is to determine whether this Writ of Error can lie to examine and consider this conviction of contempt.

Before proceeding to examine the main question, it is right to observe, with reference to some part of the procedure in this case, but only as a matter of professional practice, that when contempt is of such a nature that if the fact which constitutes it be once acknowledged, and the Court cannot receive any further information by interrogatories, there is no necessity for administering them, if the defendant wish to be admitted to make such acknowledgment. Again, when the evidence of a contempt of Court is before the Court and the offence is palpable, a rule to show cause why an attachment should not be issued is unnecessary. In such cases attachments may be issued in the first instance. The practice of taking a rule arose out of a distinction between direct and consequential contempts, and was resorted to when it became necessary to procure evidence not before the Court.

It has also been held that the use of abusive and impudent language towards a Court or any of the Judges thereof, and contained in a petition for a rehearing, signed by the party in proper person and filed with the clerk, is a contempt, and this though he is a licensed attorney.

And it has likewise been held upon the subject of the withdrawal of the offensive statements, that when a writing is so clear of itself as to amount to a libel, the mere affidavit of the defendant that he had no intention of offering any contempt to the Court or Judge will not screen him from punishment. And so Holt on Libel, p. 22, Am. Ed., in which it is said that the Court did not consider the disavowal of the slanderer, as exculpatory; on the contrary, it was declared that the disavowal of any bad intent will not do away with the pernicious tendency or effect of publications reflecting on judicial proceedings, &c., &c.

Leaving these matters of procedure, it would seem to be quite unnecessary to enlarge upon the power admittedly vested in Courts of Justice to commit for contempts, a power which has never been disputed or questioned as being inherent in them under the common law of England; the books are replete with cases of that description, and judgments for contempt are very frequent. Hawkins, in his Pleas of the Crown, says "that for contemptuous words or writings concerning the Court, the party is punished by attachment for contempt;" and he adds, with reference to this last class of cases, "it seems needless to put instances of the kind, so generally obvious to common understandings." Lord Chief Justice Parker says, in reference to libel publications in a newspaper in the form of an advertisement reflecting on the proceedings of justice, that it is "a reproach to the justice of the nation, a thing insufferable and a contempt of Court." Blackstone says that some of the contempts may arise in the face of the Court, others in the absence of the party from it, *inter alia* mentioned by him, "by speaking or writing contemptuously of the Court, or Judges acting in their judicial capacity, &c., *and by anything, in short, that demonstrates a gross want of that regard and respect which when once Courts of Justice are deprived of their authority, so necessary for the good order of the State, is entirely lost among the people.*" Mr. Justice Wilmot, in his very learned and elaborate opinion upon the writ of *habeas corpus*, holds the same view, and maintains "that this power is as ancient as the common law, and the attachment a constitutional remedy." The Courts in the United States, resting upon the common law of England, entertain similar opinions, which will be found set out with great perspicacity in the 2nd vol. of Bishop upon Criminal Law, in which he has given cases and law as to the various kinds of contempt, viz: those committed in the presence of the Court, and those committed out of its presence, under which last head the author cites a case, which will be mentioned here, as somewhat analogous with the one in hand, with the difference that in the American case the language was verbal. The case occurred in Virginia, where one being interested in the event of a pending suit, but not as a party, met the judge proceeding to take his seat on the bench, and on being spoken to by him, responded in substance, "I do not speak to any one who acted so corruptly and cowardly as to attack my character when I was absent and defenceless"—alluding to expressions of