off by dark inuendoes," and that "hireling scribblers had been paid directly or indirectly for performing the task."

Mr. Speaker have we not felt and seen the sad reality of all this for the last nine years, but more particularly since Mr. Van Buren undertook "the improvement of the press," and a display of its licentious power in the hired columns of the Globe? Who has not been disgusted with the course and "unsparing calumny" from day to day pouring out upon the members of Congress, and of the Senate in particular, who happened to think "the existing powers entitled to the confidence of the people?" Who has not seen the attempt in the Government press to break down the influence and power of "members of Congress," and "to cut them off by hireling scribblers paid directly or indirectly for performing the task:" does not the Globe constantly charge Mr. Clay, Mr. Webster, and Mr, Southard, and other Senators, as being paid by and under the influence of the Bank of the United States, when engaged in the discharge of the high constitutional duties?

And when these foul slanders are howled from the throat of the "sturdy mastiff," at the door of the Treasury, do not the whole kennel, "Tray, Blanche & Sweetheart, little dogs and all," even the most starveling turnspit that barks on the farthest verge of our frontier," reecho the sound? The Jackson reformer, Mr. Floyd, spoke of the slanders on members of Congress, and on other men elsewhere. Why, sir, we daily experience that and more. The President and his press have gone on from time to time calumniating members of Congress and others, individually, and at length have got to slandering the people in a body—a kind of wholesale slander business.—

If a Congressional district, in the free exercise of its constitutional right, elect a member who will not "bow and do obedience to the party," he is at once proclaimed to be the feed attorney of the bank, the people of this district are characterized as "reprieved debtors."

Here, sir, I desire to read a short paragraph from the President's official news paper, the Globe. Jt was printed a year since, and then met my eye. *I* have preserved it for the purpose of noticing it here, on suitable occasion; and this is the first appropriate moment I have had to do so. The paragraph in question was written on the occasion of announcing the election of one of the present Senators from Ohio, (Mr. Allen) in doing which, the Globe exults at what it was pleased to consider the defeat of Mr. Ewing, a highly distinguished and most valuable member of the Senate. I do not propose to dwell on that election; it is foreign to my purpose; but I do verily believe it was achieved against the wishes of a majority of the people of Ohio, and recent events sustain that opinion.—And yet this man, who the people of Ohio delighted, and if the signs of the times do not deceive, will again "delight to honor," is, at the moment of his retiring from the Senate to the bosom of his family, and to all the private relations of life, held up and stigmatized in the Globe as a "bank beneficiary." In the same article, sir, some fifteen Senators are opprobiously named and condemned by this Government press. The state of Alabama is particularly congratulated on being relieved from the "Calhounery," of Gabriel Moore. But now a new light suddenly opened which wholly changes the medium through which the Globe sees "Calhounery" to use Mr Blair's own phrase. How long has it been since that paper stigmatised Mr. Calhoun "as the bank's feed instrument," and said of him "that no man ever *nullified* the truth with so little remorse!" Now, however, the whole scene is changed, and Mr. Calhoun is almost defied by the very Government press which but yesterday had so reviled him! Here, Mr. Speaker, we realize another truth spread before the country in Mr. Pentons report, which in describing the power, of the President over individuals administering the Government, says: "He makes and unmakes them." A short time since, this administration & its press stood forth the advocates and friends of the state banks, and, after placing the public mnoey in their custody, urged them to lend it out. Having thus "debauched" and seduced them from the "even tenor of their way," this same administration and party now abuse the banks and credit system which but yesterday they applauded; and to justify this abuse, falsehood is substited for fact.

From the Baltimore Transcript.

BALTIMORE CITY COURT.
Saturday session, July 21, 1838.

A certain William Stewart having been formally indicted by the grand jury for the body of the city of Baltimore, for the murder of one Benjamin Stewart, late of said city; an Josiah Bayley jr having appeared before the court in the quality of counsel for the accused—it appears that after the said Wm. Stewart was arraigned at the bar of said court, and entered his plea of "Not guilty" to the accusation; there appeared in a daily paper published in this city and known by the name of "The Sun;" the following publication.

☞ *To the Citizens of Baltimore:*

In behalf of an unfortunate young man, now confined in the jail of this city, charged with an offence, the highest known to the laws of God and man, I make this solemn appeal to an enlightened, jnst and humane community.

It is well known that the trial of Wm. Stewart, indicted for the murder of his late father, Benjamin Stewart, has been postponed until the next term of Baltimore City court. I trust it is also well known that the accused was anxious for an immediate trial, and was averse to its postponement. I *myself* insisted that he should not be tried at this time. I considered that justice required that the excessive public indignation should subside, which most unhappily had been enkindled against him; and I also considered that the time might afford an opportunity for the discovery of the true author of this most dreadful and horrid murder.

I am convinced, beyond a doubt, that the blood stained murderer of Benjamin Stewart is yet unsuspected by this community. I am convinced that the fiendish wotf is yet couched in his den, undiscovered, coveted with the blood of the unfortunate dead. I pray that God in his infinite justice, may yet bring to light the infernal murderer, now cloaked in darkness, unknown, unsuspected and concealed.

Citizens of Baltimore! will you condemn this young man before you know that he is guilty? Citizens of the monumental city! far famed for your intelligence and justice, give him, I beseech you a fair and impartial trial. In the sacred name of justice, I intreat you make every effort to discover the guilty murderer, and punish not I pray you, the innocent. Truth is the first law of Heaven, let it not, O let it not be trampled in the dust. JOSIAH BAYLY, Jr.
For WM. STEWART.

Baltimore July 13, 1838.

It seems that the attention of the court was called to the publication of the foregoing article; whereupon the court laid a rule upon said Bayly, commanding him to show cause why an attachment shall not issue against him for contempt of court.

The nature of the case attracted the attendance of many lawyers; perhaps some of them were reminded of the rule of law as laid down in Blackstone, which says that "the only way to preserve the liberty of the press, is to punish its abuses;" while others may have come into court merely to witness the ability with which the case might be conducted by able counsel employed. An unusual interest was manifested on all sides.

Reverdy Johnson, in behalf of Mr. Bayly, rose in his place, and stated to the judges a rule having been laid upon an officer of this court requiring him to show why an attachment shall not issue against him; he craved permission to offer to the consideration of the judges a written statement, wherein Mr. Bayly acknowledged the fact of his publication but declared that he had no intention to commit a contempt of court. Mr. Johnson further stated that Mr. Bayly would sustain the written statement by his oath.

The written statement was then handed over to the clerk, and Mr. Bayly was duly sworn by that officer as to the truth of its contents.

Mr. Johnson rmarked that as the statement was written in a handwriting not easily decyphered, he would read it to the court for their facility. And in reading, it was observed to be stated that Mr. Bayly had only published what he believed was true; that he (Mr. Bayly) was fully persuaded of the innocence of Wm. Stewart; and that, ar publications had appeared in the newspapers well calculated to excite a prejudice against said stewart, his object was to rebut that prejudice by the publication in question.

George R. Richardson, the prosecuting attorney, stated in reply, that he could not conceive it possible that Mr. Bayly's intention was to commit a contempt of court: Were It even the case of an editor, he would not suppose the *intention* was contemptuous. He said it was *the matter contained in the publication* that he assumed to be the contempt at issue; and that he was prepared to lay before the court the legal authorities to support his view of the case.

Mr. Johnson resumed, that if the court was not satisfied with the evidence in the written statement; he too was prepared to argue the question, and he hoped to convince the court that no contempt had been committed.

Mr. Richardson said that although he was now ready to go on with this investigation; he would remind their honors, that there was other business belonging to the regular duties of this day's sitting, for despatch; and suggested that some certain day next week be set aside to hear and determine this case.

Mr. Bayly instantly rose and observed that inasmuch as he was in a painful and fatiguing state of anxiety, growing out of this proceeding; he would esteem it an especial favor from the court to decide his case at once. "The packet for the Eastern Shore sails this evening," said he, "and I am anxious to be dismissed to return to my home."

The Court. The case is novel; no similar process has ever issued from this tribunal before. It was our impression at the first blush, and still is, that a contempt has been committed. We should like to give the case a fair hearing. the weather is so extremely oppressive that we are suffering from physical exhaustion. We would prefer to appoint another day, and to proceed at present with the regular business of the court.

Mr. Bayly again intimated his anxiety for an immediate decision.

The Court. Will you have it decided without argument?

Mr. Bayly. No, may it please the Court.

Mr. Richardson. I will first despatch the regular business; and then I will show the Court that, not the intention, but the matter in the publication *per se* constitutes a contempt.

Mr. Johnson. That would revese the order of things; hereto the offence was ever argued from *the intention* of the accused.

The Court. Suppose we put off this case until Wednesday next.

Mr. Bayly. It will be a favor to me to appoint Monday as the day of hearing; as in that event, I shall be dismissed in time to take the steamboat that departs on Tuesday.

The Court. We have no objection.

It appears however that to accommodate all parties the court finally fixed on Tuesday next as the day of hearing.

JULY 24th 1838.

The court room is crowed; all the judges are present, and many lawyers.

Mr. Bayly spoke at some length. He averred that he had the utmost respect for the court and the citizens of Baltimore. He alluded to the publication and declared that he had done only that which was the privilege of every citizen: he had expresssed his opinion and nothing more. He sincerely believed William Stewart to be innocent; and it was his privilege to state his belief.

Mr. Bayly called the attention of the court to the following definition of a contempt as furnished in Blackstone's commentaries.

"The contempts that are thus punished are either *direct*, which openly insult or resist the powers of the courts, or the persons of the judges who preside there; or else are *consequential*, which (without such gross insolence or direct opposition) plainly tend to create an universal disregard of their authority."

Mr. Bayly contended that he had neither insulted the judges nor resisted their powers. His publication was entirely silent about the Judges: it did not contain the remotest allusion to them. He inquired whether the powers of ingenuity could torture his publication into a construction bearing with contempt upon the grand jury that found the bill of indictment against his client. He had every possible respect for the members of that grand jury, and he was sure his publication contained not a word of contempt towards them, individually or collectively. He remtnded the court of that sacred law maxim, which guarantied the innocence of the citizen until he was proved to be guilty; and averred he had stated in his publication what was sanctioned by the laws of the land, the innocence of an individual not yet adjudged to bo guilty.

Mr. Bayly reviewed the organization of our government; the judiciary, the legislature and the executive were separate institutionss, Each of them has appropriate functions to perform; they are meted and bounded by established rules. None of them are privileged to overstep their prerogatives; none of them allowed to invade the rights reserved to the citizens. He warned the court not to advance beyond its jurisdiction; and claimed the protection of that article in the constitution which proclaims that the liberty of the press shall be forever inviolable.

Mr. Bayly, among other things, made some severe strictures upon Mr. Richardson, the prosecuting attorney. He said that if he occupied the place of that gentleman, he would sooner part with his right arm than have instituted such a proceeding; for he had always felt the most lively frendship for the prosecuting attorney and he was the last person from whom he would have expected such treatment.

Mr. Johnstn followed. He wen on calmly to cite authority. He contended that a contempt necessarily involves a criminal design; and that the offending party was entitled to the benefit of that article in the constitution of Maryland which declares that no man shall be deprived of his liberty or hisproperty unless by the judgment of his peers, and the laws of the land. As for a constructive contempt. when the defendant purges the charge upon oath, there can be no necessity to grant an attachment. There was a time indeed during the dark ages, when such an offence was atoned for in the pillory; but that era was happily passed, it has been swept away by the spirit of freedom—a spirit which he hoped still continue to move on, and never cease its triumphs.

Mr. Richardson spoke next. He desired to be understood as not attempting to charge Mr. Bayly with an intention to commit a contempt of court he denied that the offence in question necessarily involved a criminal design; if the matter upon the face of the publication be not a contempt of court independent of the intention of the writer then indeed it would be unnecessary to grant an attachment. And in this proceeding against Mr. Bayly, as to the part he took in it, there ought not to be imputed to him any unfriendliness; for it would be impossible to conceive that he could be actuated by a motive, other than the performance of a solemn duty, to guard the streams of justice from pollution; when it was known that this proceeding was against the son of the gentleman from whom he (Mr. R.) derived his official appointment. He was a sworn officer. Would it be credited that he would call the attention of the court to this subject without a conviction on his part that a contempt had been committed! Mr. Bayly is a stranger in our city; he is entitled as a gentleman to all those courtesies which politeness and civility enjoin; these have been freely extended to him. But private considerations must yield to public duty; justice is paramount.

Mr. Richardson read from the books, a great variety of authorities, pertinent to the issue, and dwelt sometime, upon the case of a certain Baptist Irvine, formerly an editor in Baltimore city, who being convicted of assault and battery in times of high political excitement; published an article in his newspaper, wherein he charged the jury with perjury; and was imprisoned and fined for a contempt of court. The court, said Mr. R is bound to protect all its branches, the jury, the grand jury. as well as the Judges.

There seems to be much reliance upon the popular idea about the liberty of the Press. "I have the liberty" said Mr. R. "to make a free use of my right arm, to move it as I myself shall will. It is the gift of God. I have the privilege to wield it to my own advantage; but have I the right to employ it in the abuse of my neighbor's rights? Am I at liberty to knock down this man or that, with impuuity? And so it is with the liberty of the press, an institution which is an inestimable blessing when well used, but may be converted into the greatest curse, if it be allowed to become the vehicle of abuse."

Mr. R. continued his remarks, and invited the court to remember that Wm. Stewart had been formally indicted by the grand jury, or constituent branch of this court.—The members of that highly respectable tribunal, acting upon their solemn oath must have good grounds for the finding of the indictment against Wm. Stewart. He contended that the publication was calculated to cast a censure, or at least a doubt, upon the integrity of the grand jury. It was put forth in the face of the indictment without the authority or sanction of the court. The indictment charged the guilt of Stewart, the publication averred his innocence. The latter operated upon the mind of the community from which the petit jury are to be selected to try the accusee. It conflicted with the progress of justice. Its effect is to render it next to impossible to empannel a jury in this community, free from impressions obtained out of court, to try this particular case.

If Mr. Bayly has the perfect right to put forth such a publication; then the same right equally belongs to every man in the community. It would, for instance, belong to Mr. Johnson, who might, like Mr. Bayly. under his own signature, with the influence of his name, and upon the pledge of his veracity, endorse the innocence of an accused party, with a view to prejudice the public mind in favor of such party, and so defeat the ends of justice. Nay, the right which Mr. Bayly claims, would if his claim be just, belong to the very judges on the bench. Let the court but support Mr. B's views, and the utmost confusion will prevail in the administration of justice.

Mr. R. observed that the most most common mind would cesclude upon reading the the publication, that it was penned with the idea its contents would be believed—its object was to benefit William Stewart. Mr. Bayly's veracity was attached to it.

'Now' continued Mr. Richardson 'as to the article in the constitution of Maryland about depriving a man of his liberty or property unless by the judgment of his peers and the laws of the land: This article is embodied in the constitution of every state in the Union; and it is in part copied from Magna Charta. In England attachments for contempt have been granted ever since the days of Magna Charta; they take their date, the origin, from the period when that instrument was created; and the learned attorney (Mr. Johnson) must possess unusual ingenuitiy, if he can persuade this court that the judicial world has been in error for the last two hundred years.'

Mr. R. reiterated his courteous feelings towards Mr. Bayly, he said his character was not hurt. He had only exhibited a little too much eagerness in behalf of his client, and he would go out of court unscathed.

The court adjourned until tomorrow.

July 25th.

The Court met at ten o'clock.

Mr. Johnson resumed the discussion.—He said that even if their honors should deem it their duty to grant an attachment in this case, he was certain that Mr. Bayly would have but little to fear from the consequence, since the reputation of the court was so well established for mildness and generous forbearance; but these were principles involved in the issue, in which every citizen in the state was interested—principles of momentous import, which affected the rights of every member of society. A summary process of this nature operating upon an offenco in which the judge is the party injured; the judge the witness or accuser; the judge the jury to try the case, and the organ to pronounce the sentence; absorbing as it does all the distributive energies of the law, and concentrating them in one single branch of its administration—would seem to adverse not only to the spirit of the common law but utterly inconsistent with the theories of our free institutions. It is beyond the cure of the executive pardon. It is a stretch of the judicial arm which has ever had but few advocates, and is justified solely upon the ground of necessity. But in this country he believed its exercise was unnecessary: the well earned respectability of the courts, their probity and intelligence, has united them so firmly with the affections of citizens, that you see the latter ever ready to snatch the bayonet and lend a willing hand to sustain the integrity of the former. The people love their laws.

Mr. Johnson brought the attention of the court to a great variety of theories of his own suggestion, and sought analogies to support his views of the case, from precedents of American history (citing for instance, the law of the United States Bank, the alien and certain proceedings in Virginia) which however intelligible to the court, appeared to a mind not as logical as his own, to be irrelevant, having no meritorious relation to the points in the issue. At least his argument was too intricate to be easily reported. He spoke for five hours, during which his person was drenched in perspiration; and he kept up his earnestness of manner and the exulting tones of his voice, during all this time, displaying great physical energy. We have seldom heard a speaker indulge in longer paragraphs, and thread the mazes of discourse more successfully, while preserving the connection between proposition and conclusion.—The hearer is as it were, drawn along by the guidance of his intellect; proceeds with him until lost in the extent of his reach; and is then brought back to the starting point having unconsciously performed a circle. The concluding portion of his speech was alternately animated, feeling, and eloquent.

Mr. Johnson vindicated Mr. Bayly's publication as an exercise of one of his rights, sheltered beneath the Ægis of the constitution; his act was free from criminality, because it was pure in its intention.—The condition of his mind was fairly impressed upon the face of the publication; his purpose was solely to benefit his client; to procure for him what the constitution claims for every citizen, a fair and impartial trial.

What is the history of the case?

Murder most foul has been perpetrated; there is no boubt of that. The only doubt is as to the perpetrator; for although Stewart is indicted, yet he is legally innocent until verdict is rendered against him by the petit-jury. Stewart is only as yet suspected. Mr. Bayly is employed as his counsel; he has known the accused from his early youth, being his townsman; and cannot believe it possible, from his knowledge of his character, his disposition, that he is capable of committing the heinous offence whereof he is charged. He sincerely believes he is innocent.

Now what does he do? He comes to Baltimore, and upon diligent enquiry, discovers that universal prejudice prevails against his client, he finds the public mind lashed into a fury, outraged and exasperated at the idea of a crime so monstrous.—He is led to believe than an immediate trial before a jury selected from this community, would be followed by immediate conviction. His client, pleading innocence and confident in his hope, insists upon being tried in Baltimore city under these circumstances what does he do? Mr. Bayly in the quality of counsel for the accused, has a sacred duty to perform. He conceived that his client, was not only entitled to a fair and impartial trial under the protection of the Constitution; but entitled to the *means* of a fair and impartial trial. Then what does he do? he applies to the citizens of Baltimore to allay their prejudice he says in his publication "Citizens of Baltimore! will you condemn this young man before you know that he is guilty? Citizens of the monumental city! far famed for your intelligence and justice, give him I beseech you a fair and impartial trial."

Is this a contempt of court? Is the request humbly and respectfully made to the citizens of this city to grant to an unhappy individual his constitutional privilege, to be tortured and worried into a constructive constructive contempt of court? Suppose the publication had been signed by the accused himself; woul the idea be entertained in the breast of any human being that he would be liable to answer a rule requiring him to show cause why he should not be attached? Is the voice of the prisoner to be heard only in the whisperings and soliloquies of his dungeon? There have been cases, and they are numerous where innocent men have been confined within the walls of public jails awaiting their trials and looking for their deliverance. If you deny to your citizens the right of publication, sometimes the only means of making known their misfortunes and creating an inducement to ferret out the actual perpetrators of the crimes whereof they are charged, then farewell to American freedom!

Was the court disposed to gratify a propensity to seek for victims on which to fasten the charge of constructive contempts, there are instances within the occurrence of every hour that would furnish abundant employment in that way. It is a common thing to see in our public journals promises of reward, not only for the apprehension but conviction of offenders; and in this way the inducements are held out to procure subornation of proof and even subornation of perjury, impeding the pure flow of justice. Why is not a rule laid upon the Mayor of the city and the directors of Insurance offices, whose proffers of reward the exertions of those whom cupidity may tempt to seek profit from the arrest and conviction of incendiaries, are daily inserted in the public journals—why are they not dragged into conrt to show cause why an attachment for contempt should not issue against them!

Here Mr. Johnson was interrupted by Mr. Richardson. The gentleman observed that there was no contempt in the eye of the law in the case of a publication made previous to the commencement of a trial. Contempt is committed only while the trial is pending.

Mr. Johnson resumed and continued his remarks by citing cases from the law books to sustain his arguwent. He and Mr. Richardson alternately address the court.—The court adjourned at half past two o'clock, observing that they would meet again tomorrow, when, after having examined various authorities, they when announce their decision!

From the Delaware Journal.

A NARROW ESCAPE.—On Tuesday night last 17th inst. as the night ine of cars were on their passage from Baltimore to Philadelphia, being not far from Elkton, the Engineer discovered something lying as he first supposed across the the track, but the engine being under good speed he did not stop till tee train had run by several yards.—Believing that that all was not right he jumped from his stand and ran back to see what the strange appearance could mean, but his approach was arrested by the furious onset of a couple of dogs.—By this time several of the passengers ead got out of the cars and assisted in pelting the dogs away with stones, when to their surprise and astonishment, they discovered the object to be a drunken-man, fast asleep with his head lying so close to the rail of the road that the wheels of the train touched his hair as it passed by him. The faithful dogs had remained with untiring watchfulness nerr thdir beastly master, but had he fallen one inch farther upon the road, his head would have been crushed by the ponderous weight of the locomotive.—What a lesson does this teach to drunkards.

"The Signal of the Wreck!"—The schooner Plough-boy, Rooks, arrived recently at Georgetown, D. C. from Charleston. On her passage on the 19th ult, the Captain thought he descried a signal flying, when he up helm and stood down toward the land, and soon found himself among floating wrecks, trunks, boxes &c. and near him a wreck on which was a signal displayed, which produced such a palpitation of the heart, that he might be instrumental in saving the life of one or more of the Pulaski's passengers, that Capt R. braved all dangers, notwithstanding the sea was very boisterous, and was immediately on board of it. He found, however, no person there but secured a few portable articles, and the *signal of distress*, which he supposes was the one used by Major Heath and others, and repaired again on board his schooner Capt. R. states that he never before saw so many fish encompassed so compactly, from the wild and ferocious