

# Publisher and Editor OF THE CAPITAL NEWS ARE Sentenced to County

# JAIL

## PUBLICATION OF CRITICISM OF COURT DECISION HELD TO BE IN CONTEMPT

## SUPREME COURT GIVES ITS DECISION IN THE CASE TODAY

## R. S. Sheridan, C. O. Broxon and A. R. Cruzen Are Sentenced to 10 Days and Fined \$500

Richard Story Sheridan, owner and publisher of the Evening Capital News and C. O. Broxon, managing editor of this paper, were found guilty this morning by the supreme court of the state of Idaho, which sat as accuser, judge and jury, in the case wherein they were charged with contempt, and sentenced, by a majority opinion, to serve 10 days in the Ada county jail and pay fines of \$500 each, in default of the payment of which execution was ordered levied to collect it.

A. R. Cruzen, charged with being a part owner in the Capital News and with the control and dictation of the policies of the paper, but who is shown by the sworn statement, made in accordance with federal laws, to neither own stock, an interest in or bonds of the publication, was found guilty of the same charge, sentenced to serve 10 days in the Ada county jail, pay a fine of \$500, and in addition pay the entire cost of the proceedings, the witness, clerk and bailiff fees amounting to probably \$250.

Under the sentence of the court, the three men were ordered to start serving their sentences today. The syllabus of the court was as follows:

**Syllabus of the Court.**  
"1. Held, that the information states facts sufficient to charge contempt.  
"2. The editorials and articles on which this proceeding is based directly charge that the court corruptly rendered the decision in the Spofford-Gifford case, and that it was rendered by reason of a political trade or bargain, and not on the law and facts. By such publications there was an attempt by wanton defamation and falsehood to insult and intimidate the judges, degrade the court and destroy its power and influence and inflame and prejudice the people.  
"3. Held, that said publications were a direct attack upon the court as a court and that the court, as a court, could not bring a private action to protect itself and that its only means of maintaining its authority is by contempt proceedings.  
"4. The liberty of the press is not guaranteed by the constitution against the publication of deliberate falsehood and misrepresentation in regard to decisions of courts, even though the publishers may think that public and political interests would be subserved by such falsehood and misrepresentation.

"5. The public press has no more license or right to publish falsehood and defamation than has a private individual.  
"6. The liberty of the press is only the liberty which every man has to utter his sentiments, and can be enjoyed only in subjection to that precept both of law and morals, 'So use your own tongue that you may not injure another.'  
"7. This proceeding is not a criminal action, and the statutes of the state do not require that such a proceeding be brought in the name of the state.  
"8. Held, that the Spofford-Gifford case was pending until the 23d day of October, 1912, when the petition for rehearing was denied, and that many of said editorials and articles were published prior to that date and that those published after said date were attached to said information simply to show the malicious and vicious intent of the defendants.  
"9. A person charged with contempt is not entitled to a jury trial, and the statutes regarding informations, indictments and the trial of criminal cases are not applicable to contempt proceedings.  
"10. The power of the court to punish is in accordance with the law which they have just laid down, have absolutely the power to take away the life, liberty and property of every citizen of the state who may hold views not in accord with theirs. It is true that they have admitted the right of the people and of the press to criticize them or their decisions, still they have retained the right to determine the extent to which criticism may go, and to determine for themselves whether criticism be permitted or whether it shall be punishable contempt.  
"Our opportunities for discussing the issue thus brought before the people, for the next 10 days at least, will be limited. After that we shall perform the duty we owe the people to go to the full extent permitted by the court in making people aware of the wonderful power they have entrusted to the two men who constitute the majority of the highest court of the state.  
"We are nicely situated, and have no doubt that we shall be able to complete the sentence imposed without great inconvenience to ourselves."

"11. The friends of the Capital News and of Mr. Sheridan, Mr. Cruzen and myself should understand that we do not feel that there is any degradation whatever in the sentence imposed by the majority of the court. Aside from Mr. Cruzen, who had nothing whatever to do with the writing or publication of the articles complained about, we feel that we are doing the greatest possible service to the people of Idaho.  
"While we bow in submission to the commands of the court, and while we recognize their decrees as the law of the state, we still feel that questions vital to the future freedom of all the people of Idaho have thus been brought to a point where every citizen may well pause and consider the power they have given to two men—a power, as will be noted in this decision—not alone over the freedom of the people, but one likewise over their property. These two men, constituting a majority of the court, in accordance with the law which they have just laid down, have absolutely the power to take away the life, liberty and property of every citizen of the state who may hold views not in accord with theirs. It is true that they have admitted the right of the people and of the press to criticize them or their decisions, still they have retained the right to determine the extent to which criticism may go, and to determine for themselves whether criticism be permitted or whether it shall be punishable contempt.  
"Our opportunities for discussing the issue thus brought before the people, for the next 10 days at least, will be limited. After that we shall perform the duty we owe the people to go to the full extent permitted by the court in making people aware of the wonderful power they have entrusted to the two men who constitute the majority of the highest court of the state.  
"We are nicely situated, and have no doubt that we shall be able to complete the sentence imposed without great inconvenience to ourselves."

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## CITIZENS MAY WELL PAUSE AND CONSIDER THE EFFECT OF THE ACTION BY THE SUPREME COURT

Mr. Broxon was the only one of the three members committed to the county jail who, when an interview was sought with them in their cell through the courtesy granted by Sheriff Roberts, which is a privilege which he gives all prisoners, said:

## Dissenting Opinion of Justice Ailshie in the Contempt Case

The separate opinion of Justice James F. Ailshie in the newspaper contempt case in which he concurs in part and dissents in part, was delivered from the bench and while a much shorter opinion than that of the majority of the court, it reviewed the liberty of the press and held that A. R. Cruzen, under the evidence, was not guilty of contempt and did not own stock in or control the policy of the Capital News, while R. S. Sheridan and C. O. Broxon, were guilty of the contempt charge, a jail sentence should not be given, and only a nominal fine. The opinion is as follows:

## CHINESE TROOPS ARE DEFEATED BY A TIBETAN FORCE

Soldiers Distrust Their Commanders and Grow Insubordinate—Opportunity Is Seized by Assailants.

Chentu, China, Jan. 2.—Three hundred Chinese soldiers were killed by a force of Tibetans near Hsiang Cheng, on the border of Tibet, last night. The Chinese troops also lost six machine guns. The official reason given for the defeat of the regular troops is that the soldiers refused to trust their commander's knowledge of the country, and became insubordinate. During the confusion which ensued the Tibetans seized the opportunity to attack the column which was totally defeated.

## VICEROY OF INDIA IS NOT RECOVERING AS WELL AS EXPECTED

Delhi India, Jan. 2.—The viceroy of India, Baron Hardinge, is not recovering as quickly as was expected from the wounds received when an Indian fanatic threw a bomb at him during his official entry into the new capital. He is suffering pain, and is in a feverish condition. A further operation may be necessary to remove fragments of the bomb which remain imbedded in the flesh.

## BRITISH STEAMER IS AGAIN IN TROUBLE

Wilmington, N. C., Jan. 2.—The British steamer Alcazar, bound from Haiti for Philadelphia, went ashore this morning on Cape Lookout. Calls for assistance were picked up by the revenue cutter Seminole, which left for the scene. This is the second time within a few days that the Alcazar has been in trouble off Cape Lookout. A week ago the Seminole found the Alcazar anchored in dangerous water off Lookout shoals, and towed her to a spot of safety.

## No Cars Are Running.

Yonkers, N. Y., Jan. 2.—Not a car is running here this morning, and the leaders of the carmen, who quit work yesterday rather than break in a New York man as motorman, said they expected to tie up the entire trolley traffic of West Chester county.

## Abe Martin



What's become o' th' good ole time mother that wuz allus waitin' fer a bright, sunshiny day t' take th' children up t' th' photograph gallery? Dame Fashion still lives in Paris—th' wickedest city in th' world.

## TURKEY MUST COME TO TERMS OF ALLIES OR FIGHT

## Peace Delegates Will Not Dicker Longer and Will Not Make Concessions Demanded By Turks

London, Jan. 2.—Peace negotiations between the Balkan allies and Turkey will be broken off, according to Dr. S. Daneff, chief of the Bulgarian delegation, unless the way which the Turkish delegation is now preparing showing the proposed boundary between Bulgaria and Turkey should prove to be in accordance with the terms laid down by the allies.

## STRIKERS' RANKS GROWING DAILY; TERMS PROPOSED

Effort Is Being Made to Bring the Strikers and the Garment Manufacturers Together.

New York, Jan. 2.—The United Garment Workers of America, on strike for higher pay and better working conditions, expect to add to their ranks within the next 24 hours 70,000 bushmen employed in local department stores. The strike orders to the bushmen, workers employed to make alterations in ready-made garments, are issued, strike leaders declare, in an effort to reach the retail trade, and bring the entire garment-making industry within the scope of the situation.

Meantime the state board of mediation, the chamber of commerce and the International Peace Forum are endeavoring to bring about an adjustment of the differences. The committee will meet at strikers' headquarters to discuss the terms of the agreement with certain manufacturers who have shown an inclination to yield to the demands.

London, Jan. 2.—After their protracted diplomatic skirmishing, the Turks have finally capitulated to a majority of the demands of the Balkan allies at a session of the peace conference in St. James palace. Through Rechad Pasha they agreed to cede practically the whole of the Ottoman empire's European dominions, except Adrianople and the territory between it and Constantinople, to their victorious but despised neighbors. The terms the Turkish delegates presented to the conference as a counter proposal to the demands of the allies were:

First—The rectification of the Turko-Bulgarian frontier by making the boundary west of the line now occupied by the troops of the allies in the vilayet of Adrianople.  
Second—The status of Adrianople to be settled by Turkey and Bulgaria direct.  
Third—The cession of the rest of European Turkey, including Janina and Scutari, to the allies.  
Fourth—The Albanian and Cretan questions to be solved by the powers.  
Fifth—The Aegean islands to remain Turkish.  
An important session. The announcement of these terms was wrung from the Ottoman delegates with the greatest difficulty. They came only after Rechad Pasha had reiterated Turkey's desire to shift the responsibility for adjudication of all vital questions to the powers, and as the representatives of the allies had registered their unchangeable objections to such a course and plainly had given the Turks to understand that the failure of the Ottoman delegates to embark upon serious negotiations would mean a resumption of hostilities. Yesterday's sitting was the most momentous and exciting since the beginning of the conference.

## CONTEMPT PENALTY DESCRIBED BY STATUTE.

"Section 5164—Upon the answer and evidence taken, the court or judge must determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five hundred dollars, or he may be IMPRISONED NOT EXCEEDING FIVE DAYS, OR BOTH."—Excerpt from revised codes of the state of Idaho dealing with contempt charges and conviction thereof.

## ORDER OF COMMITMENT.

In the Supreme Court of the State of Idaho,  
D. C. McDougall, Attorney General of the State of Idaho, Plaintiff,  
vs.  
R. S. Sheridan, C. O. Broxon and A. R. Cruzen, Defendants.  
The State of Idaho to the Sheriff of the County of Ada, Greeting:  
Whereas, the judgment of this court has upon this day been pronounced and entered in the above entitled cause, to the effect that said defendants be adjudged guilty of the offense of contempt of said court, a certified copy of which judgment is hereto attached and made a part hereof.  
Now therefore, this is to command you, the said sheriff of the County of Ada, to take and safely keep and imprison the said defendants, R. S. Sheridan, C. O. Broxon and A. R. Cruzen, in the county jail of the said County of Ada for the PERIOD OF TEN DAYS, commencing on the 2nd day of January, 1913. And these presents shall be your authority for the same.  
Witness the Honorable George H. Stewart, chief justice of the supreme court of the state of Idaho, this 2nd day of January, 1913.