

## UNITED STATES V. EMERSON.

[4 Cranch, C. C. 188.]<sup>1</sup>

Circuit Court, District of Columbia. Dec. Term, 1831.

CONTEMPT—OBJECTIONABLE  
LANGUAGE—ASSAULT—IN PRESENCE OF  
COURT.

It is a contempt of court, punishable under the act of congress of the 2d of March. 1831 [4 Stat. 487], “declaratory of the law concerning contempts of court,” TO call another a liar openly in the presence of the court while in session, and in the hearing of the officers of the court; and an assault and battery committed in the hall of entrance into the court room, separated from it only by a door without panels, and covered with cloth, was either “in the presence of the court, or so near thereto as to obstruct the administration of justice.”

[Cited in *U. S. v. Anon.*, 21 Fed. 770.]

[Cited in *Holman v. State*, 5 N. E. 558.]

The defendant [Hiram S. Emerson] was brought before the court by the marshal for contempt. He had been standing near the stove, in the court room, in conversation with a man named Childs, concerning a suit which some negroes had brought for their freedom against Emerson, when the latter said to him, in the hearing of the crier and bailiffs, “You are a liar,” to which Childs replied, “You are a damned liar.” The crier commanded silence. Emerson shook his finger in Childs’ face, and said, “This place is your protection” to which Childs said, “This is not a place for altercation. I am willing to see you anywhere.” They then went into the central hall of entrance, separated from the court room only by a door without panels, but covered with cloth, so as to afford but a slight obstruction, to the sound. In the hall the conversation was repeated, and Emerson struck Childs several times with a whip. Some of the officers of the

court being present brought the parties immediately before the court, who, upon hearing the testimony, ordered both parties to give security to appear in court the next day to answer interrogatories touching the supposed contempt. On this day the parties appeared, and answered the interrogatories which had been filed by the attorney of the United States; and, the facts appearing thereby to be substantially as before stated.

THE COURT (nem. con.) was of opinion that the language used by each to the other, in the presence of the court, was a contempt, and that the attack made by Emerson upon Childs, in the hall of entrance, while the court was sitting, was either "in the presence of the court, or so near thereto as to obstruct the administration of justice," within the meaning of the act of congress of the 2d of March, 1831 [4 Stat. 487], "declaratory of the law concerning contempts of court."

THE COURT therefore imposed a fine of five dollars upon each of the parties.

The grand jury having afterward found an indictment against Emerson for the assault and battery, and he having submitted to the court, was fined five dollars upon that indictment.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]

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