

ended, Judge Sandford stated that the contempt proceedings would receive the attention of the court.

Judge Zane said Mr. Baskin desired to appear for the trustees.

Mr. Baskin then said that but two of the trustees were present, Messrs. J. F. Millspaugh and L. U. Colbath. Mr. R. Alf was absent in New York on business, but would return in a few days, and Capt. T. C. Baily was sick. Mr. Baskin said that when his attention was called to this proceeding he was at a loss to know what their position was. He was still unenlightened on the subject.

Judge Judd said the trustees, in withdrawing from the examination that had been ordered, had presented to the court a paper of a contemptuous nature. When they had been adjudged in contempt they had filed a paper endeavoring to purge themselves of the contempt. It was to this latter document that counsel for the trustees should address themselves.

Mr. Baskin—We are still in the dark as to the specific act or language for which they were in contempt.

Judge Judd—The paper they filed is the basis of the contempt, of which they have been adjudged guilty.

Mr. Baskin—Then they are here for sentence?

Judge Judd—No, sir; they are here to be heard on the paper in which they endeavor to purge themselves of the contempt.

Mr. Baskin—Then I am not ready to proceed today. I have been groping in the dark in the matter. They were summoned to show cause why they should not be punished for contempt, but were not advised as to what the contempt was. They should have been advised. Our statute is quite clear on that point.

Mr. Baskin then read from the Territorial statute on the subject, and remarked that the alleged contempt had not been pointed out.

Judge Judd—It is plainly set forth in the opinion of the court.

Mr. Baskin—It is not set forth here. This is the paper served on the trustees (reading from the notice for the trustees to appear and show cause).

Judge Judd—It is in the opinion of the court on which that order was issued. Mr. Clerk, get that opinion, please, and Mr. Baskin will read it.

Mr. Baskin—I have the opinion here as it was published in the papers.

Judge Judd—Then please read the last part of it—that part after the statement of what the trustees had said.

Mr. Baskin hesitated. It was apparent that he was loth to read the portion referred to; but Judge Judd was more determined that it should be read. After a brief space Mr. Baskin remarked—"I have read the opinion, but no specific mention is made of what the contempt consists of."

Judge Judd—Read the last portion of the opinion, from where I have indicated.

Mr. Baskin (commencing to read slowly)—"It is impossible for this court to maintain its integrity and pass without notice—"

Judge Judd—Not there; farther back.

Mr. Baskin (reading)—"They undertake in the last—"

Judge Judd—Farther back; from where the summary of the trustees' statement ends.

By this time Mr. Baskin had been brought back to the point where the judge wanted him, and he started out, reading from the opinion—"It is difficult to conceive of a more deliberate and bare-faced attempt to trifle with the court than has been attempted by the conduct of these petitioners. They assume the responsibility of making charges against officers and attorneys of this court which were of such a character as no court could overlook."

Mr. Baskin stopped. "Proceed," said Judge Judd.

Mr. Baskin went on—"Every opportunity has been given to them to have a full and ample hearing to substantiate the charges; and after that they come into this court with a paper whose statements are untrue and of a most scurrilous nature, and couched in the most disrespectful language, and by innuendo, and almost by direct charge, attempt to put the court in the position of undertaking by itself to shield an officer and its attorneys against an investigation of charges under which no man can stand up and face an honest community. The paper is full of false assumption from end to end, as can easily be seen by reference to the facts heretofore recited. They undertake in the paper just quoted to say: 'We can offer proof under this order only to the charge for compensation that it is both fraudulent and unconscionable. We have no allegation of such a charge in our petition, therefore we can offer no proof whatever on the subject of compensation,' when the fact is their original petition, in so many words, charged 'That the amount of compensation—\$25,000—claimed by the receiver for his individual services is grossly exorbitant, excessive and unconscionable.' And it will be seen in the order made by the court and complained of by the petitioners the exact words 'fraudulent and unconscionable' are used with reference to the charges for compensation by the receiver."

Again Mr. Baskin stopped, looked at the court and inquired "Is that all?" "Proceed!" said Judge Judd, sternly.

And Mr. Baskin proceeded—"The paper has no place whatever in the proceedings; nothing is asked by it. It is wholly voluntary and gratuitous, and was evidently only for the purpose of putting in studied phrases and in writing contemptuous and insolent language. It is impossible for this court to maintain its integrity and pass by without notice and without action such a contemptuous proceeding as these petitioners have been guilty of, and we are of opinion that this court should issue a written notice to each of the persons, Rudolph Alf, J. F.

Millspaugh, L. U. Colbath, and T. C. Bailey, requiring them to appear before this court on tomorrow morning, January 30th, at 10 o'clock a. m., to show cause why they should not be punished for contempt; and in case they fail to appear, the clerk shall issue writs of attachments for their arrest, and to bring them forthwith before this court."

When the reading was ended Judge Judd said, "They were adjudged guilty of contempt for filing that paper in the face of the court."

Mr. Baskin—That is a general statement of the contempt, but there is no specific charge—

Judge Judd (interrupting)—The court has stated in no doubtful language what the contempt is, and that you should address yourself to the trustees' answer.

Mr. Baskin—I am asking that a specific act be—

Judge Judd (interrupting)—The court will go no farther. It has informed you what you will be heard on, and you will confine yourself to that. This matter has been before the court already a long time—too long.

Mr. Baskin—We would like to be given a little more time. We have not understood this, or we would have been prepared.

Judge Zane—Could the court give us till March 1st? This is a matter of great importance to the defendants.

Judge Judd—The court can't beat that trouble. We have our courts to attend to, and Judge Boreman must go to Beaver—

Judge Boreman—Oh, I will wait over a day for their convenience. I intended to go on Friday, but will wait till Saturday.

Mr. Baskin—If I had known this feature was to be argued, I would have been ready, and I think I could vindicate our clients. I would like them to be present.

Judge Judd—Why would you like them to be present? Can you not go on without them?

Judge Zane—We would like to consult with them.

Judge Judd—Mr. Baskin, will Friday, March 1st, do for you?

Judge Zane—Yes, sir.

Judge Judd (still ignoring Judge Zane)—Mr. Baskin, we will hear you on Friday next, at 10 o'clock in the morning. That will give you two hours—till 12 o'clock—to make your argument.

This ended the proceedings in the case, and the court adjourned till March 1 at 10 a. m.

UNDER ADVISEMENT:

Elsewhere in this issue of the WEEKLY appears the argument of Judge Powers before the Territorial Supreme Court, Feb. 25, in the Zane-Receiver case. Judge Powers was followed by Judge McBride, who spoke in behalf of the receiver and his attorneys. He pointed out that the charges made in the trustees' petition insinuated bad faith, but the counsel for the court admitted that there was no bad faith in any of the transactions. He argued that