LAW REPORT.

The substance of what was delivered by Chief Judge Tilghman in pronouncing the sentence of the Circuit Court of the United States upon William Duane, for contempt.

WILLIAM DUANE,

A motion was made by the Counsel for Levi Hollingsworth, for a rule to shew cause why an attachment should not issue against you, grounded on an affidavit of your having made a publication in the Newspaper called the Aurora, which was supposed to be a contempt of this court. You appeared in court, on the day appointed for shewing cause, and when the prosecutor was about to offer evidence in support of the rule, you voluntarily declared that you confessed yourself the author of the publication in the Aurora. The Counsel for the prosecutor were then heard in support of the rule, and your Counsel made an elaborate and ingenious argument against it. The court delivered their opinion yesterday, that you had been guilty of contempt, and made the rule absolute—You were then informed that if you wished to answer interrogatories, it was your right and your privilege to have them exhibited by the Prosecutor; and that if, by your answer on oath, you cleared yourself of the contempt, it would be received as the truth, notwithstanding the evidence that had been produced against you, and you would be discharged from all further proceedings. You requested time to consider of it, which was granted you; and you have this day declared that you do not wish the interrogatories to be exhibited.

Before I pronounce the Judgment of the Court, I will briefly mention the circumstances of your case. Levi Hollingsworth brought an action against you for a libel. You pleaded that both he and you were citizens of the State of Pennsylvania, and therefore the circuit court of the United States had no jurisdiction. The plaintiff replied that you were not a citizen of the State of Pennsylvania, but a subject of the King of Great Britain, and on that point issue was joined. The cause came to trial this term. The Jury were sworn, and evidence offered on both sides, after which it was agreed between the council that the cause should be submitted to the Jury, under the charge of the court, without argument. In consequence of this agreement, after premising that the Court were always desirous of receiving information from the arguments of learned council, and that if your council on reflection were dissatisfied with the court's decision, they might either take a bill of exceptions or move for a new trial, I delivered their clear and unanimous opinion, that upon the evidence produced, taking it in the most favourable point of view for you, you were to be considered as a British subject. The jury having received this charge, retired for a few minutes, and returned with a verdict in conformity to it. The court have already declared, and I now repeat it, that though your plea was put in on oath, the verdict of the Jury against you, is no imputation on your moral character. The truth of your plea depended on matter of law, and supposing that the law was in your favour, you might very innocently have sworn to it as you did. In pursuance of an agreement between the counsel, the jury did not assess the plaintiff's damages.—The counsel then made another agreement, that the damages should be assessed by a special or struck jury next term, and that you should have liberty to offer any evidence in mitigation of damages which might legally be given in evidence on the general issue joined. Your counsel have candidly declared, that in the whole course of these proceedings, you received from the court, that liberal and impartial treatment, which we do not consider as matter of favour, but the strict right of every one who appears before us.—Under these circumstances, the action being still depending, the damages (the great object of the suit) remaining to be assessed, you made a publication in your own paper, the Aurora, in which after mentioning the decision which had recently taken place, you endeavoured to draw public odium on the plaintiff, by representing him as a man who had been guilty of treason and saved from the gallows by the lenity of the late chief justice of Pennsylvania. You asserted that the respectable jury who tried your cause had given *a most infamous verdict*; and you made insinuations, too plain to be misunderstood, that no justice was to be expected by citizens of republican principles, in a trial by struck jury and under the system for the administration of justice, established by the existing law of the United States, which you indecently styled "*Mr. Adams's judiciary law.*"—The evident tendency of your whole publication, was to vilify and degrade the character of the plaintiff and thereby to lessen his damages—to deter the counsel of the plaintiff, the clerk of the court, and the future jury, from doing their duty; and to intimidate themselves, if they were susceptible of intimidation, which most surely they are not, from whatever quarter or by whatever means it may be attempted. All the world must be sensible that proceedings of this kind tend to subvert the foundations of justice. If judges and jurors, parties and their counsel, be subjected, during the pendency of suits, to the aspersions and unrestrained publications of the press, what, but the destruction of the trial by jury, must ensue? I mean the impartiality, the purity, the independence of that trial—Some men may be found so fortified by nature or habit, as to be above all influence of that kind. But how many honest and honourable minds, will either wholly withdraw themselves from taking any part in the administration of justice, or shrink from the free and unbiassed discharge of their office, if it be permitted that they should be held up to the world as degraded, corrupt and infamous! Jurors are not volunteers—they are called here by compulsion of law, and generally give their attendance to the great detriment of their private affairs. They are therefore, more strongly entitled to protection.

If they remain unprotected, they will soon learn to despise the process of a court which will be itself contemptible, and relinquish an inconvenient duty, subjecting them to calumny and disgrace. These consequences will follow, in a greater or less degree, with reference to the judges, the jury, the counsel, the officers concerned in returning jurors, and all who may be necessarily employed in the administration of justice. If therefore the trial by jury is to be preserved, if the rights of suitors are to be protected touching their dearest interests, of property, life, or character; courts of justice must prevent all discussions, all interference, or reflections in newspapers, while causes are depending. This is equally the privilege and security of both parties; and the support of it is the common cause of every virtuous man in the community. In order to afford complete security, it is absolutely necessary to restrain and punish offences of this kind, in a summary manner, and in a summary manner they have been punished from the earliest times to the present day. There is nothing so contrary to this mode of proceeding in the constitution of the United States, though it declares that the trial of all crimes shall be by jury. By construction this is only to be intended of those crimes which by our former laws and customs had been tried by jury. This construction has been universally received, by the courts of the United States, & by the courts of the several states whose particular constitutions contain a similar provision. It was determined very solemnly in the Supreme Court of Pennsylvania, in the case of the Commonwealth, *vs.* Oswald. The present Governor of Pennsylvania was then Chief Justice. He is well versed in the general principles of the law, as well as the usages and customs of the United States, and cannot be supposed to have favored constructions unfriendly to true liberty, or unwarranted by the genuine sense of the constitution. The principles established in Oswald's case, are too strongly founded to be shaken—and I can say with certainty that for the last seven years, they have been considered and acted upon as the undoubted law of Pennsylvania. The statutes of the United States, expressly give to their courts the power of punishing contempts by fine or imprisonment at their discretion—and who ever attends to the expressions in these statutes, will easily perceive, that they recognize a summary mode of proceeding. We confine ourselves within the ancient limits of the law, recently retraced by legislative provisions and judicial decisions. You have alledged by way of extenuation of your offence that you were provoked to it, by an abusive publication in Wayne's paper. But, if you were ill-treated by Mr. Wayne, you should have applied to the law for redress, and not have revenged yourself, by attacking Mr. Hollingsworth, the Jury, the Counsel, the Officers, and the Court. To give your apology its utmost force, it amounts but to this; that you acted under the impulse of passion. The court have taken that circumstance into consideration—at the same time, I think myself bound to declare, that passion is no justification of an offence, and cannot go far, even in extenuation. If a plea of that kind were allowed, men of violent tempers would have no inducement to restrain them. I am satisfied that on reflection, you yourself must be sensible that you have acted with extreme impropriety. Your case is attended with circumstances of greater aggravation than Oswald's. But though the Court have power to punish at discretion, it is far from their inclination to crush you, by an oppressive fine, or lasting imprisonment. They hope and believe offences of this kind will be prevented in future by a general conviction of their destructive tendency, and by an assurance that the Court possess both the power and the resolution to punish them. Upon the whole, the judgment of the court is, that you be imprisoned for thirty days including this day,—that you pay the costs of the prosecution—and that you stand committed till this judgment be complied with.

Received by the Lucinda from

Bristol, via Philadelphia, three cases Ketland fowling guns, tin in boxes, brass kettles, frying pans, &c.

Also on hand,

Nails in casks, and a general assortment of Ironmongery, Cutlery, saddlery, and brass ware which will be sold by the quantity or otherwise on reasonable terms at the subscriber's store, on Jersey Avenue Capitol Hill.

HENRY INGLE.

May 22, 1801. ep4w

CHEAP LUMBER,

FOR SALE,

By the Subscriber, on reasonable terms, either by large or small quantities, at his Lumber Yards the north end of Lamberton, and at the old Sturgeon Pond, above Richards's wharf,

A QUANTITY OF

ASSORTED LUMBER, *viz.*

One and 1-4 inch, 1 1-8, and 1 do. Yellow pine heart boards—1 inch pannel, 1 1-4 do. for floors, 1 do. common, white pine do—2 do 7 1-4 and 2 1-2 do planks, 1 do. 1-8, and 2-8 do. boards, black walnut—2 do. plank, 3 do. 1-2 do. pannel boards, bedstead setts, poplar the whole of the above are well seasoned and fit for use]—Clear heart pine, and sap pine white oak, and bilstead, hemlock and white pine scantling, assorted—best kind three feet cedar shingles, dressed and undressed, do two feet white pine do.; do. 18 inch cypress do—Sedar rails—Also, white pine sawed rails—shingling and plaistering laths, best kind; white oak waggon timber—sap pine planks, sap pine one inch boards, 3-4 cedar, best kind, 3-4 white pine, 3-4 sap pine, seasoned weather boards—A quantity of handsome chesnut pailings, sawed 1 by 3 inches and from 4 to 16 feet long, for garden fence, &c. A quantity of chesnut oak posts, dressed and undressed; a quantity of cherry boards, a quantity of large white oak joice, a quantity of chesnut posts—5000 feet of neat beach scantling for tool stocks—5000 feet of sickamore scantling for bedsteads; 2 inch white oak plank; 1 inch white oak boards, 3-4 do. do. do.—25,000 feet superior cherry boards and plank, 3,000 do. 15 clear 2 inch white pine plank, 3,000 do. handsome beaton wood bedstead setts seasoned, 100,000 prime North Carolina shingles, a quantity of ash plank, 150 tons plaister Paris, warranted, 3,000 bushels best Virginia pit coal, 200 bushel cleans house sand

The subscriber intends, establishing a Lumber Yard at the Federal City of Washington, which he will keep regularly supplied as above—Any quantities may be agreed for by contract, deliverable, as the purchaser may wish, provided that the place of delivery may be comeatable by water with a navigable vessel—Any quantity that may be ordered for shipping abroad, shall be supplied with punctuality and dispatch, agreeable to order.

Gentlemen who are or may be building—as well as carpenters who may be under or may enter into contracts to build and furnish the materials, will find it well worth their attention to apply as above—Applications may be made by letter (post paid) or otherwise, to the subscriber, or left with Wm. and Anthony M. Buckley, or Benj. W Morris and Co. merchants, Philadelphia.

Also for Sale or to Let,

A large commodious Dwelling House, with aout buildings complete, and from three to seven acres of land—Two small do. with lots thereto—Also, a small Store near the river—All laying in the village of Lamberton.

NATHAN COMBS.

N. B. A Screw Jack to let, that raises from 10 to 40 tons by hand—a constant supply of plaister and Smith's Virginia coal.

Lamberton, New Jersey, (on Del.)

January 14, 1801. twtf

Auction & Commission Store.

THE subscribers embrace the earliest opportunity of informing their friends and the public in general, that they have obtained a commission to act in the capacity of AUCTIONEERS in Prince George's county, including the city of Washington—and offer their services in that capacity, with assurance of attention to the interests of those who may employ them. They have also commenced the Commission business, which they intend to execute in the most extensive manner. A general assortment of DRY GOODS will be opened in a few days, which will be sold remarkably low, wholesale or retail.

ROBERT CAMP & CO.

Near the Pennsylvania Avenue,
City of Washington, May 11, 1801 } 3w

In Chancery, May 29, 1801.

RICHARD T. CHESELDINE, an insolvent debtor of Montgomery county, makes application as a trader, by petition to the chancellor in writing, praying the benefit of "An act for the relief of sundry insolvent debtors;" there is annexed to his petition a schedule of his property and a list of his creditors on oath, as by the said act is required; and the chancellor being satisfied by competent testimony, that the said Richard T. Cheseldine is, and at the time of passing the said act was, a citizen of the United States and of this state.

It is therefore adjudged and ordered that he appear before the chancellor in the chancery office on the first day of January next, for the purpose of taking the oath by the said act required, in presence of his creditors; and that by causing a copy of this order to be inserted once in each of three successive weeks in some one of the newspapers in the City of Washington, and by serving any three or more of his creditors with a copy thereof who have due to them at least five hundred dollars, before the first day of July next, he give notice to his creditors to attend on the said first day of January next, for the purpose of recommending a trustee for their benefit, and to lodge with the chancellor within six months from the time of the last publication (if they shall think fit) their dissent to his being admitted to the benefit of the said act.

Test.

SAMUEL H. HOWARD, reg. ct. ch.

June 5, 1801 1w3w

In Chancery, May 30, 1801.

ON application to the chancellor by petition in writing of Charles Wayman, praying the benefit of "An act for the relief of sundry insolvent debtors," passed at the last session of the general assembly on the terms therein mentioned: there is annexed to his petition a schedule of his property, and a list of his creditors on oath, as by the said act is required; the said Charles Wayman is a person known to the chancellor to be at this time, and to have been at the time of passing the said act, a citizen of the United States and of this state. And the said Charles Wayman having produced to the chancellor the assent in writing of so many of his creditors as have due to them according to the list aforesaid, the amount of two thirds of the debts due by him at the time of passing the said act.

It is thereupon adjudged and ordered that the said Charles Wayman appear before the chancellor in the chancery office, on the second day of July next, for the purpose of taking the oath by the said act prescribed for delivering up his property for the benefit of his creditors; and that by causing a copy of this order to be inserted three Tuesdays or Fridays in the Baltimore Telegraphe or a newspaper of the City of Washington three weeks before the twenty second day of June next, and by serving a copy of this order on any three or more of his creditors who have due to them two thousand dollars, before the said twenty second day of June next, he give notice to his creditors to attend on the said second day of July next, for the purpose of recommending a trustee for their benefit.

Test.

SAMUEL H. HOWARD, reg. ct. ch.

June 5, 1801. eF3w

FOR SALE OR RENT,

Two elegant brick Houses, 40 *by* 20 *feet*,

SITUATE on King and Columbia streets Alexandria, as well calculated for the grocery and flour business as any in the city; also two large stores adjoining the above houses, 25 feet front, by 36 feet deep, and I will likewise lease or sell, 7 or 8 valuable lots on King and Patrick-streets, subject to a small ground rent. Possession will be given of one of the houses immediately, and the other in 30 days. Any person wishing to purchase, one fourth of the purchase money will be required in hand, one fourth in 3 months, and the balance in 12 months, by paying interest and giving a security on the property.

I will also sell,

Six or eight thousand acres valuable Kentucky and. The terms of payment will be required as above mentioned.

The subscriber intends carrying on the bricklaying and plastering business extensively, and will keep a constant supply of bricks and lime for sale, he will also undertake to furnish all materials to any person disposed to build in the City, on the most reasonable terms for cash. Application to be made to Francis Peyton, Esq. for the property in Alexandria, or to

N. VOSS.

City of Washington,
April 8. 1801. 2M

New medicinal Store.

JOHN OTT,

Chemist, Druggist and Apothecary, has just received via Philadelphia, a fresh supply of genuine

Drugs and Medicines,

PATENT Medicines, and Surgeon's Instruments which he is determined to sell at the most reasonable prices by wholesale or retail, at the shop formerly occupied by Doctor J. Reintzel, in George-Town.

At the above place may also be had an assortment of Confectionary and Perfumery; likewise a quantity of window glass 10 by 12, and paints of all kinds dry and ground in oil, copal varnish, Irish and American glue, paint brushes, boiled and raw linseed oil, together with many other articles too tedious to enumerate.

April 27. 2aw6w

NOTICE.

The state of the Subscriber's health compels him to quit his present business. His debtors are requested to settle their accounts on or before the 21st instant, to prevent the disagreeable necessity of resorting to law.

JAMES THOMPSON.

June 3, 1801. 3t