

confronted with the witness on oath in open court - by substituting an unsworn anonymous history of the case in a public newspaper, where every publication of this sort will have its weight, its influence and its advocates. It has been frequently decided, that such a publication is a contempt at common law.

That the liberty of the press ought to be inviolably preserved, the constitution has declared; but that the licentiousness of the press should be as invariably punished, the law has declared, and the repose of society most imperiously demands.

I am confident, that you will admit that the ministers of justice should be protected from insult, when discharging their judicial functions; who, as the guardians of our rights, are as much bound to punish the licentiousness, as they are to protect the liberty of the press, although secured by the constitution.

Can it be conceived that the liberty of the press as secured by the constitution, meant to authorise printers to charge Courts and judges with corruption, and witnesses with perjury, and to force on a court and jury, through the medium of a newspaper, a history of of the merits of a case depending before them, by anonymous unattested publications, when no testimony can be given but on oath, and by the permission of the court submitted to the jury? On this subject there can be but one opinion.

You speak of the hardship of not being permitted to give the truth in evidence in this case, when, in fact, the party charged on an attachment is so far from being estopped from giving the truth in evidence, that he is peculiarly favoured by being himself a witness to purge himself of the contempt; and if on his own oath he shall declare his innocence, the Court are bound to discharge him.

You eulogise the trial by jury, and yet wish to protect a printer from wantonly insulting its members. - You reprobate the doctrines of the common law as declared by the judge, although introduced by our constitution, and he sworn to execute them.

I can never consent Gentlemen, to arrest the execution