

30-DAY CONTINUANCE IN CONTEMPT CASE IS DENIED

(Continued from First Page.)

time in which to attend to the very important business that calls him east as set forth in his affidavit. In reply Chief Justice Stewart stated that the court also has important business before it as well as the defendant, and the extension could not be granted.

Why Extension Was Asked.

The affidavit filed with the court requesting an extension of time in which to prepare for trial, by R. S. Sheridan and C. O. Broxon, and setting forth the reasons is as follows: "In the Supreme Court of the State of Idaho.

"D. C. McDougall, attorney general of the state of Idaho, plaintiff, versus R. S. Sheridan, C. O. Broxon and A. R. Cruzen, defendants. Affidavit on motion for continuance.

"R. S. Sheridan and C. O. Broxon, being first duly sworn, depose and say that citation in the above entitled case was served upon these defendants at a late hour, to-wit, about 5 o'clock, on December 2, 1912; that on December 3, 1912, Defendant C. O. Broxon was served with subpoena from Hon. C. O. Stockslager, sitting as judge of the Sixth judicial district, commanding him to appear as a witness in a case then on trial before the said court at Blackfoot, Idaho, at 10 o'clock a. m. of the 4th day of December and that in order for said defendant in this case to answer to the service of the court sitting in said Bingham county, it was necessary for said defendant Broxon to leave Boise on the said third day of December; that he was in attendance upon the said district court of the Sixth judicial district until a late hour in the afternoon of said date and could not get a train to return to Boise until 5:40 in the afternoon of said day whereby it was impossible for him to return to Boise until the morning of the fifth day of December, whereby it has become impossible for defendant C. O. Broxon to hold suitable conference with his co-defendant, R. S. Sheridan, concerning the matter named in the citation of the honorable, the supreme court of the state of Idaho; that said defendant has not had sufficient time or opportunity to consult with an attorney to ascertain his rights, to be advised of his duty or to prepare a defense, if defense can be made in order to be prepared to plead, demur or make defense or legal excuse on this, the sixth day of December, 1912; that before citation in the above case had been had upon the said defendants and before said defendants had any knowledge or information that said citation would be made, defendant, R. S. Sheridan, had prepared and arranged to leave Boise on the evening of this, the said sixth day of December for Chicago and other eastern cities on a trip a portion of which involved matters of great business importance to the said defendant, the delay of which would probably result in serious loss to him and his business; that if permitted by this court to make such trip, the earliest possible date at which he could return after the transaction of said business would be the twentieth day of December, 1912; that by reason of such absence insufficient time would elapse whereby the defendants could consult together and with their attorney would be 30 days from this date.

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- 4 lbs. White Beans . . . 25c
- 7 lbs. Sweet Potatoes . 25c
- Oleomargarine, 2 lbs. . . 35c
- Cracker Meal, 3 lbs. . . 25c
- Citrus Washing Powder, pkg. 15c

Sheridan, C. O. Broxon and A. R. Cruzen.

"Come now R. S. Sheridan and C. O. Broxon, defendants in the above entitled action and demur to the information on file herein upon the ground that said information does not state facts sufficient to constitute a cause of action against the above-named defendants or either of them.

"JOHN J. FLOWHEAD,

"Attorney for R. S. Sheridan and C. O. Broxon."

Answer of A. R. Cruzen.

The answer filed by A. R. Cruzen is as follows:

"In the Supreme Court of the State of Idaho.

"D. C. McDougall, attorney general of the state of Idaho, plaintiff, versus R. S. Sheridan, C. O. Broxon and A. R. Cruzen, defendants.

"Come now the defendant, A. R. Cruzen, and appearing for himself and answering for himself only the allegations contained in the information filed in this court in the above entitled action, admits, denies and alleges:

"The defendant denies that he owns or controls or ever did own or control a large block of the stock of said Evening Capital News, a newspaper published daily at Boise, Ada county, state of Idaho, or that he ever at any time or at all owned or controlled any of the stocks or bonds of said newspaper or the corporation which owns the same.

"And defendant alleges that he is not now and never has been interested financially or otherwise, to any extent, or at all, in the said Evening Capital News or the corporation controlling and owning the same; that he never has loaned or advanced any moneys, securities or credit to said Evening Capital News, or the corporation owning the same, and that they or either of them, are not indebted to him or ever have been in any amount whatsoever.

"And this defendant denies that at any of the times alleged in said information, or at all, that he has controlled, commanded or dictated the matter or any of the matter, which has appeared in said newspaper during the last several months, and which is set forth in the said information herein; and defendant denies that in conjunction with the defendant, Sheridan and the defendant, Broxon, or with any other person or at all, that during the times mentioned in said information or at any other time, that he has controlled the policy of said Evening Capital News.

"And this defendant alleges that he has read the matters and facts set forth in said information filed herein, and as to all those articles appearing in said Evening Capital News, this defendant had no knowledge and was not advised that said articles or any of them, would be published in said Evening Capital News; and that this affiant never saw or heard of those articles prior to the time that he read the same in the published edition of the paper wherein said articles appeared; and this defendant denies that with his knowledge or consent or connivance or acquiescence or command, any of the editorials or other matters set forth in the information herein appeared or was published in said Evening Capital News or any other publication.

"That this defendant is not now and never has been an officer, agent or employe of the corporation publishing said Evening Capital News and has not in any manner been connected with the publication thereof.

"A. A. FRASER,

"Attorney for Defendant."

(State of Idaho) ss.

County of Ada.)

"A. R. Cruzen, being first duly sworn, deposes and says that he is one of the defendants mentioned in the information filed in the above entitled action, and that he has read the foregoing answer and knows the contents thereof, and that the same is true as he verily believes.

"A. R. CRUZEN.

"Subscribed and sworn to before me this day of December, 1912.

"Notary Public."

If your watch does not run right, let us repair it. You will be satisfied.

CON W. HESSE, Jeweler.

Adv.

ADVANCE AGENT

(Continued from First Page.)

orney arrived, but he denied knowledge that any explosives were in the vaults from which nitroglycerin, dynamite and infernal machines later were taken. At that time, Legietner said, he was a member of the committee auditing the union's finance. He identified a check for \$1000 paid to Olaf A. Tviotmoe, San Francisco, in August, 1910, two months before the Los Angeles explosion but he denied passing on any checks giving McNamara \$1000 a month.

Showing the witness cancelled \$1000 checks marked "set aside for organization purposes by order of the executive board," which Legietner said he had not passed upon, District Attorney Miller asked:

"Did you understand that President Ryan appointed you on that committee as a fake or to cook up things?"

"No," replied Legietner.

Legietner was also charged with having carried on a passenger train a nitroglycerin case from Pittsburg to Indianapolis.

Other witnesses had testified about an explosion at McKee's Rocks, near Pittsburg in July, 1910, and L. L. Jewel had testified that Herbert S. Hockin repeated a plot to blow up a bridge near Beaver, Pa., "when a loaded pas-

senger train was passing."

In that connection the government read a letter from Legietner to McNamara, which is alleged related to proposed explosions. The letter said:

"I have made two trips to the Beaver job and find it too dangerous a proposition to get to."

Legietner testified he meant he had visited the job on which non-union men were employed and he found too many guards present for him to induce the non-union men to quit work. He denied knowing about any explosions and asserted he did not learn of the McKee's Rocks explosion until he read it in a newspaper.

Murray L. Pennell, former president of a local union at Springfield, Ill., gave his reasons for writing several letters which the government charges concerned plans for explosions. In one letter he said he requested that Hockin be sent to Springfield as a national organizer to help unionize a job which later was blown up. The explosions occurred on a viaduct in March, 1910, with \$45,000 damage, but Pennell denied knowing who caused it.

BREVITIES.

Suit was filed in the district court this morning for divorce by Blanche Wilde against Paul W. Wilde.

Catholic children from six to 10 years of age will meet Saturday afternoon at 2:30 o'clock at St. John's hall. A large attendance is requested.

Suit for divorce was filed yesterday afternoon in the district court by Mattie J. Ivie against R. E. Ivie on the grounds of desertion. They were married at Idaho Falls, Dec. 22, 1905.

The work of remodeling the first floor of the Hotel Bristol is under way. The lobby is being enlarged and will be connected with a commodious dining room which is being fitted up and which will be run by Mrs. Jennings.

The students of Link's Business college, 150 strong, accompanied by the faculty of the school, enjoyed the evening at the White City rink last night. Special music was rendered for the occasion and the students all had a merry time.

An automobile map of Idaho showing all of the good roads through this state has been received by the Boise Commercial club from an eastern concern. The information was furnished by the club and the auto-ists of the city.

William Mainland of Oshkosh, Wis., head of the Mainland interests, which own the Idaho-Cregon properties and the lines of the Idaho Traction company, is in the city for a few days looking over improvements being made and consulting with heads of the different departments on business matters connected with the company. Mr. Mainland states his visit is entirely in connection with present work being done by the company and to consult with heads of the different departments.

Better see Sampson Music Co. and select a Christmas Victrola. Prices \$15 to \$200. You may be disappointed if you delay.

AMUSEMENTS.

"Polly of the Circus."

An event of the theatrical season is "Polly of the Circus," Frederic Thompson's magnificent production, and the number one company, which was seen at the Pinney last night with Miss Elsie St. Leon in the titular role, supported by members of the original "Polly of the Circus" company.

Margaret Mayo's wholesome and simple story of the circus ring, is one of the most delightful plays of recent years. It would be a difficult task to imagine a prettier scene than that with which the first act of "Polly" closes. It is there that the young girl of the circus world gets her first insight into things that are higher and better, when as she first regains consciousness and realizes her helplessness, the minister reads to her, at her request, those memorable lines from the Book of Ruth: "Entreat me not to leave thee or to return from following after thee for whither thou goest, I will go; and where thou lodgest, I will lodge. Thy people shall be my people, and thy God my God." The curtain falls, and the real story is begun. Pathos is mingled through the play with no less excellent humor than Polly's slang when she

first converses with the minister about his people. She calls him a "sky pilot" and, talking of her business as compared with his ministerial duties says: "One year you give 'em the rottenest kind of a show and they eat it up; the next year you give 'em a 'knock-out' and it's a frost." Those are but random samples. The circus scenes of the third act are revelations of stage craft. It's all there, the rings, the horses, the trained ponies, the clowns and everything and everybody else, including the famous St. Leon family. The setting of the last act scene is as wonderful as it is beautiful. The circus trains and wagons winding their way up the pathways while Polly remains once more and forever behind and with the man after her own heart. Taken all in all, "Polly of the Circus" offers more pure and wholesome entertainment than any play has had in a long time, hence its success. The engagement closes tonight.

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