose that he considered this publication a con-

Pave the streets. Yerger case, state que. Spain is yet Kingless. Admiral Stewart is dead. Victor Emanuel is dying. Button holers at the Capital. The Pope is seventy-seven.

Mosby is in Philadelphia.

Dark roofs attract the sun. Hyacinthe is going to the "Hub." Grimes will resign on the 6th prox. Seward is lying ill in Mexico. Sulphate of iron will preserve iron. Paint shingle roofs, its preserves them. Two feet of snow in Utica, New York,

Agassiz is "Earthquaking" in the West. Norfolk cries for street pavements. Time. Gotham belles affect large steel buckled

Fifty-seven per cent. of Eaglish girls become nurses. How are you Susan B?

Boutwell, Cox, Capron and Delano will attend the Georgia fair. The Macpherson sash, a bonnie Scotch plaid, is affected by New York belles. H. B. Stowe, is the woman who has ad-

The New York State Poultry Society's exhibition takes place in New York city on

ertisements be-stowed.