

EDITORIALS.

CONTEMPT OF COURT.

CONTEMPT of court is disregarding or slighting or ignoring the authority or presence of the court, and is of two kinds—direct and constructive. Direct as by refusal to obey lawful orders of court; and constructive, as misconduct in court, or corruption in officers connected with the court, either by omission or commission. This constructive contempt by officials may be by neglect of duty, abuse of process, oppression, extortion, etc., fraud or malpractice on the part of attorneys or solicitors, taking improper advantage of clients, breach of duty, etc.

Disorderly conduct in court or in the immediate vicinity thereof is contempt. "The publication in a newspaper of an article calculated to impair the respect and authority of a court has sometimes been punished as contempt; but it is generally considered that in doing this a court occupies somewhat dangerous and doubtful ground. It is nevertheless permitted in some of the United States by statute or constitution."

Contempt, as for disorderly conduct in court, is liable to be punished by summary order of court, without the ordinary forms of criminal proceedings. In other cases an attachment is issued for the arrest of the offending party, who is required to answer written interrogatories, and upon admission or proof of the contempt the court adjudges punishment for the offence, at its discretion, by fine, or imprisonment, or both.

The non-payment of costs, etc., adjudged by the court, is held to be contempt, for which process of attachment is issued. "But in these and the like cases the attachment is to be regarded as a civil remedy for the benefit of one party against another, rather than as criminal process for the vindication of the authority of the court; and the right to issue attachments in these cases is now restrained within narrow limits."

Thus punishment for contempt is a judicial visitation for misconduct, or to enforce the performance of duty, as to court matters.

As a rule each judge is held to be the sole judge of his own cases of contempts, though in the recent case of Storey, editor of the *Chicago Times*, he was released from confinement for contempt, though still held to answer, by writ of *supersedeas* from a superior court. "Courts of justice have an inherent power to punish all persons for contempt of their rules and orders, for disobedience of their process, and for disturbing them in their proceedings."

In some States and in the United States courts the power to punish for contempts is restricted, so that no one is punishable, as for contempt, for any publication made or act done out of court, which is not in violation of such lawful rules or orders, or disobedience of its process.

Contempts by the law of this Territory are misbehavior in court, or in the vicinity thereof, tending to disturb the proceedings; disobedience of or resistance to lawful orders or processes of court; refusing to be sworn to or answer as a witness; rescuing persons or property from lawful custody of officers; disobedience to orders or directions of court, as regards approaching or influencing jurors, during trial.

In regard to the Chicago contempt case mentioned, the *Cleveland Herald* says—

"The recent arrest and imprisonment of the editor of the *Chicago Times* for Contempt of Court in criticising the action of the grand jury, provoked a good deal of comment on the powers assumed by judges in such cases. That some method of maintaining the dignity of courts is necessary has not been disputed, but, on the other hand, it is generally admitted that the powers now possessed by the Courts are essentially arbitrary and despotic, and are sometimes used in a very oppressive manner. We heard a local justice of the peace, not long ago, priding himself on his magnanimity in not packing off to jail at once a lawyer who had used some expressions in the justice's office

which the justice considered disrespectful, though there might possibly be a difference of opinion on that point. The action of the Chicago Judge in committing an editor to jail for published comments in a newspaper is not by any means unprecedented, though not common in this country of free speech and a free press."

Chief Justice Cockburn, in sitting in the *Tieborne* suit, is severely complained of as unnecessarily strict and arbitrary in constraining outside contempts, and this may be one of the causes of the strong bias of the populace of London, and some other parts of England, against his lordship and in favor of Keneally and the Claimant. Pending that trial, a remote provincial editor published a summary of one day's proceedings, with his own comments, for which he was summoned to court and heavily fined. Two members of Parliament addressed a meeting called to raise funds to pay the Claimant's counsel, and were taken before the Chief Justice and fined, and prohibited from addressing any public meeting during the trial, unless by his permission.

More recently Justice Denham confined a discharged prisoner for whispering to his fellow prisoner still undischarged and on trial for burglary. The Judge understood that the discharged prisoner threatened the other in the contingency of his "splitting" on him, but the Judge afterwards modified his judgment or liberated the supposed offender from the contempt.

In the county of Roscommon, Ireland, is a still more serious case. It has recently been discovered that in June, 1853, a man was committed for contempt of court for non-payment of some trifling costs in a Court of Probate. The matter was brought to the notice of the last assize for that county, by the prison officials, and an investigation was ordered. The time and cause of his commitment were discovered, after thorough search. The prison officials did not know his offense, nor when his term of imprisonment would expire. The prisoner had either forgotten, or he refused to tell. It appeared that the prisoner was unable to purge himself of contempt by paying the costs, the Judge forgot all about him, and, as he was committed during the pleasure of the Court, he lay in prison until the present.

The puzzle now is, how to get rid of him. The Crown lawyers are studying the case. The press is discussing it too. If these instances, and others, lead to a prudent modification, by Parliament, of the present system, and a judicious restriction of the supreme and arbitrary powers of judges in contempt cases, it will be a very beneficial and much needed reformation, the spirit of which may not be confined to the British Isles.

MURDERERS GOING TO GLORY.

It is rather amusing to read of the efforts of preachers of various kinds to prepare great criminals, especially murderers, for an estate of high glory, and the professed success of these efforts in many cases. These red-handed desperadoes are "cut and dried," so to speak, safely packed up and ticketed for exalted positions in the transcendent glory of a future state of existence. Here is a specimen in the person of a negro, named Gray, hanged in Arkansas, who is reported to have made the following speech from the gallows—

"Well, my friends, I'm come today to let you all know I'm ready to die. When I die I shall go to that other world—that good world—where I shall have to die no more. My trouble will soon be over. I want to die, am anxious to die, was born to die, and am happy of it. This is the best day I ever saw. I will soon get the crown that is laid up for me in heaven. Well, I bid you all farewell and good-bye. I'll meet you all at the resurrection morn, in a world of grace, where there is no more trouble. But a few more minutes and all will be over with me; you may break my neck, but you can't touch my soul. I will live with God forever, where sweet milk and honey flows. Grave-makers and lawyers will soon be

done with me. How came I will live to die? Because I believe in Christ."

The Bible itself says, "Ye know that no murderer hath eternal life abiding in him." Again, murderers, and others, "shall have their part in the lake which burneth with fire and brimstone: which is the second death." Also that whoremongers, murderers, idolaters, and liars are to find themselves outside the gates of the holy city, New Jerusalem.

This commends itself as the correct doctrine, for if murderers are to "go to glory" and even occupy high positions and wear crowns therein, it will be a state into which humane and decent people will have no desire to go.

CORRUPTION AND UGLY HONESTY.

THIS is the way the *Omaha Herald* talks about New York's newly inaugurated war against corruption—

"The war of extermination which Gov. Tilden is waging against corruption and corruptionists in New York will not be without a most powerful moral effect upon the whole country. It has ceased to be regarded as honest to steal public money in New York, which, under the old codes of public morality, and the relentless Democratic Governor of that State, goes back to the practices of the better days with the determined resolve that convicted public rogues shall not hold positions of honor and trust. The reaction, as we ourselves saw the proofs of it in our native State, is as sweeping as it is surprising. It threatens even the social ostracism of men suspected of owing their wealth to public robbery, who have till recently been riding upon the top waves of popularity."

"The voice of New York, the voice of its press and people, in honor of Governor Tilden and his 'ugly honesty,' is neither unheard nor unheeded here. It is heard with increasing fear and trembling in Washington. It is heard in the sinks of Cameronian corruption in Pennsylvania. It is heard, and will be heeded, wherever a robbed and ring-ruled people have become awakened to a proper sense of the greatest of public wrongs, and the most alarming of public dangers. The fiat has gone forth that official rogues and rascality must be not only exposed, but punished, in every State, and in every municipality, to the end that robbery shall cease to be a passport of either political or social position, and that good morals and good government shall again assert their supremacy against bad morals and bad government, all over this God-forsaken country."

That there is great need of reform in this country in the direction of honesty, truth, and virtue is undeniable, and if the reformation should begin at New York, it may be said it could hardly begin at a place where reformation is more needed.

LET ANOTHER FELLOW IN.—Now there are to be feminine fellows as well as masculine fellows. The Royal Anthropological Society of Great Britain and Ireland recently voted to admit women to become Fellows of the Society, being the first instance of the kind in the United Kingdom, although in France some years ago a kindred society accorded a similar privilege. The debate on the question of their admission took largely a physiological turn, with photographic illustrations of the human form divine. The admission of woman, it was urged, involved the necessity of expurgating some needful subjects, or wounding womanly delicacy. On the other side, it was maintained that such an objection was trivial and false, and that if either sex was morally imperilled by the discussions and illustrations it was the masculine. Huxley, Lubbock, Galton and other of the most eminent members favored the side of the women. One distinguished absentee expressed doubts by letter as to the propriety of the measure, but concluded by proposing his own wife as a candidate for admission.

A GREAT AND GROWING CRIME.

IN the course of a recent trial at Philadelphia of Dr. Perpete and Marshall Mixter, on a charge of criminal abortion upon the person of Joanna Morrissey, Judge Finletter, in his charge to the jury, said—

"Although it may not be necessary, I regard it as a part of my duty to call your attention to the character of the crime charged against these defendants. There is none which equals it in wickedness, or in its terrible consequences. It is greatly to be feared that abortion is no longer confined to the victims of passion and seduction. It stalks abroad so brazenly heralded, that childhood in its most guarded home may see and feel its corrupting influences. That it breaks down the guards of private and public chastity, and fills the ranks of prostitution, is the smallest of its evils. When it enters the domestic circle all that makes home holy and blessed wither in its track. Purity of thought and act, the respect and confidence of man and wife, the pride and glory of children and their tender care and all regard for family duties and responsibilities disappear forever. Woe to the land whose matrons no longer point to their children as their choicest jewels! I have referred to these matters that you might see the importance of the case to the community and to these defendants. Your horror for the crime must not prejudice you against them or interfere with their rights. You must specially remember that they are presumed to be innocent until the Commonwealth has proven their guilt beyond a reasonable doubt. The guilt or innocence of the defendants must be determined from the evidence, and of that you are the exclusive judges, as you are of the credibility of the witnesses. An improper acquittal might embolden a great evil and be fraught with consequences most pernicious. A conviction without sufficient evidence strikes a blow at the law itself, and at the rights of every citizen. You will recollect that you are accountable to no human tribunal for the correctness of your verdict. To your own consciences and to God only are you responsible."

THE PURPOSE OF THAT SUIT.

Some sharp comments are ventured upon, in regard to that alimony *pendente lite* case, by the *Central Law Journal*, to the effect that the suit for divorce was brought by the ill advice of lawyers; that it will be hard to convince the public that the suit was conceived with any higher motive or prosecuted for any other or different purpose than to extort money; that there was nothing the applicant could get except money, and that not after final decision, but *ad interim*, or *pendente lite*; that money therefore must have been the object of the suit; that this money, in part has been obtained; and that "unbiased men, who understood the legal principles governing such cases, must inevitably conclude that this result has been attained through a gross abuse or miscarriage of public justice."

WOOLLEN MANUFACTURE IN MONTANA.—The *New North-West* of April 16 says—

"Col. W. F. Wheeler informs us he is negotiating with parties east for the erection here of buildings and machinery for manufacturing all classes of woollen goods. It is designed to employ the convict labor therein. The plan contemplates the investment of a large sum of money in machinery, so that the manufacture will be complete and excellent in all lines of flannels, cassimeres, blankets, etc., and the stock has already been nearly all spoken for by men interested in sheep growing or in it as a business investment. There is no doubt it will prove largely remunerative and we hope will be consummated so that this year's clip may be manufactured here at home."

CAPITAL A DRUG AT SIX PER CENT.—The *Philadelphia Times* of April 19 says—

"Capital is not worth more than six per cent. to-day, for it does not command more, and is a drug on the streets at that rate for entirely safe investments."

Quite a number of people in this city and Territory would be pleased to obtain capital at six per cent. on entirely safe investments.

THE BIG HORN EXPEDITION.—

The Montana Expedition, organizing at Bozeman to explore and prospect Eastern Montana on and in the vicinity of the Big Horn and Tongue rivers and Goose Creek, has about 150 men enrolled, with the design of starting early in May. The expedition is to be gone three months at least, and, if gold is found, will locate permanently.

LECTURING FOR THE SUNDAY SCHOOL.—

An anti-"Mormon" lecture was delivered at Sloan's Station, Ohio, recently, for the "benefit" of the Sunday school of that place. The *Pittsburgh Leader* says—

"There were probably about one hundred and fifty persons present, which would probably just pay the lecturer's 'rake' (fifty cents being the admission price), but quite a number of tickets which were sold were not represented, owing to the fact that a slight rain just before opening time deterred some from coming, so that the Sabbath-school will likely come out a little ahead, at least, and enable it to get a dozen or so of good Sunday-school books or send a dollar or two to Kamschatka."

A FORTUNE FOR SOMEBODY.—An eastern paper has the following—

"Stewart Van Vliet, of the quartermaster's department of the U. S. A., has written a letter, under date of April 17th, to Thurlow Weed, in which he says, concerning the Black Hills country—"I firmly believe that there is a valuable platinum mine between the Yellowstone and the Cheyenne. As this metal is worth \$115 per pound avoirdupois, and silver only \$18, you can well understand the fortune that awaits some lucky man."

DAMAGES FOR SLANDER.—

A Chicago jury, April 21, awarded damages to the amount of \$25,000, half the amount claimed, to a Miss Early, of Rockford, Illinois, for slander published in a libellous article in the *Chicago Times*, reflecting on her chastity, and which was shown to be wholly false.

If all newspaper slanderers were punished in that style, some in this city would soon be glad to shut up shop, or talk with unwonted mildness.

U. S. SUPREME COURT.—

The Supreme Court of the United States was to adjourn yesterday, May 3. The *New York Sun's* Washington correspondent says concerning it—

"Although there has been no formal conference or vote in the Louisiana case, which involves the constitutionality of the Enforcement acts, there is good reason to believe that this high tribunal, by a most decided majority—perhaps as strong as eight to one—will sustain the decision of Mr. Justice Bradley in the court below, and declare all this vicious legislation to be void and without any constitutional warrant."

"As grave political questions are at issue, the opinion will be reserved until the meeting of the court next fall, when the first great blow will be given to that reckless and partisan system, which has been upheld by violent legislation and daring disregard of the fundamental law. The Supreme Court, like other human institutions, has its imperfections. It is not indifferent to public opinion, and the revolution in the House of Representatives has served in some degree to emancipate it from a standing menace and vulgar assault, while Butler was Chairman of the Judiciary Committee, ready to enunciate the most atrocious doctrines and backed by a corrupt majority, always willing to accept the worst and most desperate measures."