

The Legal News.

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A curious phase of contempt of court has been presented by the labor troubles in the South. A number of railroads in the United States are in the hands of receivers appointed by the Circuit Court of the United States, and the railways are operated under the authority of the Court. Any interference with the working of the roads is, therefore, a contempt of Court, and so it was held by Judge Pardee lately, in the case of persons arrested on the charge of obstructing the operation of the Texas & Pacific Railroad. He said: "It is well-settled law, that whoever unlawfully interferes with property in the possession of a court, is guilty of contempt of that court, and I regard it as equally well settled, that whoever unlawfully interferes with officers and agents of the court in the full and complete possession and management of property in the custody of the court, is guilty of a contempt of court, and it is immaterial, whether this unlawful interference comes in the way of actual violence or by intimidation and threats." And he added: "It may not be generally known, but the power of the court and the law in punishing such cases, is unlimited in terms in imposing fines or imprisonment: the extent of either is a matter wholly within the discretion of the judge."

Judge Bermudez, of New Orleans, writes to a contemporary concerning a strange system of taxing costs which has prevailed in Louisiana. The Code says that "in every case the costs shall be paid by the party cast," and this has been interpreted that the losing party shall pay all the costs of the suit, without regard to the amount actually awarded by the judgment. For example, an action might be brought for \$5,000, and though the defendant succeeded in proving that only \$50 were actually due, he would have to pay all the costs of the action for the larger sum. This system put a premium upon exorbitant and cooked up claims, and it is surprising that it should have been tolerated so

long. Judge Bermudez has made a rule now that costs will be due in his court "only on the amount recognized in the judgment as having been proven to the satisfaction of the Court."

THE STATUARY CASE.

The prosecution against Messrs. Sharpley, for the exposure of nude statuary in their shop window, has been decided against the defendants by the Recorder, and the observations made by his Honor will be found in the present issue. The account given of the inception of this case was so absurd that the real difficulty of the subject was in danger of being overlooked. The statement was something like this: A certain alderman told the Chief of Police that he had been informed by a lady that she, while passing the window, had heard a small street boy make a vulgar remark with reference to the statuettes displayed there; and thereupon the machinery of the law was set in motion against the shopkeepers, though the very policemen who went to serve the summons admitted that they could see nothing objectionable in the statuettes apart from their nudity. Street boys are apt to be rather vulgar and improper in their remarks upon all sorts of subjects, whether the observations refer to what they see, or to their mere occupations and amusements, and it would be hard to establish a standard of morals based upon what would be free from suggestiveness to this order of humanity. If everything that is capable of exciting unholy thoughts in low and vicious minds is to be banished, then the world must be reduced to more than the simplicity of the cloister. In *People v. Muller*, 8 Leg. News, 63, the Court said: "If the test of obscenity or indecency in a picture or statue is its capability of suggesting impure thoughts, then indeed all such representations (of the nude) might be considered as indecent or obscene. The presence of a woman of the purest character and of the most modest behaviour and bearing may suggest to a prurient imagination images of lust and arouse impure desires, and so may a picture or statue not in fact indecent or obscene." We know that in Sodom the presence of angelic visitors excited the basest