

10 YEARS FOR MRS. BARUTH

Judge Huneke this morning gave Mrs. Josephine Baruth the limit of the law when he sentenced her to serve 10 years in the penitentiary and to pay a fine of \$1000. After a three days' trial a jury last Monday found Mrs. Baruth guilty of manslaughter.

Mrs. Baruth, on March 26, shot her husband in their home at Medical Lake. Blood poisoning set in the wound and Mr. Baruth died a few days later at the Sacred Heart hospital in this city. The shooting followed marital trouble of

many years standing.

On trial Mrs. Baruth's defense was that her husband had attacked her with a poker and threatened her life. She claimed she shot in self defense.

The testimony of her 12 year old daughter, Agnes Baruth, practically sent the mother to the penitentiary. The daughter was present at the shooting and her story differed from that of her mother in many essential details.

Mrs. Baruth's attorneys gave notice of appeal and will carry the case to the supreme court.

MINERS' OFFICIALS WERE DECLARED GUILTY ON SIGHT

ALL CIRCUMSTANCES, SAY THE DEFENSE, POINT TO A CONSPIRACY TO RAILROAD MOYER, HAYWOOD AND PETTIBONE TO THE GALLOWES—CASE AGAINST THEM CHIEFLY BASED ON THE WORD OF A GAMBLER, DEGENERATE AND MURDERER—STRONG CLAIMS OF THE DEFENSE.

(Note—This is the fifth and concluding article by Correspondent Waldeck, who investigated the great Idaho murder case for this newspaper.—Editor.)

By Jacob Waldeck.
BOISE, Idaho, May 21.—The defense of the miners' union officials charged with the murder of ex-Gov. Steunenberg, is in strong hands. It is a cheerful, forceful defense.

Attorneys representing Moyer, Haywood and Pettibone are E. F. Richardson, of Denver, counsel for the Western Federation of Miners; J. H. Nugent, Silver City, Idaho, prosecuting attorney of Awyhee-co, Fred Miller, a prominent attorney



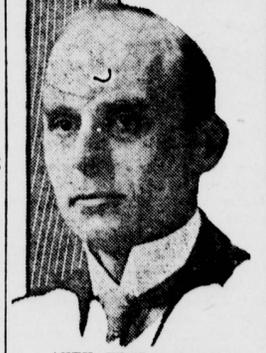
ATTY. J. H. NUGENT.
For the Defense.

of Spokane, Wash., and Clarence Darrow, Chicago.

The prisoners are sustained by the 100,000 members of their organization, by the great mass of organized workmen in the country, by the Socialists in a solid body and by a considerable public sentiment that feels that it is not a case of fair play.

The fact that all the evidence has been gathered by the very agencies employed by the mine-owners in their war with the federation, has not contributed to popular confidence in the prosecution. The extraordinary activity of public officials of all grades in co-operating with these agencies has given rise to doubt as to whether the prisoners have been protected in their rights.

As soon as Steunenberg was

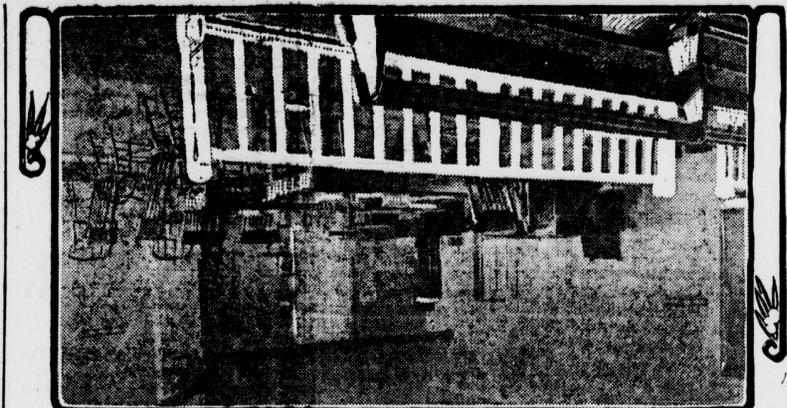


ATTY. FRED MILLER.
For the Defense.

killed Governor Gooding charged the crime to the "lawless forces" of the Coeur d'Alenes and it was at once crystallized into a charge against the miners' federation.

Jas. McParland, the Pinkerton detective in charge of the police work, is quoted as having declared that Moyer, Haywood and Pettibone would not leave Idaho alive.

They were declared guilty on sight. To clinch it they were classed with the Molly Maguires and there was charged to be in the miners' federation a murderous inner circle of which the prisoners were the chief conspirators. There was no presumption of innocence, no possibility of innocence, apparently, in the minds of the prosecution.



THE COURT ROOM WHERE THE FAMOUS IDAHO MURDER CASE WILL BE TRIED.

Two governors, an adjutant general, Pinkerton detectives and a railroad company combined to get them from Colorado to Idaho without an opportunity to appeal to a court. They were arrested at night, held in secrecy and transported in a special train. This train was run through at full speed.

Counsel for the prisoners sought to have the extradition set aside. Their contention was based on a clause in the United States constitution that only a person who "frees from justice" may be extradited. They argued that the prisoners had not fled and that, as a matter of fact, they had been in Denver all the time. They cited the Hyatt case wherein the United States supreme court held that a man could not be extradited unless he was in the demanding state at the time the offense was committed.

This presentation was to the prosecution and the Idaho supreme court a mere bagatelle. In effect the prosecution said: "No matter how you were brought here you are in Idaho now and you are going to stay."

The state supreme court observed that according to the records the extradition seemed to be "regular and in due form," and that the question of the legality of the extradition could be raised only in Colorado, not in Idaho.

So far as it has been made public the charge against the prisoners is based chiefly on a long confession made by Harry Orchard, who killed Steunenberg, to a Pinkerton detective. Orchard, according to his own statement, has since his young manhood been a wanderer, a gambler, a miner and a whole-sale murderer. One of the leading men of the prosecution says Orchard is a degenerate. He admits or claims to have killed 30 men as the hired killer of the miners' federation.

This confession by Orchard was made AFTER TWO MONTHS' SWEATING BY THE PINKERTONS. They say it was due to an awakened conscience, belief in God and solicitude for the welfare of his soul. They say no inducements or promises of immunity were held out to him.

It is a fact, however, that after making the statement Orchard dismissed Fred Miller, who had acted as his attorney. When the latter called to see him Orchard sent out word that he was satisfied with matters as they stood and so declined Miller's further services.

When Orchard was arraigned in court he was mute, declining to plead either guilty or not guilty. Judge Frank J. Smith entered a plea of not guilty.

Steve Adams, who was arrested in Oregon, has also confessed. He is held at the pen, as a sort of guest of the state, no charge having been entered against him. Adams says he was hired by the federation to throw Greek fire into a trainload of nonunion men and to commit other crimes.

Moyer, Haywood and Pettibone will first be placed on trial and Orchard and Adams will be used as witnesses against them.

It will probably be charged by the defense that much of the evidence alleged to be corroborative of the Orchard and Adams confessions was manufactured by the detectives.

The prosecution claims evidence that L. J. Simpkins, a member of the miners' federation, was in Caldwell with Orchard and took part in the murder of Steunenberg. A re-

ward has been offered for his arrest.

The defense has letters from Washington saying he was in that state at the time of the murder, but that it would be risky for him or

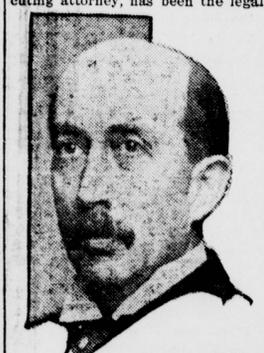
eight years. In that time no member of the federation has been convicted of a felony. One arrested on such a charge could not be convicted.

This prosecution, according to the defense, is an attempt by the mineowners, through their employes and friends in office, to destroy the Western Federation of Miners and to revenge the death of one who had befriended them by hanging, without particular regard to the evidence, three of their enemies.

The defense holds that the evidence so far produced by the state is unworthy of credence. It avers that, as a matter of humanity, the three federation men would not have committed such a horrible crime. Their connection with it is declared to be impossible, if there were no other reasons, by the fact that, if proven, it would ruin the federation.

any union miner to surrender to the present fierce combination in Idaho.

Nugent and Miller have not heretofore acted as attorneys for the federation. The former, however, in addition to his duties as prosecuting attorney, has been the legal



ATTY. E. F. RICHARDSON,
For the Defense.

adviser of several mining companies.

Nugent is prosecuting attorney in a county where two-thirds of the population is composed of miners and their families. He has served

CIRCUS MAN VERY BRAVE

A man known by the name of "Baloan Red," of Norris and Rowe's circus, lies at St. Luke's hospital suffering from a fractured skull, as the result of his bravery and presence of mind in saving one of the women employes from death under the heels of a fractious horse which had taken fright at a boy running across the street in front of it.

The woman was driving three horses and as the boy dashed across the street the horse bucked and attempted to run away. The woman lost control, and "Baloan Red," who was driving a team behind, put the whip to it and drew up along side, and not withstanding

the frantic kicking of the horses he reached over and grabbed the bridle. In doing so he lost his balance on his own horse and fell beneath the hoofs of the other team and received a kick on the back of the skull. The woman also fell, but only received a sprained ankle.

The blow affected Red's brain and when the ambulance was near the hospital he leaped out and started to run and lost his cap. He came for it, but not before it was in the possession of one of the attendants. Red agreed to enter the hospital peacefully if the hat was returned to him. Dr. C. P. Thomas is attending.

Clarence Darrow, famous Chicago lawyer for the defense.

TAKE PUTER TO OREGON

SAN FRANCISCO, May 21.—Assistant United States Attorney Black stated this morning that A. D. Puter, apprehended at Alameda yesterday for alleged complicity in the Oregon land frauds, would be taken to Oregon immediately, where proceedings in the federal court would be begun against him.

STRANGER WAS EASY MONEY

Bunco men are the richer by \$50 for having met Cash Lawrence, who was en route from Culldesac, Idaho, to Wabash, Ind., last night. Lawrence was separated from his money by a card game, meeting a man who asked him into the Bar saloon, at the north end of the Monroe street bridge, where two other friends of the man he met inveigled him into a poker game. The police have several bunco suspects under surveillance.

TO CHANGE CIVIC CENTER IN FRISCO

SAN FRANCISCO, May 21.—The committee on special session of the legislature this morning considered constitutional amendments proposed for the widening of streets and repairing city property. The suggestion was made that the present city hall be sold and the property acquired for a city building on Van Ness avenue and Market street, which will be the new civic center. It is proposed to acquire land through the middle of

the block and then instead of opening this as an alley that the property owners be forced to take it in exchange for frontage on the street to be widened.

The mortality report from April 18 to April 20 is as follows: Deaths, natural causes, 145; violent deaths, not due to fire or earthquake, 7; deaths from earthquake 193, from fire 147; gunshot wounds 8, from fire and earthquake 45; from ptomaine poisoning 2; total 547.

LABOR'S ENEMY WILL NOT BE CONFIRMED

The matter of acting upon the name of Edward O'Shea, which was sent to the city council on May 11 by Mayor Daggett as a successor to Commissioner Weymouth, will probably come up in the city council tomorrow night. Councilman Pratt will also be seen in one of his famous political trimming stunts.

Mr. Pratt suggested the name of Mr. O'Shea to the mayor and when Mayor Daggett sent O'Shea's name to the city council Mr. Pratt did not want to vote for it, consequently he had it referred to the committee of the whole.

Under the belief that as Councilman Funk is out of the city the Democrats will not have sufficient votes to confirm Mr. O'Shea, Pratt will probably move tomorrow night to take O'Shea's name from the committee of the whole. If the program is carried out, Mr. Pratt could vote for Mr. O'Shea and then tell that gentleman that it was the Republicans who defeated him. The motion to take from the committee of the whole will be opposed, however, by the administration's friends.

SENATOR BURTON TO SERVE TIME IN JAIL

WASHINGTON, May 21.—Senator Burton of Kansas must serve six months in jail, pay a \$2000 fine on one count and \$500 fine and six months in jail on the second count. He was indicted on the charge of appearing before the department for personal gain in government proceeding. The court

prohibits Burton from ever holding an office of trust or profit under the government.

Burton ceases to be a senator when the sentence begins. Burton was given 60 days to file a motion for rehearing. Judgment has been suspended until the motion is heard.

BOY WAS DRUNK

Patrolman Shannon last night arrested Earl Summers, a 14 year old boy, and booked him at the police station for being drunk. The boy said he had got the liquor at the Banquet saloon, 929 First avenue, during the afternoon, when he had been sent with a written order twice by some men working on the Northern Pacific tracks. The third time, he says, he got the liquor without an order and drank it himself.

WILL NAME NEW DOCTOR

Mayor Daggett will tomorrow night send to the city council the name of a physician to succeed Dr. C. G. Brown on the board of health. The mayor has not yet decided upon whose name he will send to the council. The place was offered to Dr. P. S. Byrne. He refused it, however, on the ground that his private practice and other interests take up too much of his time.

BUNDY AWARDED DAMAGES

R. A. Bundy was awarded \$7500 for the injuries he sustained while employed at the Union Iron Works. The case occupied all of last week and though the jury arrived at its verdict Friday night it was not opened in court until today.

Bundy was a machinist and while employed in making repairs he became caught in the machinery and sustained injuries which disabled him for life. Under the factory law, \$7500 was as much as the jury could award him.

ASSEMBLY VOTES MONEY

DES MOINES, May 21.—The Presbyterian general assembly voted to raise \$300,000 in the churches on June 18 for the San Francisco California churches injured by the earthquake and fire.

PRESIDENTIAL APPOINTMENTS

WASHINGTON, May 21.—President Roosevelt nominated the following consuls: General William T. Fee, Ohio, at Mukden; Leo Alben Bergholz, New York, Canton, China.

HOUSE HAS RATE BILL

WASHINGTON, May 21.—The house committee will consider tonight the railroad rate bill which was passed by the senate.

SMOOT CASE IS POSTPONED

WASHINGTON, May 21.—The senate committee on elections and privileges postponed indefinitely voting on the Smoot case on account of Senator Burrows' indisposition.

ATTEMPTED SAFE ROBBERY

The safe of the Inland Mill & Manufacturing company, Madison and Railroad, was broken into last night by what seemed to have been very bungling amateurs who were frightened away before they had opened the inner door.

When Manager Simpson came this morning he found the front door of the office open and an investigation proved that the outer door of the safe had been forced open and a piece of a screw driver was broken off in the keyhole of the inner door.

The safe crackers would have secured very little even had they succeeded in their endeavors, for the safe contained only a few dollars.

The police were notified and Detective Alec Macdonald sent to investigate.

It was decided to employ the Draper bloodhounds, but Draper, after looking at the territory, decided it would be useless to employ the hounds in a section where there are so many pedestrians.

COMMITTEES ARE NOW IT SESSION

OAKLAND, May 21.—The committee of 15 went into executive session at Reed hall at 11 o'clock for the purpose of continuing the assignment of losses. No report has yet been returned by the various sub-committees, but it is thought many of those committees will complete work at an early date.

The office of the board of underwriters opened this morning on the second floor of the Ferry building for the purpose of general information only. It is stated the committee of 15 will move headquarters to the Ferry building tomorrow.

CANADIANS WILL FORWARD MONEY

OTTAWA, May 21.—It is understood the Canadian government has practically decided to forward the \$100,000 voted by parliament for San Francisco relief. It will go as a contribution to the Red Cross of Mayor Schmitz.

MASON IS SENTENCED

(Scripps News Association.)
NEW YORK, May 21.—Thomas Metelski, known as the "Masonic burglar," was sentenced to 40 years in prison today as an habitual criminal.

DEATH MAY BE STOESSEL'S FATE

ST. PETERSBURG, May 21.—It is rumored in military circles that the court martial investigation of the Port Arthur surrender con-

MEETS DEATH UNTIMELY

John H. Ransom, a broker living on East Seventh avenue in East Spokane, was killed yesterday by the accidental discharge of a Colt's automatic revolver, which he had been showing to a friend. Mr. Ransom was endeavoring to get a cartridge out of the barrel of the gun and was holding it toward his body when the gun was discharged. The bullet passed through the intestines and he died within an hour of internal hemorrhages.

Mr. Ransom was 25 years old and came to Spokane last July from Seattle. He leaves a wife and three children. He was a member of the S. A. A. C., the Brotherhood of Railway Trainmen and the Eagles.

U. S. CONSUL ASSASSINATED

BATOUM, May 21.—W. H. Stewart, the American vice consul, was assassinated at his country place last night by being shot through the head. The murderer escaped. Stewart was an Englishman and was appointed vice consul in 1904. His salary was paid in Fez. Stewart was engaged in business here.

CUT WAGES IN ZION

CHICAGO, May 21.—W. G. Vollva, the present head of the church in Zion, says he has reduced expenses of the church since January from \$9800 a month to \$3832 a month by reducing salaries and the working force. Overseers who have been receiving \$300 a month now get but \$90.

WALLER WILL REMAIN CHIEF

Notwithstanding reports to the contrary, Leroy C. Waller will remain in office as chief of police during the administration of Mayor Daggett. The police force under Chief Waller has made an enviable record and has rendered efficient work. Many criminals have been run down and sent to the penitentiary and the town has been free from any carnivals of crime. With the small at his command remarkably good order has been preserved in the city.