

THE SALT LAKE HERALD Salt Lake City, - Utah.

WEDNESDAY - - - January 30, 1899

LOCAL BRIEFS.

SPECKER & KIMBALL have decided to sell the balance of their felt goods at cost. Now is your chance.

"JACK THE RIPPER" was killed off yesterday, but "Moccasin Mac" will last as long as his owner does.

MCCORMICK & Co.'s shipments yesterday were: Hennaer bullion, \$1,875; silver and lead ores, \$8,800. Total, \$10,675.

THE ACCOUNTS of Marshal Dyer for the Second District were presented in and allowed by the Supreme Court yesterday.

THE JACK-THE-RIPPER score is nearly a month in the past. The intelligent portion of the community endorsed the views expressed in THE HERALD of yesterday.

JUDGE SANDFORD yesterday filed a decision in the case of E. H. Taut vs. the Old Channel Paper Mill & Company. The demurrer to the complaint was overruled.

THE POCATELLO Opera House Association will give their grand opening ball on Friday evening, February 3, 1899. The committee of arrangements consists of James H. Bible, C. J. Yopper, J. L. Frautz, G. A. Hannaford and John McManus.

WILLIAM VARLEY was badly injured at the quarry near the Warm Springs on Monday afternoon. He was engaged in working a drill when a large rock dropped from the overhanging cliff, struck the drill and rebounding, fractured Varley's lower jaw.

ABOUT ONE year ago, C. E. Mitchener entered suits against Salt Lake City for certain lands in which he had an interest similar to that of the notorious Lick on Capitol Hill. Yesterday summons was issued upon the city in this case.

TEMPERATURE YESTERDAY, as reported from the Signal Service office: At 6 a. m.: Salt Lake City, 10; Helena, 8; Fort Ogden, 12; Fort Washakie, 6 below; Boise City, 10; Rawlins, 4. At 11 a. m.: Salt Lake City, 22; Ogden, 20; Stockton, 2; Bingham, 21; Park City, 7 below; Provo, 10; Alta, 16.

WILLIAM BOODER, a miner in the employ of the Pleasant Valley Coal Company, located at Winter Quarters, was badly injured on Monday evening by the falling in of the roof of a room. He was brought up to Salt Lake and placed in St. Mary's Hospital, where it was found necessary to amputate a leg.

"CAN you tell me where Dr. Blank lives?" asks one citizen of another on the street late last night. "Keep away from me, if you advance another step I'll fill you full of air holes," was the response; and thus the poor man who was really looking for a physician to attend his poor, sick wife, was made the victim of the "ripper" scare.

W. R. CARTER, of Wyoming, was admitted to practice in the Supreme Court yesterday. Lincoln W. Gravens, of Kansas, and B. W. Driggs, of this city, also made application, and they will be put through the cribble by the examining committee in a few days. The cases of Lewis P. Kiser vs. George D. Eyer and P. J. Kiser vs. the Union Pacific Railway Company were argued during the day and submitted.

COMMISSIONERS were issued by acting-Governor Hall yesterday as follows: William Gull Mills, deputy chief of Salt Lake County; Charles B. Robbins, fish and game commissioner for Cache County (appointed by the county court); Brigham Benson, constable for Trenton, Cache County; John Richardson, constable of Richmond, Cache County; John P. Freeman, justice of the peace for Herriman Precinct, Salt Lake County (appointed by the county court); PETER P. SORENSEN, section foreman on the Wasatch branch of the D. & R. G. W. Railway, has invited a danger zone on a small scale for clearing snow and ice off his section. It does very good work. It is made so that it can be raised or lowered to prevent it from striking switches and road crossings by a lever. It will throw snow ten or fifteen feet to each side of the track. Sorenson has it attached to his tool car, and then couples his car behind the train and away goes the snow. The flange does more work in ten minutes than ten men could do in two days.

Delicious Warm Beverages. The decoctions served to the thirsty and cold at the Occidental are delicious, pure and superior. First-class wines, liquors, beers, ales and cigars. Family supplies a specialty. ADER & MURPHY, Proprietors.

J. W. FARRELL & Co., plumbers and gasfitters, opposite Teasdale's store, 137 South Main Street. Telephone 200. Send your orders.

AUCTION: AUCTION!! On Friday, February 1st, at 11 a. m., at No. 408 North Second West Street, fine marble top bed room set (cost \$150), springs and mattresses, marble top centre table, carpets, fine hanging lamps, fine extension table (cost \$30), glass door cupboard, fine Champion Monitor cook stove, heating stoves, dinner set (cost \$40), fine curtains, silver and glassware. All new last June. ANDREWS & REMSICK, Auctioneers.

People's Equitable Co-op, 68 and 70 First South Street. Home-made Linsey, 25 cents per yd.; Hose, 25 cents. Three pound cans Tomatoes, and Corn, 15 cents.

For the Calico Ball. Just received, a handsome assortment of satens of this season's importation. CENS BROS.

The "Petite" Photograph, \$1.50 per dozen, at Fox & Symons.

Diner and cheapest, Elite Restaurant, opp. Walker House. Day and night.

All the Rage. Very much used by the young people. The "Petite" Photograph, \$1.50 per dozen at Fox & Symons.

PREPARED of all kinds. ROSS' PHARMACY.

Just received, a new line of colored and black sarah silks, which we offer at 75 cents, worth \$1.10. Call and see them. F. ACHERBACH & Co.

IN ALL ITS FURY!

The Expected Judicial Cyclone Bursts.

THE TRUSTEES IN CONTEMPT!

They Must Answer to the Court This Morning.

A VERY SEVERE SLATING.

"A Deliberate and Barred Attempt to Trifle With the Court—A Contemptuous Proceeding."

Shrine of the mighty! can it be that this is all remains of thee?—Byron.

There was a large attendance, both of lawyers and spectators present, when the Supreme Court opened yesterday morning, and the presence on the bench of all four judges gave credence that something more than ordinary business was on hand. There was but one important case that the judges had under consideration, however, and that was the Zane-Dyer controversy. It was very evident at the time the statement of the trustees was submitted to the court that they viewed it in anything but a favorable light, and their action on the matter has been awaited with no little interest.

JUDGE SANDFORD set expectation on tip toe by announcing that in the case of the United States of America, plaintiff vs. the late corporation of the Church of Jesus Christ of Latter-day Saints and others, defendants, Judge Judd would read the majority opinion of the court.

Judge Judd adjusted his spectacles, cleared his throat, took a drink of water and waded into

THE FOLLOWING OPINION.

On the first day of December, 1888, T. C. Bailey, Rudolph Alf and J. F. Millsap, describing themselves to be trustees of the Seventh and Eighth School Districts, and the secretary of the board of trustees of the Twelfth school district, brought before this court a petition in which they set out, by description, diverse and sundry pieces of real estate, alleging that the same was the property of said late corporation. They likewise alleged that

On March 24, 1888, April 4th, 1888, and May 14th, 1888, Receiver Dyer instituted actions in the Third Judicial District Court of this Territory against various defendants, and in the complaints in said suits, among other things, alleged that said late described tracts of land were obtained and held by said late corporation in violation of section 3 of the act of July 1st, 1882, and not for the purposes of the worship of God, or purposes of burial grounds, and that the claims of the various defendants in said suits were invalid, and prayed that the deeds of said various defendants be held to be colorable, and that the cloud upon the title created by such deeds be removed, and that the possession of the said lands be adjudged to the said receiver for the uses and purposes mentioned in the said section 3 of the act of March 3d, 1887.

THE PETITION

then proceeds to state that afterwards, on or about the 8th day of July, 1888, the said receiver and the defendants to the suits above named, compromised said suits, and in lieu of said tracts of land described in said complaint (except a portion of lot 8, in block 7) that said receiver took the sum of \$31,000.00, or a note therefor, to stand in the place of the land, and be treated and applied as the land should have been treated and applied; that the solicitors of said corporation were the attorneys of the said defendants, except one, in said compromises, and thereby admitted that the land had been obtained by the late corporation and was then held by the said defendants for the late corporation in violation of said act of Congress, and that the plaintiff was entitled to recover if said acts were valid; and in effect admitted that the money received should be substituted for said lands, and should be applied for the benefit of said common schools; that the order of this court authorizing the said receiver to compromise said suits was made by the court, as your petitioners are informed and believe, solely upon the recommendations and representations of the receiver and his solicitors, who stated to the court that the estimates in the petition for authority to compromise were the actual and reasonable values of said tracts under the circumstances, and that said compromises were fair and reasonable; your petitioners charge, however, that said tracts of land were worth \$225,000, and that \$84,685.15 was a

GROSSLY INADEQUATE VALUATION

of said property; that no evidence was heard by the court in regard to said compromise, and your petitioners believe that the court was misled by the said representations and recommendations of the receiver and his solicitors; that the said order of the court required the receiver to report said compromise to the court for its approval, and that such report has not been made. The petition then proceeds to allege that the compromises should be set aside; but if they are allowed to stand, then the money or notes, or other evidences of indebtedness, or the proceeds thereof, taken for or in lieu of said land, must be applied as the land and the proceeds thereof was required to be. The petition further alleges that the said receiver now has in his possession

the sum of \$75,000 received in compromise for cattle and other property; that said property, as petitioners are informed and believe, was worth at the time \$250,000; that it was estimated by parties to this suit, in a stipulation of facts made October 19th, 1887, to be worth the sum of \$233,983.33; and that this transaction between the receiver and defendant corporation was made without authority from this court. And further, that since the appointment of said receiver he has obtained possession of 30,000 sheep, the property of the defendant corporation; and after receiving the same, he rented them, WITHOUT ANY AUTHORITY OF THE COURT and without public notice, to one W. L. Pickard, a surety upon said receiver's bond, at the rate of 20 cents per head per annum, when the customary price was from 40 cents to 60 per head, and that in such renting of said sheep the fund sustained a loss of about \$5,000.



A HAVEN OF REFUGE.

The petition further alleges, as petitioners are informed and believe, that there is property to a large amount of which said receiver has not taken possession, that was owned by said defendant corporation and was in the possession of its agents or of others of said corporation after said receiver qualified, and that he could have taken and obtained possession of said property by the use of reasonable diligence as receiver, and that his failure to do so was from want of attention to his duties as receiver or from willful negligence or through combination with agents of the late corporation.

The petition further alleges that the receiver, after he had entered upon his duties as such, retained one P. L. Williams, who was and is Territorial commissioner of schools, and one George S. Peters, who was and is the attorney for the United States in this Territory, as his attorneys and solicitors. That the said receiver was at the time of his appointment, and is now, United States marshal, for said Territory; that as receiver he presented a claim for allowance to him for clerk hire, compensation to solicitors, agents and employees, for office rent, stationery and other expenses, amounting to the sum of \$7,865.53; that not having yet been made parties to this proceeding or granted leave to appear therein, your petitioners have not examined his report of expenses of the receiver sufficiently to point objection thereto; that such an examination would involve a scrutiny of vouchers and probably an examination of witnesses; but that if permitted by the court to do so, your petitioners, as they are informed and believe, can point out

WELL-FOUNDED OBJECTIONS TO SAID ACCOUNT.

The petition further states that the receiver has presented a claim for allowance to himself, for his individual services as receiver, of \$25,000; and in addition, each of its solicitors presented a claim for \$10,000, said claims aggregating \$52,000.21; that said claims for allowances were referred to the examiner in this case to take testimony as to the amount to be allowed; that the United States Attorney for Utah and the Territorial Commissioner of Schools both appeared for the receiver in the taking of such testimony, and no one appeared for the United States, or for the said common schools; that on such examination the defendant corporation, Messrs. Weeks & Wilson, and by them the first witness produced by the receiver were cross-examined; but afterwards, as petitioners are informed and believe, they were instructed by the defendants not to cross-examine and not to contest the claims of the receiver or his solicitors, and thereupon they ceased to make any further cross-examination, and the examination became and was wholly an ex parte examination by the receiver and his solicitors before said referee.

The petition then proceeds to allege that under the law George S. Peters, as United States district attorney, was bound to appear, by virtue of his office, for the United States, in all suits in which the United States was a party; and that he was not entitled

TO HAVE OR RECEIVE ANY SUM

for any services he may have performed as solicitor for the receiver in this case; and that the claim of the said Williams as solicitor for said receiver for \$10,000 was much too large. The petition then proceeds in so many words, to charge as follows: "Your petitioners further represent that the amount—\$25,000—claimed by the said receiver for his individual services, is grossly exorbitant, excessive and unconscionable; that the allowance to the receiver for his services must be only for those rendered by himself, and not for the services for which his agents and employees may be allowed and paid."

The petition further states that the difference between the amount for which the 30,000 sheep above mentioned could have been rented and the amount for which they were rented, is about \$5,000; and that this amount should be deducted from said receiver's compensation, if, in view of the breach of duty, he is deemed entitled to any compensation; and if it be that he so rented said sheep in return for any benefit to himself, or the hope thereof, then he ought not to receive any compensation, and said contract of renting should be disapproved and the receiver held for all loss to the fund in consequence of

SUCH WRONGFUL RENTING.

The petition further states that petitioners are informed and believe that the sum of \$75,000 above mentioned, received from the said defendant, in compromise for certain property above mentioned, was a grossly inadequate consideration, and the receiver should be held to account to the fund for the difference between \$75,000 and a fair consideration for said property; and such difference your petitioners believe is not less than \$175,000; or that said transaction should be disproved by its court, and the receiver held to a strict accountability for all loss in consequence of his wrongful action; and further, that the receiver should be held accountable for the loss to the fund and to the common schools, caused by the compromise upon the real estate above mentioned; and this loss, your petitioners charge, on information and belief, is not less than \$135,000; and that further, if said receiver be allowed any compensation

at this time, it should not in any view exceed \$5,000.

The petition then proceeds to charge, that inasmuch as no one has appeared on behalf of the common schools, that the fund is likely to be greatly diminished by said claims made against it; and that the appearance of the proceeds for the common schools is rendered absolutely necessary to the ends of justice; and the fact that the commissioner of common schools of this Territory is employed by said receiver against the interests of said schools, and that the United States Attorney for this Territory, is also

EMPLOYED AGAINST THE COMMON SCHOOLS, and that the receiver himself is an officer of the United States, and that they are claiming that by a compromise the said schools have already been deprived of a large portion of the proceeds of said lands, and that those proceeds have become the property of the United States, furnish additional reasons for permitting the trustees of district schools to appear in this proceeding.

Wherefore, the petitioners pray as follows: "That they may be made parties to such proceedings, or that they may be allowed, by their solicitor or otherwise, in order to defend and protect the interests of the common schools they represent and preserve so much of the fund as may belong to said schools, and that such other trustees of district schools as may wish to come in may also be made parties or allowed to appear, and that your petitioners may be allowed to produce evidence to prove and substantiate the facts stated in this petition; and that petitioners may have such other and further relief as to equity belongs, and as to this court may appear to be equitable."

Signed and sworn to by T. C. Bailey, chairman board of trustees, Seventh School District; Rudolph Alf, chairman board of trustees, Eighth School District; J. F. Millsap, secretary board of trustees, Twelfth School District.



MONSTRIOUS WRATH.

Upon the application of the solicitors of said petitioners to be allowed to file said petition in said above entitled case, to become parties thereto,

THIS COURT FILED AN OPINION, written by Henderson, judge, in substance as follows:

"This is an application of certain school trustees to be allowed to intervene as parties to the case. We are of the opinion that the petitioners do not show by their petition any right to intervene as parties. There is nothing to show that the government is not disposed to look after the interests of the fund, and the interests of the petitioners as school trustees are too remote to be recognized by an order allowing them to intervene. But the petition which has been read contains charges of a grave and serious nature against the receiver and his attorneys, Messrs. George S. Peters and Parley L. Williams. The charge has been directly made that the receiver has acted corruptly and in criminal collusion with the defendants, and that this court has been imposed upon by the representatives of the receiver and his said attorneys, and a fraud thereby accomplished. If this be true a crime has been committed, and this court cannot and will not pass by without attention, as the action of these officers, charged with a delicate and difficult duty, should be met by responsible accusers and have the opportunity to confront them. Either the receiver and his attorneys have been guilty of a crime, or some person or persons are interested in falsely accusing them. This petition upon being verified and

ENDORSED BY SOME PERSONS RESPONSIBLE for the costs which may be incurred, should be received and filed as charges against the receiver and said attorneys, and they should each be required to file their respective answers thereto, so far as the charges of corruption, fraud and unprofessional conduct are charged against them respectively; and upon the filing of their answers, it should stand referred to an examiner to take such testimony as is offered, both to sustain and disprove the charges contained in the petition, and report the same to this court on or before the next regular term of this court. If the charges of corruption or improper conduct are sustained, and the fund in controversy in this case thereby preserved and protected, provision can hereafter be made for the payment of the expenses incurred, but in the meantime we shall postpone the question of compensation to the receiver and attorneys until the bringing in of the report. We have only had a few hours to consider this matter, and therefore have not had time to state more in detail our reasons for this action. An order should be entered conformable to this opinion." Answers were filed by the said Dyer and his solicitors, in due time, denying all said charges in full.

When this opinion was rendered by the court, it was distinctly stated that the persons interested that the order should be drawn in conformity with the opinion, to be accepted and agreed upon by the parties and the attorneys on both sides, and when such was done, it should be handed to the clerk of the court to be entered upon its minute. Inasmuch as the question of compensation to the receiver had already been referred to the clerk of this court, as not thought proper or necessary to refer that question again to another commissioner, but it was intended, as the opinion above set out clearly indicates, to refer the charges of wrong action by the receiver and his attorneys to a special commissioner; instead of which, however, an order which was not presented to the court, seems to have been drawn and entered, which, in so many words, refers to Mr. Robert Harkness the case, to take and report to this court such evidence as may be by the petitioners or the receiver and his counsel be produced touching the matter in said petition set out.

This order, as will be clearly seen, was not in accordance with the opinion of the court; for it was not intended to refer the question of compensation to the receiver, it having already, as above stated, been referred to another person as special commissioner, to take proof and report thereon. However, when the parties met before Commissioner Harkness, they did not voluntarily as to the matters that were referred, one side insisting upon taking proof upon

all the matters mentioned in the petition, and the other side insisting upon confining the investigation within the scope indicated by the opinion of the court. Such proceedings were had as resulted in the application of this court to amend or reform its order of reference, and upon that application

THE COURT MADE THE FOLLOWING ORDER:

"It is hereby ordered that the motion to amend the journal entry be and the same is hereby allowed; and that the said Robert Harkness, the examiner heretofore appointed, proceed and take such testimony as may be produced by either party to this proceeding respecting any and all allegations of fraud, corruption and misconduct, or fraudulent and unconscionable claims and charges for compensation, and unprofessional conduct on the part of Frank H. Dyer as receiver in this case, and of George S. Peters and Parley L. Williams, as his attorneys, contained in said petition of said school trustees heretofore filed in this court."



THE TABLES TURNED.

It will be observed that the petition of the persons heretofore mentioned expressly charged that the receiver and his attorneys, Peters and Williams, misled and deceived the court into the adoption of a compromise of the suits against the defendants, for the recovery of the real estate mentioned, and that by this fraud and deception there was a loss to the fund of over \$100,000. It was further charged that the receiver rented 30,000 sheep for 20 cents a head per annum when he could have gotten 40 cents per head. And it was further charged that he compromised a claim for cattle for \$75,000 that was worth \$268,198.39, and that that transaction

WITHOUT AUTHORITY OF THE COURT;

and it is further charged that property to a large amount, which the receiver could have taken possession of, belonging to the late corporation, was by him neglected, and that his failure to do so was for want of attention to his duties as receiver, or for willful negligence, or through combination with agents of the late corporation. And it was charged that Peters abandoned his duty as district attorney to the government and took employment from the receiver, and that he was making a claim against the interests of his clients, to wit, the government, and thereby impliedly charged with malfeasance and corruption in office. It was further charged that P. L. Williams, commissioner of schools, accepted employment against the interest of the school fund, and that he was guilty of official misconduct; and that finally the claim upon the part of the receiver for \$25,000 as compensation, to use the exact language of the petition, "is grossly exorbitant, excessive and unconscionable."

It is difficult to imagine how stronger charges than these could have been made; and if even one of them should be true, then the receiver and his solicitors are not only not entitled to any compensation, but the receiver should be dismissed from his office as such, and his attorneys disbarred from the right to practice in the courts of this Territory. Taking this view of the matter, the court readily and without hesitation, sought by all the means in its power to give to these petitioners an opportunity to prove the charges, and hence, in its amended order, made the reference as broad as it could well be made, and even went so far as to include in the reference all allegations of fraud, corruption and misconduct, or fraudulent and unconscionable claims and charges for compensation and unprofessional conduct on the part of the receiver.

On the day after the last order was made, said petitioners, together with one other person, by the name of L. U. Colbath, who had not heretofore appeared before the court, came into court and presented through their counsel a paper writing, containing, in substance, the following:

Unto the court your petitioners, the school trustees, respectfully state: The order of the court as now modified by the court, has

TOTALLY CHANGED THE NATURE

of this proceeding. A petition in chancery has been transferred into a criminal complaint. We came here to contest the compensation of the receiver and of his solicitors, and our petition was for that purpose. Under the former order of the court, we could have done so; under this order we cannot. The court has now ruled that we cannot do the only thing that, as school trustees, we were interested in doing, or had the right to do. We are completely excluded by this amended order from performing the only duty in connection with the matter that our office places upon us. But by this amended order, the court would impose upon us the duty of carrying out an investigation into the conduct of officers of the court for the sole benefit of the court, while confining, by their order, the inquiry within narrow limits. The court has decided that our particular inquiries of the receiver were proper, but at the same time has ruled that

ALL OTHER QUESTIONS OF THE SAME NATURE

are improper. The court has so changed the order that it is doubtful whether we could introduce testimony upon most of the allegations of the petition, because, legally, they do not amount to charges of fraud, corruption or professional misconduct. We are cut off from all inquiry into anything except those particular statements in the petition which directly and in sufficient legal phrase charge fraud, corruption or professional misconduct. We can offer proof under this order only of a charge for compensation that is both fraudulent and unconscionable. We have no allegation of such a charge in our petition, and therefore we can offer no proof whatever on the subject of compensation. Had we understood when this reference was made, that the investigation would be limited as it now is, we would then have declined to proceed. If it be the duty of the court to carefully scrutinize the conduct of its own receiver, and if it would place this duty upon us, then it should not limit the investigation as it now does, to particular acts and to those alone, but in justice to us should extend the investigation to his entire conduct as receiver. In assuming the duty of the court, as we would here, we to proceed under this order, we would be so

CONFIDENTIAL AND HARMFUL

that we could not make our investigation complete. While proceeding under the original order we were authorized to offer evidence as to everything the receiver had done or had failed to do, in order that we might enable the court to fix the compensation for his services. But this matter being excluded by the amended order, only a small part of the receiver's doings can be investigated. Under these circumstances we believe it would be better that the court, if it so desire, should investigate the conduct of its officers for itself in a proceeding where the examination would not be cramped and narrowed as it is under this order. In that way the examination would be made thorough and more satisfactory to the court. As long as we had some chance of benefiting the common schools of this Territory, we thought it our duty to proceed, but we conceive it to be no part of our duties as school trustees to prosecute

CHARGES OF FRAUD AND CORRUPTION

against officers of this court, nor do we conceive it a part of our duties either as school trustees or as private citizens to incur the large expense of summoning witnesses from different counties in this Territory, and even from Idaho and Arizona, merely to assist the court in scrutinizing particular acts of its receiver. And in view of the facts above stated, and the complete change in the character of the investigation made at this late day, we must decline to assume the functions of a grand jury, or to attempt to perform the duty of the court in investigating the conduct of its own officers; all of which we respectfully submit.

It is difficult to conceive of a more deliberate or 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. 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 conched in the most disrespectful language, and by intent and almost by direct charge, attempt to put the court in the position of undertaking by itself to shield its 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 for compensation that 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 said receiver, for his individual services is grossly exorbitant, excessive and unconscionable." And it will be seen that in the order made by the court and complied 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 of 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. Millsap, L. U. Colbath and T. C. Bailey, requiring them to appear before this court, on to-morrow 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 attachment for their arrest, and bring them forth with this court.

J. W. JUDD, Judge.

SANDFORD C. J., and HENDERSON, J., concur. BOREMAN, J., dissents.

At the close of the reading Judge Judd remarked, "I desire to add that I defer to the opinion of the majority of my brethren in the mild proceeding of issuing a notice to these gentlemen to appear before this court, but my own opinion is that a writ of attachment should be issued at once for these parties. The clerk will enter an order conformably with this opinion."



THE RESULT.

All eyes were then centered upon Judge Boreman. His face had been impassive during the entire time occupied in the reading of Judge Judd. He merely announced that he dissented from the majority opinion of the court, but had not had time to write it out. He will probably file it to-day or to-morrow.

THIS ENDED ALL INTEREST

in the court proceedings, and the audience filed slowly out. A few minutes later, THE HERALD'S EXTRA, containing a brief announcement of the facts in the case, was being read by hundreds upon Main and other business streets, and the news was being eagerly discussed wherever it became known. The great queries with all were: What will the next step be? And where, now, will this contempt business end? How will the trustees meet the charge they will be compelled to face this morning? Application for the questions to various members of the bar elicited but one answer, or more correctly, two answers. The first one was: "I don't know;" and the other: "I'll be ——— if I have the slightest idea." "It is a case," said one, "entirely without precedent. Like the patient man, it has no pride of ancestry and no hope of posterity."