

MURDER IN CONTEMPT OF COURT.

WARREN TATE FINED \$10,000—ALSO TO BE PROSECUTED CRIMINALLY AND SUED FOR \$100,000.

Special Dispatch to the New-York Times.

INDIANAPOLIS, Nov. 25.—Judge Burns, of the Superior Court, before whom the case was on trial out of which the murder of William Love grew, to-day fined Warren Tate, the murderer, \$10,000 for contempt of court. In answer to the rule issued against him, Tate made an affidavit that the offense was committed out of the view of the court Love being shot in the corridor, outside the door; that it was not done in contempt or disrespect of the court's authority, but because he believed at the time, and still believes, that Love intended bodily harm to him, and that the deadly assault was made in self-defense. He also objected to being compelled to give oral testimony in the case, for which he was to answer before another tribunal. A long argument arose upon the question whether the contempt was direct or constructive, the defense holding that if it were direct the court could not adjudicate upon what it knew of its own knowledge; and if it was constructive, under a decision of the Supreme Court the affidavit of non-intention purged the defendant. The court said it had sufficient information to proceed directly against Tate, but decided to hear testimony. This was objected to, but the objection was overruled, and Hobbs, one of the eye-witnesses, detailed the circumstances of the murder. At the conclusion, Hon. Jonathan W. Gordon asked the court only to consider the actual interruption to the business of the court, and, inasmuch as that was only momentary, the case then on trial being at once proceeded with, the actual damages could not amount to much.

In its decision the court said it could not consider the result to Mr. Love, but it could and must consider what effect such occurrences would have upon the administration of justice. Witnesses come into court by compulsory process, and must be protected in their persons and opinions by all the power the courts can command. Love was a witness before the court; his further testimony was needed in the case, and it appeared that the affray in which he lost his life grew out of a difference of opinion between him and Tate upon the very question in controversy, and upon which Love had testified. If such acts as Tate's were allowed to be committed, the administration of justice would be a farce. The weaker party would be always at the mercy of the stronger. In this view of the case, the court must act and make punishment exemplary. A fine would be entered of \$10,000, to be made out of any property subject to execution.

The action of the court created a profound sensation, attorneys appeared bewildered and Tate looked amazed. Lawyers very generally expressed disapproval of the course of the court. People generally are well pleased, however. Tate is wealthy, being worth \$200,000. Besides, lawyers did not generally know the grounds upon which the court based its judgment, and several who opposed it, since reading the opinions, have changed their minds. The counsel have asked an appeal, but one of them said this evening that his hope was in having the Governor remit the fine as cruel and unusual. Gen. Harrison has been retained to prosecute Tate, and it is understood that Gov. Hendricks declined an engagement on behalf of the State. Next week the family of Love, through the Administrator of the estate, will begin suit against Tate for \$100,000.

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