

Zane's alleged argument in which he threw an infinitesimal pebble at Marshal—rather than Receiver—Dyer, and struck the Court with a boulder. We will here show, beyond the possibility of successful contradiction, how this feat was accomplished, for the record shows it.

We now present to our readers the portion of the decree of the Court under which the trustees were adjudged guilty of contempt. Their honors thus spoke of the contemptuous document which led to the action:

"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 last quoted to say: 'We can offer proof under this order only to the charge of 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.' 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."

Let the reader compare the foregoing with the following remarks made yesterday by Judge Zane, in reference to the same paper filed by the trustees:

"The statements contained in that paper I understood to be true, everyone of them. I say here, and I expect to say it as long as I live, that I believe those statements were true. Of course the courts of this country must be respected, because they represent this portion of the authority collected together and given to the court. As to those functions and powers they

represent the sovereignty and judgment of the greatest people on the face of the globe. But we are a free people, and these powers are to be administered and applied amongst American lawyers and American freemen, and they must be allowed some honest criticism, even of courts. I believe (continued Judge Zane, wildly gesticulating, and with tremulous voice) that the integrity, the moral courage, the learning and the independence of the lawyers throughout the civilized world is the bulwark of human liberty today. They ever stand up in defence of the rights of men and human liberty, and they, in turn, must be permitted to have some latitude. They must not lay aside their manhood when they appear at the bar. It is said that every American citizen is a chartered king; he is a freeman. and, in a respectful manner, he has a right to be heard. But he has, of course, no right to insult a court, no right to treat a court with disrespect, no right intentionally to bring the court into disrespect. At the same time he has a right, on all proper occasions and under all proper circumstances, to tell the truth, in court or out of it."

As will be seen, what the court said to the trustees amounts, in substance, to this: "You are guilty of falsehood." Judge Zane's remarks yesterday were tantamount to saying to the Court, "You're another!"

If the Court were not disposed to be magnanimous—and it evidently is—it might declare Judge Zane to have "put his foot into it" deeper than ever.

Judge Judd was under the necessity of reminding Judge Zane of the offer he had already made to Mr. Baskin, which the last-named was too obtuse to perceive and act upon—an opportunity to withdraw the contemptuous document. Then at last it seemed to dawn upon these two attorneys for the trustees that this might not be at all a bad thing to do. If it had been done before this stage was reached, a great deal of yesterday's circus might have been omitted.

The failure to take advantage of such a generous proposition in the first place reminds us of an amusing incident which occurred before the late Alexander C. Pyper, formerly police justice of this city, and father of the present incumbent of the position. A stalwart Irishman, who conducted a boiler maker's establishment in Salt Lake, was before him charged with assault. At the conclusion of the hearing the complaining witness expressed a desire to withdraw the charge. Judge Pyper thereupon said to the excitable Hibernian, "Mr. S—, you are

discharged." The son of Erin instantly started to his feet and wildly gesticulating—after the manner of Judge Zane yesterday—he shouted, "I appeal!" After an elaborate explanation, however, from Judge Pyper the determination to appeal was withdrawn. So yesterday, after the repeated attempts on the part of Judge Judd to get Messrs. Baskin and Zane to see the point, they concluded to withdraw the objectionable document which had caused the judgment in contempt to be entered against their clients.

There was one point that should not be overlooked in this matter. It was in the shape of an enormous metaphorical blanket manufactured by Judge Zane. Its dimensions are sufficient to cover all offenses of an insulting and contemptuous character. It is denominated "style"! Now, when one man charges another with falsehood, with fraud, and a general absence of conscience, or if he asserts the Court is imposing on him, all the offender has invariably to say, in order to cover the entire ground of these insinuations when they are objected to, is, "Oh, no offense at all; you must put that down to style!"

We are pleased to see a disposition on the part of the Court to be magnanimous in this matter of contempt. It is to be hoped that if anything more is to be said to the Court in behalf of the trustees it will not be spoken by those who, unwittingly perhaps, offer obstacles in the way of letting the gentlemen against whom the decree was entered down easily. We have never considered these men as guilty of any intentional wrong. They stand well in the community. They have made an egregious mistake. We trust they have learned a lesson that will make them slow in the future to listen to dangerous advisers, and that they will avoid suffering themselves to be used as political catpaws under any kind of specious pretense.

The foregoing was in type when information reached us to the effect that the action of the court in the contempt case was as foreshadowed by Judge Judd's proffer in relation to the withdrawal of the contemptuous document. The costs of the proceedings up to the point of their putting in a notification of withdrawal are taxed against the trustees. This amounts to next to nothing, and throws the burden of an expensive investigation upon