

CONVICTED RED ESCAPES JAIL

Stay of Sentence Granted to Ruthenberg

TO ASK FOR NEW TRIAL

Attorney Announces Case Will Be Appealed to Michigan Supreme Court

ST. JOSEPH, June 4—(By A. P.) — Charles E. Ruthenberg, Cleveland radical convicted in the Berrien circuit court in March of violating the Michigan anti-syndicalism act, escaped prison sentence when he appeared before Judge White this morning, his counsel securing the court's permission to appeal the case before sentence is pronounced.

Attorney Frank P. Walsh presented the motion in behalf of Ruthenberg, asking for a stay of sentence until the conviction could be appealed to the Michigan supreme court. Prosecuting Attorney Charles W. Gore opposed the motion, but at the conclusion of the arguments Judge White announced he would grant the request Ruthenberg's counsel.

Ruthenberg was present. His bail of \$10,000 was continued in force and he will be required to be present at the opening of the next term of court, in September a formal proceeding only.

He was arrested with 15 others, on Aug. 22, 1922, when a sheriff's posse and federal agents raided the second annual convention of the Communist Party of America, held in the lonely sand hills near Bridgeman, this county. The raiders found two barrels buried in the woods and from them took portfolios containing the personal papers of 16 delegates, hundreds of pamphlets, books and manuscripts of radical nature, a half dozen typewriters, two duplicating machines and other paraphernalia of the convention.

Francis Morrow, a government secret agent known as "K-97" also was taken into custody at the time of the raid, he having attended the meeting in the guise of

Pioneer Dies



William F. Chittenden

William F. Chittenden died at his home, 110 E. Mt. Hope avenue, Saturday. He was born, and spent the first 50 years of his life in Yorkshire, Cattaraugus county, New York. Here on November 18, 1857 he was united in marriage to Mary Jane Wheeler, who survives him. Of this union three children were born, two of whom, Judge C. C. Chittenden, formerly of Cadillac, Mich., and now of Seattle, Wash., and Ida L. Chittenden, who lives in the home in Lansing,—survive. Another son, Carl H. M. Chittenden died in 1917.

Mr. Chittenden served in the Civil war, enlisting in the 154th New York Regiment. He came to Lansing in 1895.

The funeral will be at the home Wednesday at 10 o'clock. Rev. F. E. George officiating. The G. A. R. will have charge of the burial service. Interment in Mt. Hope cemetery.

HOME INVASION RULED ILLEGAL

State Supreme Court Hits at Dry Agent Practices

REVERSE 2 LIQUOR CASES

Sanctity of Private Residence Must Be Preserved, Declare in Decisions

Warrants for the search of private dwellings and the seizure of liquors found on the premises must be based on facts sworn to in complaints by the complaining parties, and are not valid when based on "information and belief," according to two opinions handed down by the Michigan supreme court Monday.

In one of these cases, which comes from Ottawa county, in which George Mertz is defendant the court opinion states that the warrant was issued on a complaint which set forth that the place was a private dwelling that Mertz had given the witness some "home brew," and the witness had had some moonshine in the Mertz home. The court held "the search warrant is void."

The court opinion points out that the 1921 law relative to search and seizure of intoxicating liquors, applies only to three cases: first the premises must be a place of public resort; second they must be used for the unlawful manufacture of intoxicating liquors; third, they must be used for the unlawful sale of liquors. The complaint, according to the opinion, did not so charge nor did it contain the required facts to substantiate such charges.

Preserve Sanctity of Home

The court says: "These provisions (of the 1921 law) are aimed to preserve the sanctity of the home which should not be frittered away by a loose construction of the statutes." The court emphasizes the fact that the law is designed to aid in enforcement of the prohibition law but by reason of its constitutionality (Continued on Page 13)

BANKER GIVEN JAIL SENTENCE

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