SPIRIT OF THE TIMES.

VOLUME 1. IRONTON OHIO, TUSDAY, JULY 5, 1853. NUMBER 26.

TERMS, &c.

BENJAMIN F. COEY,

PUBLISHER AND PROPRIETOR.

Office in the Railroad Depot,

IRONTON, OHIO,

Will be published every Tuesday, for *One Dollar* per year if paid in advance—or *One Dollar and Fifty cents* if not paid within the first three months.

RATES OF ADVERTISING:—One or more squares of twelve lines, *Fifty cents* each for the first insertion, and twenty five cents for every subsequent insertion.

A liberal discount will be made to those who advertise by the year, or parts of a year.

Notices of five lines or less, requiring but one insertion, will be published for twenty five cents each.

Handbills, Cards, Circulars, &c., Printed on the shortest notice, and in the most approved style.

THE BRIDAL WINE GLASS.

BY MRS. M. A. DENNISON.

'Pledge the wine—pledge the wine,' cried the young and thoughtless Harvey Wood; 'pledge the wine,' ran thro' the brilliant crowd.

The beautiful bride grew pale—the decisive hour had come. She pressed her hands together, and as the leaves of the bridal wreath trembled on her pure brow; her breath came quicker, and her heart beat wilder.

'Yes Marion, lay aside your scruples for once,' said the Judge in a low tone going towards his daughter, 'the company expect. Do not so seriously infringe upon the rules of etiquette; in your own home act as you please, but for this once please me.'

Every eye was turned towards the bridal pair. Marion's principles were well known. Henry had been a convivalist; but of late his friends noted the change in his manner, the indifference in his habits; and to-night they watched him to see as they sneeringly said, if he was tied down to woman's opinion so soon.'

Pouring a brimming beaker. they held it with tempting smiles to Marion.—She was still very pale, though more composed; and her hand shook not as smiling back she accepted the crystal tempter and raised it to her lips. But scarcely had she done so when every hand was arrested by the piercing exclamation of 'Oh! how terrible.'

'What is it?' cried one and all thronging together, for she had slowly raised the glass to arm's length, and was regarding it as tho' it was some hideous object.

'Wait,' she answered and I will tell you. 'I see,' she added, slowly pointing one jeweled finger at the sparkling liquid 'a sight that beggars description; and yet listen—I will paint it for you if I can.'

It is a lovely spot; tall mountains crowned with verdure arise in awful sublimity around; a river runs through, and bright flowers grow to the water's edge. There is a thick warm mist that the sun seeks vainly to pierce. Trees, lofty and beautiful, wave to the airy motion of the birds; but there—a group of Indians gather. They flit to and fro with something like sorrow upon their dark brows. In their midst lies a manly form—but his cheek, how deathly; his eye wild with the fitful fire of fever. One friend stands beside him—nay, I should say he kneels,—for see, he is pillowing that poor head upon his breast.

'Genius in ruins—oh! the high holy looking brow! Why should death mark it, and he so young? Look how he throws back the damp curls! see him clasp his hands! hear his thrilling shriek for life! mark how he clutches at the form of his companion, imploring to be saved! Oh hear him call piteously his fathers name—see him twine his fingers together as he shrieks for his sister—his only sister—the twin of his soul—weeping for him in his distant land.

'See!' she exclaimed; while the bridal party shrunk back, the untasted wine trembling in her grasp, and the Judge fell overpowered upon his seat. 'See!' his arms are lifted up to Heaven—he prays, how wildly for mercy! hot fever rushes through his veins. The friend beside him is weeping. Awe-stricken, the dark men move silently away, and leave the living and the dying together.'

There was a hush in that princely parlor, broken only by what seemed a sob from some manly bosom. The bride yet stood upright with quivering lip, the tears stealing to the edges of her eyelashes. Her beautiful arm had lost its tension, and the glass with its little troubled waves came slowly to the range of her vision. She spoke again. Every lip was mute. Her voice was low, faint yet awfully distinct, she still fixed her sorrowful glance upon the wine cup.

'It is evening now; the great white moon is coming up, and its beams lay gently on his forehead. He moves not; his eyes are set in their sockets; dim in their piercing glances; in vain his friend whispers the name of father and sister, death is there. Death—and no soft hand or gentle voice to bless and soothe him. His head sinks back! one convulsive shudder! he is dead!'

A groan ran through the assembly, so vivid was her description, so unearthly her look, so inspired her manner—that what she described seemed actually to have taken place then and there. They noticed also that the bridegroom had his face in his hands and was weeping.

'Dead!' she replied again, and her lips quivering faster, and her voice more and more broken: 'and there they scoop him a grave; and there, without a shroud they lay him down in that damp reeking earth. The only son of a proud father, the only, idolized brother of a fond sister. And he sleeps to-day in that distant country, and no stone to mark the spot. There he lies—my father's son—my own twin brother! a victim to *this* deadly poison. Father,' she exclaimed, turning suddenly while the tears rained down her beautiful cheeks, 'father, shall I drink it now?

The form of the old Judge was convulsed with agony. He raised not his head, but in a low voice he faltered; 'no no, my child, in God's name, no.'

She lifted the glittering goblet, and letting it suddenly fall to the floor, it was dashed in a thousand pieces. Many a tearful eye watched her movements, and instantaneously every wine-glass was transferred to the marble table on which it had been prepared. Then as she looked at the fragments of the crystal, she turned to the company and saying, let no friend hereafter, who loves me, attempt to peril my soul for wine.

'No firmer are the everlasting hills than my resolve, God helping me, never to touch or taste that terrible poison.—And he to whom I have given my hand who watched over my dying brother's form in that solemn hour and buried the dear wanderer there by the river in that land of gold, will, I trust, sustain me in that resolve—will you not, my husband?'

His glistening eyes, his sad sweet smile was her answer. The Judge left the room, and when after an hour he returned, and with a more subdued manner took part in the entertainment of the bridal guests, no one could fail to read that he too had determined to banish the enemy at once, and forever from his princely home.

Those who were present at the wedding, can never forget the impression so solemnly made,—many from that hour forswore the social glass,

Domestic and Social Life in Germany,

In one of our rooms this evening, the dance went on most spiritedly! Here, as everywhere in Germany, the dance is an entirely different affair from what it is with us at home. There is a life and spirit in which contrasts more pleasantly with the solemn and measured ceremonials in our parlors in America.—For the first time I gained the true idea of the dance—a musical, joyous, child-like expression of good spirits.

"What! you dance not?' said a young lady to me, whom I knew well, as I stood watching the merry groups.

"No, I never dance."

"Perhaps you are from the *Pietistin*, who think it wrong to dance."

"Oh no, I like to see it very much."

"Are your country people so strict as the English in dancing and Sabbath-keeping?"

I told her I thought they were in the last, but that a great many good people approved of dancing. Still we did not have *that* dance among us.

"*So!*" said she. "That is one of our prettiest dances—a Hungarian dance. See, the gentlemen *pfeft*—what you call it? whistles!"

A Hungarian was at the piano, and he commenced a running accompaniment by whistling the air, which had a very enlivening effect.

"They say your people never play; they work always!" she said again.

"Yes, it is too true," I answered; "we make our work play."

"But we poor Germans have nothing else than play to do," said she with a half sigh. "How should I like to see America! The nature must be grand there. But then you Americans are so *pracktish*,' (practical.)

I said I did not think we all were; and asked her if she had read that volume of Poems, (Holmes' Poems, which I had lent her.

"Oh yes!" she said, "I am so much obliged! There is no other poetry like it. It is utterly characteristic—so fresh and original—and how simple! remember you that of the old man?"—

> "And the mossy marbles rest
> On the lips he once has pressed,
> In their bloom!"

"But then so practical! No German young gentleman would so write to his bride, as that one who speaks of his dollars and shillings; and his presents, which he shall never have again!"

I could not restrain a good laugh.—The poem was that one of Holmes'—

> "Of my cooings and my billings
> I do not now complain;
> But the dollars and the shillings
> Will never come again!"

I was obliged to explain to her, that to us Americans, that was the very joke.

'Ach Gott, I see! You are a strange people! and she took my arm in another room.

'Is it true!' she asked, as we sat down together, 'that your ladies in America sit still in the houses and read, and cause husbands and the servants to work every thing?'

"Oh, no!" I answered, and then tried to explain to her the position of woman in American society.

"So! It is very different here. You see that lady across the room, very stout with ear-rings and light hair, that is the Frau Professor and Gerheimrath S——; but she goes down every morning, and cooks in the kitchen till eleven hour. I myself divide my householding with my sister; and since six months, I have kept the accounts, and go to the markets, and look the cooking every day over, and brush the rooms and clarify the dishes. The next day six months will my sister take, and oh will not I be glad.'—[Bruce Home Life in Germany.

Singular Race of Human Beings.

There are now in London two very singular human beings of a race which has hitherto been very little known to the civilized world. They came from South Africa, where they are called Earthmen. They are totally distinct from all other know African races, as much so as it they had dropped on this earth from another planet. They are diminutive in size—mere pigmies—and unacquainted even with the art of building huts. They shelter themselves in caves and crevices of the earth; when these are wanting they make artificial scoopings on the surface, which they line with leaves and cover with branches.—The Hottentots and Bushmen are the avowed enemies of the Earthmen, and when they meet them, will shoot them down like vermin. The poor little defenceless Earthmen have no refuge but in holes, trees, or thickets, and the tribe is fast verging to extinction. They are a poor weak people, one of nature's freaks—and destined not to perpetuate their race. Few colonists have seen them; and although it is known that a few still linger in the mountains, they are rapidly dying away, and will soon become a tradition of an elfish afrite race of old.

The two individuals above named were carried to England from the Cape of Good Hope two or three years ago, and have now become domesticated in an English family. The Morning Chronicle, from which we take these particles, describes these little earthmen as a boy and girl—the former fourteen, and the latter sixteen years of age—and "complete little fairies in appearance."

The boy is three feet three and a half inches in height the girl a trifle taller,—Their skin is of the brightest and most transparent bronze, and as smooth and polished as marble. In form the little creatures are perfect—their delicate limbs standing out in the most graceful symmetry, and every motion instinct with the untaught ease of nature. The faces, although decidedly African in feature, are full of sweetness and good humour, with an expression of archness and intelligence.

They are named Martinis and Flora. In their savage state they feed on locusts ant eggs, and such small game as they could take. Until they were carried to England they had no idea of God or any supreme power. At present they have been taught some of the customs of civilized life, and are able to speak little English words, to sing popular airs, and —the first of Earthmen—to play little airs on the piano.

Few sights are more interesting to a thinking person than that of the last of a race of human beings on the point of being blotted out from the face of the earth. The individuals in question seem to constitute one of the most anamolous forms of our species that have ever been brought to the notice of the naturalist or ethnologist. It is to be hoped that further light will be thrown on their history by scientific researches.—*Nat. Dem*

Cure for Virulent Small Pox or Scarlatina and Measles.

We find the following in a late number of the Boston Courier:

A merchant and ship owner of this city has had the following sent to him from England, where it was furnished by Mr. Larkin, member of the Royal College of Surgeons, and who vouches for it as a medicine that will effect a revolution in the healing art, as regards the prevention and cure, not only of small-pox, but also of measles and scarlatania, however malignant the type in a manner more efficient and extraordinary than could ever have been hitherto anticipated, even by the most ardent philanthropist.

"On the first appearance of fever or irritation ushering in attacks, whether occurring in families or large communities, the subjoined mode of treatment should at once be entered on: Take one grain of powdered fox-glove or digitalis, (valuable in the ratio of its greenness—the dark should be rejected,) and one of sulphate of zinc, (this article is commonly known as white vitriol.)—These should be rubbed thoroughly in a mortar or other convenient vessel with four or five drops of water; this done, a noggin (or about four ounces more, with some sugar or syrup should be added. Of this mixture a table spoonful should be given an adult, and two teaspoonsful to a child, every second hour, until symptoms of disease vanish.

"Thus conducted, convalescence, as if by magic will result. The rapidity of an event so auspicious will equally delight and astonish. It may be necessary further to note, that should the bowels become obstructed in progress of the disease, an evil by no means uncommon, then a drachm of the compound powder of jalap (formed of two parts cream of tartar, with one of jalap,) and one grain of the herb treated as above, formed into a pastil with a syrup or sugar, should be given to an adult, and half the quantity to a child. This simple medicine shuts out every other form or article whatever, as totally unnecessary, if not pernicious.

"The method of those medicines, capable of effecting results so gigantic, remains now only to be given, and appears to be as follows: The herb by its anti-febrile properties, lays hold at once of the fever, the prolific source of woe, which it immediately strangles, while the zinc acts the part of a tonic, instantly restoring the equilibrium."

Mr. Larkin adds: "No emigrant or government vessel should hereafter be allowed to put to sea without a few pence worth of these protectors: and it is ardently hoped that as the dearest interests of our common humanity are so vitally involved in this discovery, the press of all countries will give publicity to this annoencement."

THE MEXICN DIFFICULTIES.—The New Orleans *Picayune*, which generally takes a verp intelligent view of Mexican affairs, thinks that Santa Ana is desirous of precipitating a war with the United States. That paper says; "His own personal defeats have rankled in his heart and envenomed his animosities to the northern invaders who conquered and drove him from the country, and he is apparently burning to redeem his lost military character by another campaign in which he promises himself a different fate." The *Picayune* adds: "Santa Ana is in earnest; and strange as it may seem to us, who look upon such a desire on his part as an insane provoking of certain destruction, we are constrained to conclude that he wants war, and that it will require patience, moderation and much forbearance to avoid it. The United States do not want a war with Mexico. We are sure not one man in ten desires it, least of all the government; and this we believe, notwithstanding the sending forward of troops to the frontiers, where the scene of conflict is likely to be. The precaution of being well provided for war is often the surest means of maintaining peace; and a strong force under a commander who is authorized to present terms of temporary pacification, which he is in a position to enforce may be effectual in restraining an outbreak, which would be certain if the American force was feeble.

"If the peace can be preserved there, there is no doubt that every attempt will be made to settle all subjects in controversy between the two governments by a comprehensive negotiation, and Mexico will be dealt with liberally from the fear, if from no other reason, that shall be compelled to accelerate her destruction, and absorb more of her territory; a consummation for which we are not ready, at the cost of a war, and which is not desirable at all for years to come. The obstacle to peace will not be found in the indisposition of this government to grant to Mexico even very extravagant demands to induce her to yield to us the objects of our desire, and to surrender her claims upon us.

"A peaceful termination of all disputes would be more cogenial with American interests than the greatest conquests, and we should not hesitate about a few millions, more or less, to achieve that object. It will be Santa Ana's obstinacy, passion and craft, that will precipitate a war, if we are, as we fear, to have one. The result all the world can foresee, if he does not; and some who think they know him, believe he does not anticipate the triumphs of which he makes such sounding promises, but looks to a campaign in which to elevate himself in the estimation of his countrymen, and then a peace, whith a few extra million for his present uses, in the consolidating of his power. What we hope is, that his avarice may be the strongest of his passions, and that he may be made to believe that he can make better terms without a war than he can after a campaign.

"With only such uncertain reliances for the good conduct of Santa Ana, it must be evident that the continuance of peace with Mexico is extremely precarious."

Appropriate Name.

We have a steamboat on our waters by the name of *The Editor*. That is the best name ever yet given to any steamboat and more especially to a Mississippi steamboat. We are surprised it has never been thought of before.—The Editor is a working Engine whose fires are kept going day and night.—Now he sails against the tide and now with it, going along at a dashing rate, until suddenly he comes up all standing against some hidden snag, which nearly shivers his timbers to pieces.—Whenever he moves he puts the waters in agitation for a time, and leaves a wake of troubled waves behind him which lasts about five minutes. He serves every body but himself, carries freight and passengers in any quantity and goes puff, puff-ing down the stream of life. Often his powers are overtasked and the boiler bursts, but fortunately it kills no one but himself, and who cares for an Editor.

An excellent name for a steamboat! We wish success to *The Editor*. May she have a rapid and pleasant run on the broad bosom of the Father of Waters, and when her voyages are ended, be permitted, in some placid and quiet harbor, to rest from her labors.

A Lucky Discovery.

One day last week the keeper of the State Prison had occasion to visit the cell of Shield, the English burglar, who is confined for 12 years. As he left the cell he put his hand against the inner door, and discovered that it was blackened by coming in contact with the iron. He asked Shields what made the door dirty, who replied it was a warm day and he supposed the iron was sweaty. The keeper thought it was so but on washing his hands found they were greasy, and immediately suspected something was wrong. On examination it was discovered that the convict had cut from each corner of the hole in his cell door in such a way that four pieces could be broken out, leaving an aperture of sufficient size for him to pass through.

The cuts had been daubed up with blackened tallow, and the mere accident of the keeper touching the greasy substance disclosed the secret. On being found out, Shields told the keeper he was a lucky man, for in a very few days he would have been at liberty.

He had a cane rope manufactured, with a hammer on the end to throw over the wall. He had also made two "billies," and his idea was to watch an opportunity when but two men were on duty, knock them both down, carry them into a cell and lock them up, and then scale the wall. By his own acknowledgement he undoubtedly contemplated murder, an awful tragedy was thus prevented by the timely discovery of his intentions. The situation of keeper of the State Prison is by no means a nenviable one, and we intend shortly to give some account of the various troubles and annoyances to which they are subjected from constant attempts of the villains confined, to make their escape.—*Tren. Amer.*

Corn Sown for Fodder.

Here are some hints for hereafter, which may aid some of our farmers in deciding on the use to which they will put, at least one-half acre, the coming season. We cut from the *Agricultor:*

"Ourself a farmer, we trust we may take the liberty of uttering one plain truth to our brethren, and that is, they have, as a class, a more bitter hostility to everything new, than any other profession whatever. Go to the manufacturer or mechanic; he is ever on the watch for all new improvements, and is ever willing to give them a trial, frequently when quite unpromising. But with the farmer as a general rule, however promising, he obstinately sets his face against it, and cannot be persuaded to give it a trial.

"Sowing Indian corn for fodder, is one of those new practices which has come into vogue among enlightened farmers within the last ten years; and if it had been generally adopted the past dry season, would have been millions of dollars in the pockets of husbandmen of this country, saved thousands of poor and almost worthless cattle from the butchers' shambles, and other thousands from what is akin to prolonged starvation.

"Every farmer ought to invariably sow one acre of Indian corn for fodder, for every ten animals he keeps. In case of a drought, then he will obtain food enough from this source alone to one-third winter his stock, which would have the effects of lessening the price of hay, and enable him to retain or sell his surplus stock to greater advantage. American summers are often dry, very dry. Improvident indeed, then, is that man, who depends entirely upon grass for his stock; for a dry season cuts off from one-third to two-thirds of his crop. But with Indian corn it has not the same effect. Plough deep, manure well and let the corn get one month's start, and it will take pretty good care of itself after that, through the season, be wet or dry.

The Better Home.

Nothing makes the fireside so cheerful as a blessed hope beyond it. Even when you sit most lovingly there—though the daily task is completely done and the infant in the cradle is fast asleep—though this is Saturday night, and to-morrow is the day of rest—though the embers are bright, and from its fat and popping fountain in you coal the jet of gas flames up like a sillver cemeter; and though within your little chamber all is peace, and warmth, and snug repose; the raging gusts and rattling drops remind you that it still is winter in the world. And when that withered leaf tapped and fluttered on the window, mother, why was it that your cheek grew pale, and something glistened in your eye? You thought it perhaps might come from the church-yard sycamore, and it sounded like a messenger from little Helen's grave. It said, "Father and mother, think of me."

Yes, dreary were the homes of earth, were it not for the home in heaven. But see to that yourselves be the Savior's followers; and then to you he says, "Let not your heart be troubled! In my Father's house there are many mansions: I go to prepare for you." And when you come to love that Savior rightly, you will love one an other better, more truly, and more tenderly. And trusting to meet again in that world where they neither marry nor are given in marriage, a purifying hope and a lofty affection will hallow your union on earth.—*Lutheran Observer.*

Progress of Mankind.

The immense strides in progress, which civilized men have made within the last two centuries, are really incredible until the subject is thoughtfully considered.—yet we do not exaggerate when we say that a journeyman mechanic, in the present day, lives substantially better than a nobleman did, four centuries ago. There still survives a household book, kept by one of the great Dukes of Northumberland, which leaves no doubt on this subject. From that volume we learn that his grace breakfasted on ale and herrings dined usually on boiled beef, and was as ignorant, at supper, of the luxury of tea or coffe, as he was, in his household furniture, of carpets, or hair mattresses.

In the Boston letter, written about the middle of the fifteenth century, we have further evidence of the almost incredible want of physical comfort among the upper classes. The Duke of Norfolk of that day one of the greatest of English noble men, was often in need of the smallest sums of money, while persons of less exalted rank had frequently to submit to the greatest privations, for want of a few shillings. The richest men in the land dressed poorer, were lodged more rudely, and ate coarser food in those times, than any industrious mechaeic of our own.—Even as late as Queen Elizabeth's reign, the royal floors were covered with rushes instead of carpet. When Phillip the second, consort of Mary, Elizabeth's sister, visited England, his courtiers wrote back to Spain that the people lived in huts of nettles and mud, and slept on logs for pillows.—*Philadelphia Leger.*

One Vote.

Within the last dozen years the Governor of Massachusetts was twice elected by a majority of one. A recent paper says that a single vote sent Oliver Cromwell to the Long Parliament and Charles Stuart to the scaffold, revolutionized England, and made Great Brittain free. One vote gave us the tariff of 1842 and one vote made the tariff of 1849 One vote gave us Texas, and made war with Mexico, and purchased California, turned thither the tide of emigration, and will change the destiny of the world. Those who are in the habit of excusing elections, in the belief that one vote will not make much difference. will do well to treasure up these facts, and act under their influence.—*Marietta Republican.*

The result of the stringent regulations adopted by the Secretary of the Interior Department is developing itself in the pension Bureau. Thus in the middle of March, six clerks employed upon warrants under the law of September 28, 1850, prepared an aggregate of between 130 and 150 daily. Now three clerks only are engaged on the same business, who turn out daily between, 160 and 170 warrants. A vast change, truly.

The Ohio papers speak of extensive ravages by flies among the wheat. The Michigan papers say that there will be the largest crop of wheat ever raised in that state. In some of the wheat counties of Pennsylvania. it is said there will not be half a crop, owing to the ravages of the Hessian fly.

The fly is ravaging the wheat fields in Richland, Knox, Muskingum, Licking and many others of the central wheat growing counties, and serious fears are entertained that great mischief will result.

When we look at a field of wheat we find that those stalks that raise their heads the highest are the emptiest.—The same is the case with men—those who asume the greatest consequence have generally the least share of judgment and ability.

It is a singular fact in the history of Lowell, Mass., that in 1818 an engineer, from Boston, employed to make a survey of that town with reference to manufacturing purposes, reported that there was no water privilege in Lowell.

——A gentleman in Cincinnati has given the seamstresses of Cincinati and Covington, $31,000, to assist them in maintaining their demands for their recently established bill of prices.

An old female miser died at Richmond, a few days ago, on searching her premises, it is stated that $800 in specie, and $9,000 in bank notes, many of them ruined by worms and bugs, were found.

LAWS OF OHIO.

PUBLISHED by AUTHORITY.

AN ACT Defining the Jurisdiction and regulating the practice of Probate Courts

[CONTINUED.]

DEPOSITIONS MAY BE TAKEN AND READ IN PROBATE COURT.

Sec. 19 Depositions taken according to the provisions of the law for taking depositions to be used on the trial of civil causes, may be taken and used on the trial of any question before the Probate Court, where such testimony may be proper.

NOTICE OF FILING ACCOUNTS TO BE GIVEN.

Sec. 20 It shall be the duty of the probate judge to cause notice to be published in some newspaper in the county, if any be published therein, or if not, by posting the same upon the door of the Court House of said county, of the filing of any accounts by executors, administrators or guardians, specifying the time when such accounts will be heard, which shall not be less than three weeks after the publication of such notice, at which time it shall be competent for said Probate Judge, for cause, to allow further time to file exceptions to said accounts, and the costs of such shall be paid, if more than one account be specified in the same notice, in equal proportions by the executors, administrators or guardians respectively.

POWER TO EXAMINE EXECUTOR, ADMINISTRATOR AND GUARDIANS ON OATH.

Sec. 21 The Probate Judge shall have full power & authority to examine under oath, all executors, administrators and guardians, touching their accounts; and if he shall think proper to do so, he may reduce such examination, to writing, and require such executor, administrator or guardian, to sign the same and such examination shall be filed with the papers in the case.

APPEAL FROM REFUSAL TO ADMIT WILL TO PROBATE.

Sec. 22 In case of the refusal to admit a will to Probate, any person aggreived thereby may appeal from such decision to the next term of the court of common pleas, by filing notice of his intention to appeal within ten days.

COPY OF ORDER TO BE FILED IN COMMON PLEAS.

Sec. 23 The person appealing shall procure and file in the Court of Common Pleas a certified copy of the order of said Probate Court rejecting the will, and thereupon said appeal shall be deemed perfected.

HOW WILL CONTESTED.

Sec. 24 When a will shall be admitted to probate in the probate court, or common pleas on appeal, any person interested shall have a right to contest its validity by petition to the court of common pleas of the proper county, and upon filing such petition the clerk of the court of common pleas shall certify that fact to the probate court in which the will was admitted to probate.

Sec. 25 When a petition to contest the validity of a will is filed, as provided in the last section, the will testimony and all papers relating thereto, shall be transmitted by the Probate Judge to the Court of Common Pleas, and the Judgment of the Court of Common Pleas shall be certified by the clerk thereof, to the Probate court.—When the case is finally determined, the will shall be deposited in the Probate Court.

UNDERTAKINGS TO BE APPROVED AND FILED

Sec. 26 All undertakings required or authorized by law to be given in the probate court shall be, on being accepted and approved by the probate judge, filed in his office.

HOW NOTICE OF PROCEEDINGS GIVEN.

Sec. 27 When notice of any proceedings in a Probate Court shall be required by law, or be deemed necessary by the probate Judge, and the manner of giving the same shall not be directed by any statute, the probate judge shall order notice of such proceedings to be given to all persons interested therein, in such manner and for such length of time as he shall deem reasonable.

WHAT QUESTIONS TO BE DETERMINED BY JUDGE.

Sec. 28 All questions, except those arising in criminal actions and proceedings, unless otherwise provided by law, shall be determined by the Probate Judge unless in his discretion he shall order the same to be tried by a jury or referred, as provided in section two hundred and eighty-five of the Code of Civil Procedure of this State.

CHAPTER IV.

HIS POWERS AND DUTIES IN CRIMINAL ACTIONS.

WHEN NOT HAVING JURISDICTION.

Sec. 29 The several Probate Courts in this State shall not have jurisdiction of any crime, offence or misdemeanor, the punishment whereof is capital, or by imprisonment in the penitentiary, nor for any offence or misdemeanor, the original and exclusive jurisdiction of which is vested in Justices of the Peace, or in any mayor or magistrate of any town or city, nor of the crimes or offences mentioned in an act entitled "an act to punish certain crimes therein named," passed March 18, 1839, nor of the crimes or offences enumerated in the act entitled "an act to provide for the punishment of certain crimes therein named," passed Feb. 27, 1834, nor for violation of the "act to prevent obstructing navigable streams therein named, passed March 1, 1834; but they shall have exclusive cognizance of all other crimes, offences or misdemeanors, unless otherwise provided by law.

WHAT RECOGNIZANCE TO BE FILED IN PROBATE COURT.

Sec. 30 All recognizance which shall hereafter be taken by justices of the peace and other officers authorized to take the same, and all transcripts in criminal cases, within the jurisdiction of the Probate Court, shall be returned to the Probate Judge forthwith after the commitment of a person charged with an offence, or the taking of a recognizance for his appearance before the Probate Court.

Sec. 31 The second section of the act entitled "an act to punish bettings on elections, and for other purposes," passed March 18, 1839, and the fifty-second section of "an act for the punishment of certain offences therein named," passed March 18, 1831, are repealed.

DISPOSITIONS OF FINE.

Sec. 32 All fines imposed by the Probate Judge for crimes, offences, or misdemeanors, shall be paid into the county treasury so soon as the same shall be collected.

LIMITATION OF CRIMINAL JURISDICTION.

Sec. 33 The provisions of this act which relate to the exercise of criminal jurisdiction of the Probate Courts, shall not extend to any county in and for which a special criminal Court is now, or may hereafter be established by law.

INDICTMENT NOT NECESSARY.

Sec. 34 In no prosecution for crimes, offences and misdemeanors, cognizance of which is by this act conferred upon Probate Courts, shall an indictment by a grand jury be required, [illegible] inal cause brought before the Probate Court by filing a complaint [illegible] the Probate Judge shall [illegible] to the Prosecuting Attorney [illegible]