

U.S. Politic
General

VERTICAL

The Crisis
IN
Russianized West Virginia

**“Constitutional Government
Overthrown In West Virginia”**

BY
JOHN W. BROWN

CITIZENS OR SUBJECTS

**Shall Military Despotism Take the
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MOTHER JONES

Constitutional Government Overthrown In West Virginia

**Citizens or Subjects. Shall Military Despotism Take the Place
of Civil Government?**

By JOHN W. BROWN.

CHAPTER 1.

“God walks on sea and land, but the devil reigns in the coal fields of West Virginia.” This was uttered by General C. D. Elliott and the reference was to the civil war now going on in the Kanawha valley where the coal miners and the coal barons have grappled in a life and death struggle which can only end in the surrender of either one of the contending forces. “And the devil is greed,” says General Elliott. Greed personified in a handful of mercenary plutocrats who know no more, care no more for the rights of humanity than do the lean dogs who lick their grimy hands.

The details of the terrible struggle do not differ from that which could be written of all the other coal fields, and forms but another page in the development of American capitalism.

A Long Story of Stealing.

First comes the usual questionable and fraudulent land titles, then corrupt legislation, then the usurpation of the courts and finally the general debauchery

of the whole body politic. The Moloch of capitalism is never satisfied. It has no heart, no soul, no conscience. It has but one object, one purpose, and that is to make profit. It stands with wide open mouth crying "give, give, give," and the people of West Virginia have given, given and given again, first their lands, then their labor and now the insatiable beast demands the half starved babes. The strike in the Faint Creek and Cabin Creek districts has a shadowy background reaching back some ten years or more.

In 1902 the coal miners of West Virginia organized under the auspices of the United Mine Workers of America. Immediately following, the coal barons began their present fight against the union and a general strike followed. During this strike Judge Jackson and Judge Keller issued their nefarious injunctions, which, if obeyed by the miners, would have been nothing short of wholesale suicide. Naturally, the miners refused to bow to these injunctions and there followed a reign of rapine, and legalized murder such as is seldom found in the pages of human history, among which is recorded what is now known as the Stanford City massacre.

An American Program.

Dan Cunningham, at that time a United States deputy marshal, armed with injunctions and eviction papers and preceded by an army of professional murderers, went to Stanford City in the night and at daylight made a murderous attack upon the helpless and defenseless miners, murdering them as they slept. Unarmed, old age, fathers and mothers, youths and even suckling babes were shot down like wild beasts and not even the prayers of pregnant mothers could prevail against their thirst for human blood.

There is always a point beyond which lies desperation and revolt. This point was reached during the strike of 1902 and for the time both the federal authorities and the coal barons were baffled. But not for long. The Baldwin-Feltz detective agency, an organization composed of ex-convicts and professional strike-breakers entered the field and agreed by contract to break the strike, and from that day until this, there has existed in West Virginia a state of guerilla warfare that beggars either tongue or pen to portray.

Preparing Defenseless Victims.

A law was passed through the legislature prohibiting the citizens from carrying arms under a penalty of six months in jail and a fine if from \$50 to \$500. The legislature, having disarmed the miners the professional murderers were given a free hand to carry on their reign of terror. Machine guns were mounted in Fayette and Raleigh counties and manned by the hired assassins of the coal barons and many were the grewsome stories told by those who had to live within the reach of their death dealing breath. During this reign of terror, what is known as the New River, the Norfolk and Western, and the Fairmont fields lost in the fight with the coal barons and only the Kanawha fields were able to withstand the siege. Cabin Creek was one of the districts that won out in the strike of 1902. Their victory carried with it the "check-off system," a "check weighman" and a general recognition of the union. In the fall of 1904, the coal barons of Cabin Creek, of which Charley Cabell, notorious for his brutality to the miners, is the head, refused any longer to acknowledge the check-off system, thus violating the contract agreed and signed by a joint committee composed of representatives of

with the miners' union and the operators. The miners went on strike again. The Baldwin thugs were rushed to the scene. Judge Burdett, who for a number of years had been retained by the miners as their legal adviser, was in the fall of 1904 elected judge of the circuit court largely by the vote of the miners.

As a reward for his election he rendered what is known as the "master and servant decision." This decision was to the effect that a miner who rented a house from the coal baron was no longer to be considered in the eyes of the law as a tenant and the coal baron as a landlord, but that their relation should be that of "master and servant."

Under this decision, the miner, as soon as he was discharged was dispossessed from his home. If he chose to leave the company he worked for by his own volition, he was immediately ordered out of his home and in the event of his not obeying this edict he was thrown out by hired assassins who were commissioned by the governor as "railroad detectives," deputized by the sheriff and county court as deputy sheriffs, drawing their filthy lucre from the coal barons and adding to the fame of the notorious Baldwin-Feltz strike-breaking agency and to the ever-lasting shame and degradation of the State.

Hunting Evicted Tenants.

During this strike of 1904-5, on Cabin Creek, the miners were dispossessed by the wholesale. Wives and mothers, invalids and babes and what few scraps of furniture belonged to them, were thrown out overnight, while the defenseless miners were made to walk, and in many cases wade the creek its entire length of twenty miles to Kanawha river and freedom beyond Czar Cabell's zone.

At this time, A. B. Littlepage, then state senator, was engaged by the miners' union as their attorney. Littlepage was instructed by the miners' union to bring suit against the coal barons for damages done to property when their hired assassins threw them out on the highway. In a "test case" the miners got a judgment of \$1,500. There were seventy-five cases in all to be brought. Littlepage represented to the miners that the cases would be appealed to the higher court and the chances were strongly in favor of the higher court reversing the decision. Therefore, he, as their counsel, advised them to compromise and settle for whatever they could get. Littlepage engineered this compromise and settled for \$125.00 in each case. Littlepage, then, to show his sincere interest in the cast, and notwithstanding he was hired by the miners, as their attorney, and was receiving a handsome fee for his services, deducted almost one-half of the \$125.00 as a special fee for service rendered in collecting the bill.

As a further reward for service rendered, the coal miners of the Kanawha Valley elected Littlepage to congress in the fall of 1910 and thus closed the scene of another act on the great stage where "all men are actors and each in his time plays many parts."

The curtain rises now on the spring of 1912. The stage setting is the same with the exception that the contamination has spread to Paint Creek and other fields in the Kanawha district. Under the reign of the Baldwin-Felts detective agency of professional strike breakers, every right and guarantee of citizenship has been trampled under foot. On April, 18th, a general strike was called throughout the union mines of District No. 17, of the U. M. W. of A. for

the purpose of establishing what is known as the Cleveland scale of 1912.

Making and Breaking Contracts.

On May 1st, a compromise was reached in which the miners agreed to accept one-half of the Cleveland scale and the recognition of their union. This was accepted by a joint commission composed of representatives of the operators and the miners union.

On May 2nd, the Paint Creek Colliery Co., one of the parties to the contract, repudiated the agreement, thereby forcing their men either to scab or go on strike. The men chose the latter and on the 8th of May the first detachment of "Baldwin guards" were sent to Paint Creek and following their arrival there, a reign of terror was established which has no parallel outside of barbarous Mexico or darkest Russia.

A chronicle of the crimes committed by these licensed and merciless cut throats would fill a volume in itself. On June the 5th, eight of them were indicted before a grand jury and held for murder in the first degree, and were released on a bond of \$3,000 each. A wholesale merchant and beneficiary of the coal barons acted as their bondsman.

The miners at Mucklow, Burnwell and several other camps were dispossessed under the "master and servant" decision of Judge Burdett. The miners made application for an injunction to restrain the operators from evicting them, but Judge Burdett, after a week or more of judiciary jugglery, refused to issue the order, notwithstanding such an order had been granted in Fayette County, which is in the same mining district.

Battle for Tented "Homes."

The dispossessed miners secured tents and settled

at Holly Grove at the mouth of Paint Creek. The coal barons and their hired assassins determined to break the union spirit and to drive the union men out of the district and opened fire on the tents at Holly Grove, July 25th, 1912. This was more than human endurance could stand and to this last outrage the miners retaliated and fought back with such weapons as they had and for two days the battle raged in and around Mucklow and just how many lives were lost will never be known.

About this time "Mother" Jones, the avenging Nemesis of the miners, appeared on the scene and with her came a new hope, a new courage and a new consciousness to the coal miners. There is something powerful about this old gray haired woman. When the coal barons hear her name they tremble. Barehanded and alone, Mother Jones walked up to the mouth of the gattling guns on Cabin Creek and demanded of the hireling that turned the crank that she be allowed to see her boys. Mother saw her boys and held a mass meeting in the Cabin Creek district and organized the miners and on August 7th the miners of Cabin Creek walked out on strike with their brothers of Paint Creek.

On August 29th, a drunk and disorderly Baldwin guard shot a man by the name of Hodge at Dry Branch. This precipitated a general fight in which Hines, the instigator, was killed and several others wounded. On September 1st, Governor Glasscock ordered out the militia and issued his first declaration of martial law.

Governor Glasscock, in an interview with the newspaper reporters a few days after admitted that he was not the Governor of West Virginia, that the gov-

ernment of the State was controlled by an "infernal legislative body" and an "invisible power."

Progressive Governor and "Invisible" Power.

This invisible power is wielded by Clarence W. Watson, who, when the present strike came on, was United State Senator from West Virginia. He is the power behind the throne that makes the laws of West Virginia; that kills every bill aimed to restore to the miners something of their rights. He represents that "invisible power" that has maintained the guard system as its ally and dragged the State of West Virginia to the verge of a civil war and is the one man more than all others who is responsible for the conditions that exist in West Virginia.

Senator Watson is West Virginia's uncrowned plutocratic king who carries his crown in his pocket and paid pimps on his payroll. His gilded palace is at Fairmont, but his sway is co-extensive with the state.

Senatorial Slave Drivers.

The Cincinnati Post, after an investigation of the conditions, said that: "He is master of men and milloins."

Until he became United States Senator he was president of the Consolidated Coal Company, of Fairmont, the largest corporation of the kind in West Virginia. He employs 15,000 non-union men. He is master of 100,000 acres of coal land. He makes dividends on \$12,000,000 worth of stock. He employs a private army of mine guards. He has besides, a retinue of dukes who do the more "respectable work" of the lobby at the state capitol.

His prime minister is William E. Chilton, United States Senator from West Virginia. Chilton is the

sole owner and manager of the Charleston Gazette. He is the most prominent corporation lawyer in the state. He lives in Charleston. His firm represents traction, coal, oil and gas and railroad as well, and his proud boast is that his law firm represents four-fifths of the corporate interests of the state, the interests that at times need certain legislation and at other times are anxious that certain bills be killed.

Chilton's law partner is Wm. McCorkle, Democrat leader of the State Senate. Behind Watson are the coal barons allied as "The West Virginia Coal Operators' Association." This association refuses to recognize the righteousness of the union and collective bargaining, yet exact to themselves the right to organize for collective strike-breaking.

This, in short, is the line-up in the greatest industrial battle West Virginia ever saw, and while the battle rages children are starving in the mine camps, some are living in tents while others again have been driven from their homes entirely. Their cries are echoed in the thunderous din from all over the state for organization; to abolish the guard system; to establish minimum wage; to establish just liability laws; to abolish the black list; to abolish the "fellow servant" and the "master and servant" judge made laws and to put into effect the initiative and referendum by which the people will be able to take the law making power out of the hands of the coal barons and their hirelings.

Investigation to See if Hell is Hot.

Governor Glasscock appointed a commission to investigate the conditions existing in the trouble stricken district. The commission was composed of a Catholic Bishop, a military captain and a politician.

Many are the grewsome stories told the commission by the miners, their wives and children and while nobody believes there will be any permanent good come out of such a commission, yet the world is learning of the horrors that surround the daily lives and homes of the 70,000 coal miners and their families of West Virginia.

The evidence submitted and sworn to relates how babies were born in the woods amid showers of bullets. Notable is the testimony of John Estep and his family who were fleeing from the guards and took shelter in an old shack where a baby was born on the bare floor. This baby was born while bullets were flying and the red law of the coal barons and their allies reigned supreme.

Killing Unborn Babes.

The most heart-rending testimony was that given by Mrs. Toney Sevillis, who told how her baby was born dead after the brutal mine guards fired bullets through her home. This poor mother, terrified, fled for safety to the home of Mrs. Waters, the wife of the mine foreman. Mrs. Waters, in testifying before the commission, said: "She was as white as a ghost when she ran into my house. She fell on her knee before me and made the sign of the cross. "Oh, save me; save me; my baby; my baby, my poor baby." She cried, and I took her in and a month later the baby was born dead. The doctor said it had been dead several weeks."

Mrs. Charles Fish, the wife of a miner, testified to how she and sixty-three others, men and women and children, had hid from the guards in a cellar for twenty-four hours after they had been driven from their homes by the fiendish guards, and how at length

they fled over the hills, hungry, dirty, unkempt and sick from their long fast in the dark cellar. She told how she was beaten and choked by the guards when she informed the strike-breakers at the railway station that there was a strike on at that place to which they were being shipped.

The "Pluck-Me-Stores."

The prices charged the miners at the "Pluck-Me-stores" which are owned by the coal barons, and the difference between these prices and the price of the same article in Charleston, furnish another chapter in the evidence taken. Potatoes, which sell in Charleston for 85 cents per bushel are sold to the miners for \$2.60. Arbuckle Coffee, which can be bought anywhere for 25 cents per pound, costs the miner 40 cents. Flour, sugar, bacon, beans and everything else which goes to make up a miner's diet is sold on the same basis.

When one stops to consider that the miners on Paint Creek and Cabin Creek are mining coal for 19 cents per ton less than the miners get in union fields; that in union fields 2,000 pounds constitute a ton, while in the non-union fields the coal barons exact 2,240 pounds for a ton, and not only that, but in the non-union fields they do not even weigh the coal; on the contrary, the miner has to load a car which is supposed to hold 2,240 pounds, but which in fact holds anywhere from 2,500 to 3,000 pounds, the wonder is not that the miners have revolted against such inhuman conditions; the wonder is that they have stood it as long as they have. However, the revolt is on and not only the miners but the people as a whole are aroused.

It is too early at this time to say just what the

result will be. The governor called a meeting of the business men of the state in Charleston, Saturday, September 21st. This meeting was dominated by the hirelings of the coal barons. A whole day was spent wrangling over the adoption of a resolution which was formed to eliminate the representatives of the miners' union from the conference. They then adjourned without even considering or taking up the matter for which the conference was called, which was to devise remedial legislation that would prevent any such recurrence in the future, ignoring entirely the civil war now raging throughout the Kanawha Valley.

On Monday evening, September 23rd, a citizens' meeting was held in Charleston at which John P. White, International President of the U. M. W. of A. and Frank J. Hayes, International Vice President, spoke. Arrangements were made at this meeting for a state-wide convention of labor to be held at Charleston on October 10th. Aside from the passage of the usual amount of resolutions and the making of speeches, there was practically nothing accomplished through the "State-Wide Convention". The Capitalist press of the State ignored it entirely and it is a question if even one per cent of the State ever heard of it. Nevertheless, the meetings aroused interest in the immediate vicinity of the coal fields and the people waited patiently for the report of the Commission and sincerely hoped that in summing up its findings, it would recommend some practical solution of the problem. But, as has always been the case with such commissions, in its recommendations to the governor, it evaded entirely the actual cause of the contention.

About the middle of November trouble broke out

again between the miners and the guards and on November 15th the Governor issued another declaration of martial law and the militia was called out for the second time. Evidently it was the intention of Governor Glascock and the powers that be to make a grand clean-up of the miners and wipe out entirely the splendid spirit of solidarity that has manifested itself so much throughout the whole conflict.

CHAPTER II.

Military Despotism. . .

Governor Glascock, in issuing his proclamation of martial law, also issued an order declaring that all offenses against the civil laws, as they existed prior to November 15th, 1912, should be regarded as offenses under the military law, and as punishment therefor, "the military commission can impose such sentences, either lighter or heavier, than those imposed under the civil law, and as in their judgment the offender may merit."

This proclamation is in itself such an outrage against civil government that we find it hard to make the American people believe it was ever promulgated. Since this order was issued Mother Jones and myself have held mass meetings in Cincinnati, Cleveland, New York, Washington, D. C., and several other large cities and I am frank to admit that in but few places did we succeed in convincing our audiences that it was cold blooded facts, freighted with powder and "steel-jackets" and not mere fiction we were talking about. And in case this pamphlet should fall into the hand of other doubting Thomases, I herein quote the military orders in full.

State Capitol, Charleston, Nov. 16, 1912.
General Orders No. 23.

The following is published for the guidance of the Military Commission, organized under General Orders No. 22, of this office, dated November 16, 1912:

1. The Military Commission is substituted for the criminal courts of the district covered by the martial law proclamation and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law and as a punishment therefor, the Military Commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

2. Cognizances of offences against the civil law as they existed prior to November 5, 1912, committed prior to the declaration of martial law and unpunished, will be taken by Military Commission.

3. Persons sentenced to imprisonment will be confined in the penitentiary, at Moundsville, West Virginia.

By Command of the Governor.

C. D. ELLIOTT,

Adjutant General."

"Charge, Finding and Sentence in Case of Joe Raines, Miner.

Charleston, W. Va., State Capitol, Nov. 21, 1912.
General Orders, No. 26.

Before the Military Commission, which convened at Pratt, W. Va., pursuant to General Orders, No. 23, Nov. 16, 1912, of the Commander-in-Chief, and at which Major James I. Pratt, 2nd Infantry, National

Guard of West Virginia was president, Colonel George S. Wallace, 2d. Infantry, National Guard of West Virginia was Judge-advocate, was arraigned and tried:

Joe Haines.

CHARGE 1. Intimidation of workmen in violation of Section 19, Chapter 15—H of the Code.

Specification 1. In this, that the said Joe Raines, did on or about the 9th day of November, 1912, by force, threats, menaces and intimidation, attempt to prevent a foreigner, whose name is unknown, from going to Cabin Creek Branch, for the purpose of working in and about a coal mine, located on said Cabin Creek Branch, the said foreigner desiring so to do.

This at Cabin Creek Junction, West Virginia, within the military district of Kanawha County, covered by the Governor's proclamation of November 15th, 1912.

Charge 2. Obstructing a Railroad Company in the use of its property, in violation of Section 31 of Chapter 145 of the Code.

Specification 2. In this, that the said Joe Raines, did unlawfully, obstruct the Chesapeake & Ohio Railway Company, a corporation operating a railroad in this state, in the use of its property, in this, that the said Chesapeake & Ohio Railway Company then and there attached to one of its trains, certain coaches containing men commonly known as "transportation men" destined to some point on the Cabin Creek Branch of said railroad, and the said Joe Raines then and there obstructed said railway company, in the operation of its said train, by declaring that the said train should not be moved so long as any transportation men were on said train, and counseled, advised

and encouraged other persons then and there assembled to interfere with and obstruct said railway company in the moving of its said trains, all of which resulted in the said coaches containing said transportation men being detached from the train, resulting in delay and inconvenience to the said railway company.

This at Cabin Creek Junction, West Virginia, on or about Friday, November, 15th, 1912, and within the Military District of Kanawha County, covered by the Governor's proclamation of the same date.

To which charges and specifications "the accused pleaded not Guilty."

Finding.

Of the specification first charge..... "Guilty"
Of the first charge..... "Guilty"
Of the specifications second charge "Guilty"
Of the second charge "Guilty"

Sentence.

To be confined in the State Penitentiary at Moundsville, W. Va., for a period of five (5) years.

Action.

The Commander-in-Chief having approved of the finding, sentence and record of trial, directs that the sentence be duly executed. The Commanding Officer, Camp at Pratt, W. Va., will detail a suitable guard to convey the prisoner, Joe Raines to the State Penitentiary at Moundsville, W. Va., to serve his sentence. The Warden of said Penitentiary is authorized and directed to receive and keep the said Joe Raines as a prisoner in said Penitentiary until discharged by law.

WILLIAM E. GLASSCOCK,
Governor of West Virginia,
ex-officio COMMANDER-IN-CHIEF."

Under this edict some eighteen or twenty men were railroaded to the penitentiary without having been given a hearing. Language fails us when we attempt to criticize the acts and decisions of this Military "Court." As a sample we present one case out of the many and quote from a brief presented by Harold W. Houston, attorney for the United Mine Workers of America, in a petition of habeas corpus presented to the Supreme Court of Appeals in the case of Frank Nance:

On the ——— day of November, 1912, the petitioner, a civilian in private life, having at no time been a member of the military forces of the State, or of the the military or naval forces of the United States, was arrested by the military forces and incarcerated in a military 'guard house' at the town of Pratt, West Virginia, where he was kept under military guard. Subsequently, on the ——— day of November, 1912, he was taken before the Military Commission appointed by the Governor and arraigned upon a charge of having violated Section 4317 of the Code of West Virginia. Said offense was charged in the 'specification,' and conclusively proven by the evidence, to have been committed, if committed at all, on the 7th day of November, 1912, eight days before the declaration of war made by the Governor. The petitioner was tried and convicted by said Military Commission according to the rules and usages of actual war, and sentenced to serve a term of five years in the State penitentiary at Moundsville, West Virginia. Said sentence was subsequently affirmed by the Governor, and the petitioner was taken to said penitentiary, where he is now confined and forcibly imprisoned by and under the custody of the Warden.

“At the time of the alleged commission of said alleged offense, and at the time of the arrest, imprisonment, trial, conviction and sentence of the petitioner, all of the civil courts of the county in which said offense was alleged to have been committed, were in the full, complete and undisturbed exercise of of all of the powers and functions conferred upon them by law. During all the period referred to in these proceedings there has never been the slightest interference with the orderly and lawful administration of criminal justice by the legal tribunals of Kanawha County.”

The Frank Nance Case.

Nances' offense against society consisted in him having told Capt. A. C. Wood formerly of the Militia, but who at the time was engaged in the capacity of a private policeman that he had no right to place a man under arrest without a warrant.

The incident grew out of a fist fight between a negro and an Italian at Paint Creek Junction. Wood went to arrest the men and Nance remonstrated and told him “he was no better than the guards” and that he was being used by the Operators simply as a strike breaker. And for this he has been sent to the penitentiary for five years. Please note that this offense was committed eight days before the declaration of war made by the Governor.

This case has been passed on by the Supreme Court of the State. The case was presented by Harold W. Houston, attorney for the United Mine Workers of America, December 17th. The Court's decision stood four to one to sustain the action of the Governor. In the light of such far reaching developments it is well to ask, where are we at?

We again take the liberty to quote from Attorney Houston's brief, as presented at the bar:

“Taking up the provisions of the State Constitution, we find that Section 3, Article 1, reads as follows:

“The provisions of the Constitution of the United States, and of this State, are operative alike in a period of war as in times of peace, and any departure therefrom, under the plea of necessity, or any other plea is subversive of good government and tends to anarchy and despotism.’

“In the great case of *ExParte Milligan*, decided by the Supreme Court of the United States (71 U. S., 294), we find this language:

“ ‘The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.’

“This should quiet for all time the proposition that the Governor of this State may, at his will, suspend the provisions, not alone of the State, but of the National Constitution. We submit that it is not a question that will admit of controversy. If language means anything these plain words cannot be misunderstood.

Section 12, Article 111, is as follows:

“ ‘Standing armies in times of peace, should be avoided as dangerous to liberty. The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court, for any offense that is cognizable by the civil courts of the State.’

“This section was evidently meant to meet just such an attempt to subvert the liberties of the people as is now presented in the case at bar. As shown by the record, the petitioner was charged with an offense against Sec. 4317 of the Code of West Virginia, and he was therefore tried and convicted by a ‘military court’ for an ‘offense that is cognizable by the civil courts of the State.’ It will be readily seen from a review of this case that there is scarcely a single constitutional right of the petitioner that has not been flagrantly, not to say criminally violated by the military authorities of the State. He was deprived of his liberty without due process of law, or the judgment of his peers. He was held to answer for a crime without the issuance of a warrant based upon a complaint under oath, and without presentment or indictment of a grand jury. He was subjected to a penalty out of all proportion to the character and degree of the offense charged against him. The maximum penalty imposed by statute for the crime charged against petitioner is five hundred dollars, and, at the discretion of the court, imprisonment not exceeding one year. Thus, for a simple demeanor, this petitioner was sentenced to serve a term of five years in the penitentiary!

“It is attempted to justify and excuse this arbitrary and despotic exercise of the war power by the

Governor under the specious plea of necessity. This has ever been the plea of those who sought to subvert popular government. It was the knowledge of this fact that caused the framers of our constitution to declare that it should be 'operative alike in a period of war as in time of peace, and departure therefrom, or violation thereof, **UNDER THE PLEA OF NECESSITY, OR ANY OTHER PLEA**, is subversive of good government, and tends to anarchy and despotism.'

“The facts that stand out in startling boldness in this case are these: The order of the Governor attempting to confer jurisdiction upon the Military Commission provided that offenses against the civil laws as they existed prior to the declaration of martial law; that the penalties to be imposed by the Commission might be lighter or heavier than those provided by statute; that said order of the Governor attempted to confer jurisdiction upon said Military Commission to punish offenses committed **PRIOR** to the declaration of martial law and still unpunished; that petitioner was arrested, arraigned, tried, convicted and sentenced for an offense committed, if committed at all, **EIGHT DAYS BEFORE THE DECLARATION OF MARTIAL LAW**; that the maximum penalty for said statutory offense is five hundred dollars, and, in the discretion of the court, confinement in jail not to exceed one year.

“If it be once conceded that war has been legally declared and established, and that, in the exercise of the war power, a military commission has been created to supercede the civil courts, it is hard indeed to find a limit for the exercise of the arbitrary power thus conferred on such a tribunal. We submit that upon the question of the jurisdiction of such a Mili-

tary Commission we are practically without precedent in American law. Nor do we believe that precedent is essential to guide us to a right conclusion upon a matter that will admit of but one answer.

“A serviceable, if not infallible test of the accuracy or reasonableness of a proposition, is to follow it to its logical conclusion. This test might profitably be used upon the question in hand. What would be the logical result of holding that a Military Commission, armed with limitless arbitrary power, could punish, in such manner as it should see fit, a civilian for an act committed before the declaration of war and the creation of such Commission?

The answer is obvious. In the language of Justice Woodbury, in his dissenting opinion in *Luther vs. Borden*, ‘every citizen would exist with a rope around his neck.’ The citizen in civil life would have no assurance that he might not, at some future time, be called to account before one of these omnipotent tribunals, tried, convicted and summarily executed for an act that, at the time of its commission, was not a criminal offense under the civil laws. The most virulent despotism could ask no more potent weapon than this. Armed with a power limitless not only in extent but in duration of time, the lives, liberty and property of every citizen would be at the mercy of the man who happened to be tossed into power by a myopic electorate. English history, especially prior to the Elizabethan era, is black with crimes committed under the retroactive powers of the crown. The dauntless spirits who carved out this nation with the red sword of war had tasted some of the bitter fruits of this power in their dealings with the mother country. They knew that liberty was impossible with this weapon of

political autocracy in the hands of any governmental functionary and for this reason they expressly denied, even to Congress, the power to enact *ex post facto* laws.

“Speaking of this constitutional provision, Joseph Story says: ‘It requires no reasoning to establish the wisdom of prohibition which puts a fixed restraint upon such harsh legislation. In truth, the existence of such power in a legislature is utterly incompatible with all just notions of the true ends and objects of a republican government.’”

“This power, denied not only to the National Congress, but to the States, is sought to be exercised by the Governor of this State under the ‘war powers’ claimed for and by him. Well may the citizens of this country stand aghast! Well may they ask: ‘where are the constitutional guaranties of life, liberty and the pursuit of happiness?’”

“The thoughtful citizen must view with deep concern the sharpening conflict now being waged in the industrial world. Industrial Autocracy and Industrial Democracy are locked in a death grapple. Political liberty, the heritage of the Nineteenth Century, cost this Nation untold wealth in blood and tears. Unless crushed by the iron heel of despotism, the crowning glory of the Twentieth Century is to be Industrial liberty. We must not sit silently by while we are shorn of the political weapons to fight the battles of the people. Silently and sedulously the unseen forces seek to wield the powers of government. The present reign of martial law is an illustrious example. It shows an all too willing disposition to subvert the rights and liberties of the people to the interests of industrial brigandage. It shows a willingness to con-

vert the military forces of the State into a strike-breaking agency at the behest of the criminal coal operators of the country.”

It is apparent that we can no longer trust our rights and liberties to the “infernial legislative lobby” which Governor Glasscock admits has enthroned itself above the executive, the legislature, the courts and the Constitution itself.

George S. Wallace, Acting Judge Advocate General and legal adviser of the Governor, in a brief filed in the Nance case before the Supreme Court, says:

“According to every definition of martial law, it suspends for the time being, all the laws of the land, and substitutes in their place no law, that is, the mere will of the military commander.”

This in short is a declaration of despotism. Two important questions arise: First. Has the Governor of the State the power to declare war? Second, having such power, may military courts, created under such power, treat the acts of civilians, committed before the declaration of war, as crimes against the laws of war? Bear in mind that during all the period of the strike there had never been the slightest interference with the orderly and lawful administration of criminal justice by the legal tribunals of Kanawha County.

The Supreme Court of the State has had this case before it now since December 17th, 1912, and up to the present time, April 25th, 1913, it has decided in favor of military despotism.

Too much cannot be said in commendation of Judge Ira E. Robinson for the manly position he has taken and his brave efforts against tremendous odds to uphold constitutional government. In his dissenting

opinions, both in the Nance and Mays case, and again in the "Mother" Jones case, he shows conclusively that law and government, as interpreted and construed by the black robed priests of justice, is but a huge, crafty scheme whereby the working class are tied, hands and feet while the capitalist class plunder and exploit them. The common people will soon lose all confidence in their law courts when they can be used as in these cases, simply to "snare the feet of justice in the toils of law where honor sits smiling at the sale of truth."

The commission appointed by the Governor to investigate the conditions, submitted its findings and recommended the establishment of a State Police and between the Military powers and the Coal barons, it was arranged that a sufficient number of the National Militia should be detailed to act as special police. When the Militia first came into the field on the 1st of September they were hailed by the miners with glad acclaim. It was not hard to see on whose side the soldier boys stood, and there was a general and deep feeling of fraternity existing between soldiers and civilian. But a few short weeks wrought a wonderful change. It became apparent it would not do to allow this spirit of fellowship to continue. Many of the companies had but little better than half their quota. The books were open for enrollment and the city slums were scoured and saloon bums, pimps, tin-horn gamblers and Baldwin Guards were recruited by the wholesale. It was a harvest feast for many of Charleston's lamest of tin-horn gamblers. Once in the service, they enjoyed all the privileges of the camp and many are the pitiful stories told of the "fleecing of the lambs." Needless to say that when the militiamen

returned to their respective homes, this was the element left at the solicitation of the Operators to do "police duty," and thus, in a few short weeks the miners beheld the State militia, which they had welcomed as the defender and bulwark of their constitutional rights, transferred into a scab herding institution, more brutal and tyrannous than the Baldwin Guards that preceded them. Especially is this so of what was known as "Captain Lester's" squad. This was as fine a set of buccaneers as ever scuttled a ship or cut a throat, and the story of their brutality would make a book in itself.

It was the overbearing attitude of this group mainly which aroused the miners to action in the early part of February when it was proclaimed from Maine to California that "war had again broken out in the Kanawha Coal Fields of West Virginia."

CHAPTER III.

Violence of the Mine Guards.

Lest it be said that this pamphlet has been colored in the interests of the miners, we here submit a few extracts from the evidence introduced before the Commission appointed by the Governor to investigate the mining conditions, and while reading these extracts we request that you keep in mind that it was in West Virginia and not in Russia that these atrocities took place.

"Miss Claypool being duly sworn testified as follows:

Questioned by Mr. Belcher,
representing the United Mine Workers of America.
Found on page 1298 of transcript of evidence.

Q. Where do you live?

A. I lived upon the Virginian. I stay at Holley Grove.

Q. Are you the girl the guards made wade the creek?

A. Yes sir, I am the one.

Q. Please tell the Commission in your own way how that occurred?

A. In the morning about six o'clock we went across the bridge. There was a dead fellow laying there. There was a girl there with me and we saw the fellow. She started back and those guards were coming after him. They started shooting at our tent and we started on the open road and we were walking fast. We didn't know what was occurring up there. We met them and they stopped me and asked me where I was going and where I had been. I told them I was going home. They told me I could not go across the bridge and I had to wade the creek. I told them I didn't want to. They made me go down the creek bank and I asked them if I could take off my shoes. They said "yes." I got one shoe off and they told me I was "too damned slow." Brown was the man. He made me wade the creek with one shoe off.

Q. You did wade the creek, did you?

A. Yes, sir.

Q. How deep was the water?

A. Up about here. (Indicating her arm pits.)

Q. Was anything else said or done at that time?

A. They told me that if I did not wade the creek they would kill me.

Q. How old are you?

A. Seventeen.

Q. Was that the time that Stringer was killer?

A. Yes, sir; I suppose that was his name.

Q. How many guards were there on that occasion?

A. To the best of my knowledge there were nine. I never counted them. There was a right smart squad of thm.

Q. How were they armed, if they were armed?

A. I never noticed. I knew they had their long guns with them. That is all I noticed.

Q. Did anybody point a gun at you?

A. Yes, sir; this man Brown drew a gun on me.

Q. What kind of a gun was it he drew on you?

A. I don't know except a long gun.

Following is an extract of the testimony of a miner by the name of James Petry, who was arrested without process of law by the guards on Paint Creek and imprisoned in a box car with a number of other miners:

Questioned by Mr. Belcher.

Q. Where do you live?

A. On Paint Creek at Holley Grove.

Q. What is your occupation?

A. I work in the mines.

Q. Are you one of the miners that was arrested by the guards on Paint Creek and imprisoned in a box car?

A. Yes, sir.

Q. Please tell the Commission, in your own woy, just how that occurred?

A. It was on the morning of the 26th day of July. They came down there in Holley Grove and I went up the street and one of them came up and asked me what I knew about the shooting there. I told him I didn't know anything about it. He told me to go over there on the railroad where they were going to hold an inquest. I told him I would wait until he came. When he came back I said, "I am ready for you."

From what they told me afterwards it was Gaujot. He said: "Look at what you done." I says: "I didn't do anything." He said: "Look at him." I looked at him. They put the man on the hand car and these men stood about him. We went up and when we got to the school house we heard some shooting. They dropped back on the road and fired over our heads. They said: "The first son of a bitch that runs we will blow his brains out." Some of the boys did run and Turkey Hale told them to get back there. He said: "You have brought it on yourselves so stand and take it." When they got there they marched us up the road until we got to the machine gun and they kept up by the side of the car. They arrested us at six or seven in the morning and it was four the next evening when they turned us loose. One of them came up there and asked: "Where are you going to put these men tonight?" They told him, "In the box car." He told them not to do it because it was not sanitary, but when he went away they put us there.

Q. Was the car guarded that night?

A. Yes, sir, they stayed out in front of it.

Q. Who were there?

A. I don't know their names.

Q. Were the men that stayed out there that night armed?

A. Yes sir.

Q. What with?

A. Winchesters.

Q. How long were you in the cars?

A. They put us in the car about dark and we got out about daylight.

Q. How long were you in the custody of those men?

A. From six or seven until four the next day.

Q. Were there any warrants served on you?

A. No, sir.

Extracts from the testimony of P. H. White who was driven from Paint Creek by a Baldwin Guard by the name of E. C. Payne.

Questioned by Mr. Belcher.

Q. Where do you live?

A. Up at Winifrede now.

Q. Were you up at Paint Creek during the trouble up there?

A. Yes, sir; I have been up there off and on for three years.

Q. When did you leave there?

A. They ran me away from there June 3rd.

Q. Who ran you away?

A. Mr. E. C. Payne.

Q. Who was he?

A. He was one of the guards up there.

Q. Was he one of the Baldwin-Feltz men, do you know?

A. No, sir; I don't know whether he was one of the Baldwin-Feltz men or not. I know that he belonged there and they claimed he was a guard.

Q. Tell just how you were run away from there?

A. On June 3rd I came down to the company store where we buy the railroad tickets at. The ticket office was in the company store there. I had some valises to express and I got a fellow to take my valises down. When I got down there I sent into the office there and asked the agent to express my valise. He said he didn't have time. I purchased a ticket for Montgomery and then I went out and sat down on the edge of the platform about three feet from the rail-

road and in about five minutes this fellow Payne, and Mr. Morton, the assistant superintendent of the Paint Creek Company, were there and Mr. Payne told me to stop there a minute. He went into the Company store and I went on in. He cursed me and said, "You son of a bitch what are you doing up here?" I said, "I work up here." He said, "you are not working now." I said, "I know that I am not working now." He said, "You haven't got any business here." I said, "I have my things up here. I am employed by this company." He cursed me then to every son of a bitch he could think of. He jumped at me and got hold of me and got into my pockets and searched me. I asked him what he was searching me for and he said it was none of my business and to shut up my mouth or he would blow my damned brains out. Then he reached for his gun. I shut up. He searched my pockets and I had some mail in my pockets and he took out all of my letters. I had just received a letter from my wife and another letter I had not read. He went into my pockets and got all my letters out and went through them.

Q. Did he read them?

A. Yes, sir; it seemed like he was reading them. Then he handed me back my letters and cursed me to every son of a bitch and everything else he could think of. He told me that walking was good and to get out of there. I went on to tell him that I had purchased my ticket. He threw his hand on his gun and told me to shut up. He said that if I opened my mouth he would blow my brains out. Mr. Morton said, "If you ain't going to work you ain't got any business." They told me to get out. I walked out and stopped on the railroad. I had a ticket and it was

fifteen or twenty minutes to train time. I stopped and he told me not to stop. He said, "If I ever catch you up here again I will kill you." I had a suit case weighing between seventy-five and eighty pounds and I had to pack that suitcase about fifteen miles. I don't know the distance from Burnwell to Paint Creek Junction.

Q. Have you the ticket you bought?

A. Yes, sir.

Q. Will you give it to the Commissioner?

(The witness here exhibited Ticket No. 798, Burnwell to Montgomery, dated June 3, 1912.)

Q. You had never been in trouble before, had you?

A. No, sir; I had never been in any trouble.

Following is an extract from the evidence of Mrs. Molly Fish, found on page 156 of the printed record of the official copy of this evidence given before the Commission hereinbefore mentioned.

Q. Where do you live?

A. At Holley Grove.

Q. Are you married?

A. Yes, sir.

Q. Have you any children?

A. No, sir.

Q. Who is your husband?

A. Charley Fish.

Q. How long have you lived at Holley Grove?

A. Since June 28th this year.

Q. Where did you live prior to that?

A. At Wacomah upon Paint Creek.

Q. Mrs. Fish, it has been testified before the Commission that an assault was made upon you some time ago at Paint Creek Junction. Will you kindly tell the

Commission the circumstances connected with that incident and how it happened

A. I was down at the Junction, I believe it was July 17th and helped my sister-in-law on the train with her baby and there were some transportation men came off and I got upon the car and there were 13 guards on the ground with the transportation people. I was getting upon the car where they were and I said, "Boys, there is a strike on Paint Creek and you had better stay away from there and not take our work from us." Mr. _____, one of the guards, grabbed me by the throat and hit me on the arm with his fist and some of them said, "watch out, that is a lady you are striking." He says, "God damn the lady; let her stay in her place." He struck me several times.

Q. Who was the guard?

A. He was a guard on Paint Creek.

Q. Did you know him by sight prior to that?

A. Yes, sir.

Q. Had you ever seen him go armed?

A. Yes, sir.

Q. What weapon did he have at the time?

A. I did not see any weapons on him that day.

Q. How many of the guards did you say there were?

A. There were 13 before the train ran the transportation men.

Q. What did you do after that?

A. The guards were fighting the miners that were there and I helped my husband. There were three on my husband. They were beating him and had him under the wheels of the company's shifter. They knocked him clean off the shifter. They knocked him

before he knew they were going to strike him. I ran over to his assistance.

Q. Did any of the other guards strike you too or push you at that time?

A. There were several hit me, but I could not tell who it was. Several hit me.

Following is an extract from the testimony of Jenina Seville:

Q. Have you had any experience with the guards on Paint Creek.

A. I know that there were guards up there and they beat me up.

Q. Explain to the Commission the circumstances attending this beating?

A. My husband was going down to the store and then he got arrested by the guards and the guards were going to take him away. I went close to tell the guards to let my husband alone; that I thought he had an excuse. My husband had never hurt anyone or done anything. When I went close and told them, they beat me up and threw me down on the track. They tore my shirtwaist from my arm.

Q. What else occurred?

A. About the 5th of June, I was washing in the house early in the morning and the guards came to the house and broke in the house and they punched me in the face and then went and threw the things upside down in the house searching for firearms. They were all mad. On the bed there was a little baby and they kicked me in the stomach and they called me bad names and used profane language.

Q. What other assaults were made on you or what other blows were struck, if any?

A. When they kicked me. I fell down on the floor

and they picked me up and said: "Give me the keys to the trunk."

Q. Did they strike you only once?

A. I was pretty near fainted and I do not know. They were dragging me around.

Q. What was your condition at that time?

A. I was pregnant six months.

Q. What effect did those blows have upon your condition; what was the result?

A. The effect was that since that time I felt sick all the time until my baby was born dead. I never heard my baby since the blow was struck.

Q. How long was it after the assault before the child was born?

A. I was struck on the 5th day of June and the baby was born dead in the hospital on the 19th day of August. The doctor told my husband that the baby was dead nine weeks before it was born.

Q. What was the name of the doctor?

A. It was two doctors. One is G. S. Schafer at Cannelton and the other at the Paint Creek hospital, but I don't know his name.

Q. Was it Dr. Hunter?

A. I do not know.

Q. Was the birth a natural one?

A. No, I felt awful sick and they called the doctor and the doctors gave me some medicine, morphine or something and they carried me to the hospital on a cot.

The Blacklist.

Copies of letters sent to the coal operators of West Virginia by the Baldwin-Feltz Detective Agency, in an effort to blacklist the miners:

Sept. 1, 1908.

General Manager,
Or Superintendent.

Dear Sir:

C. H. Crowder, white, age 35, married, height about 6 ft., dark complexioned, small mustache and J. I. Crowder, white, age 37, married, height about 6 ft., light complexioned, small mustache, were dismissed from Big Sandy Coal & Coke Company a few days ago for demanding check-weighman and creating dissatisfaction among the men.

Yours truly,

Aug. 5, 1908.

General Manager,
Or Superintendent.

Dear Sir:

George Wheeling, white, age about 40, sandy hair and mustache, married, and W. D. Anthony, white, age about 30, light curly hair, light eyes, smooth shaven, married, were discharged from the Oregon Coal Company account of being strong Union men and trying to force the Company to have a check-weighman.

B. C. Creiger and Charlie Boles (or Bowles), white were dismissed from Slick Rock Coal Company recently for trying to cause the miners to become dissatisfied and trying to get them to kick for check-weighman.

Kindly see that these men do not secure employment at your operation.

Yours truly,

Dictated.

General Manager,
Or Superintendent.

Dear Sir:

James L. Taylor, white, age about 29, height 5 ft. 10 in. weight about 170 lbs., smooth shaven, sandy hair, blue eyes, was dismissed by the Mill Creek Coal & Coke Company a few days ago account of shooting coal on the solid and being a strong Union man.

This is the same party who was dismissed from the Empire Coal & Coke Company in June, 1907, on account of being a Union man and writing articles to the United Mine Workers, Journal, at which time all operators were notified.

Yours truly,

(Dictated)

Sept. 20, 1909.

General Manager,
Or Superintendent.

Dear Sir:

I give you below the names of miners discharged from Crane Creek Coal & Coke Company a few days ago for talking Unionism. One of them stated, "We are going to Illinois where the Federation regulates the wages for the poor workingman." They also refused to mine their coal when prohibited from solid shooting.

Slavishmen.

Mike Vaukchmitcel,
Andy Murgedowics
Marko Mutrassawicz
Mike Crump
Veto Georiel
Lewis Peyovitel
Mike Peyovitel

John Plitiel
Peter Murgodowicz
Joe Stanwiel
Joe Dawson
Boso Peyovitel
Fred Peyovitel
Evan Peyovitel

Geo. Peyovitel
Mike Gurshiel
Nick Gurshiel

Peter Peyovitel
Elia Gurshiel
Geo. Tomonvitel.

Englishmen.

John Tarron
Sam Tarron

Ben Tarron
Amos Tarron.

Yours truly,

Dictated.

April 1, 1908.

General Manager,
Or Superintendent.

Dear Sir:

On March 31st, James Speaks, white, age 23, height 5 ft. 6 in., and Dal Turpin, white, age 19, light hair which he parts in the middle, were dismissed from the Fando Coal Company for striking for higher wages. These men worked as drivers.

Yours, truly,

Sept, 23, 1908.

General Manager,
Or Suerintendent.

Dear Sir:

Gabor Pollody and John Pollody, (Hungarian) miners were dismissed from the Pulaski Iron Company at Eckman, W. Va., Sept. 18th, for stealing dynamite and using it for shooting coal.

E. W. Scott, white, age about 28, weight about 160 lbs., black hair, dark eyes, smooth shaven, wearing felt hat, dark trousers, black satin shirt and tan shoes was dismissed from the Pawama C. & C. Co., Sept 18th, account of being incompetent and Union man from Illinois.

Yours truly,

March 6, 1908.

General Manager,
Or Superintendent.

Dear Sir:

On March 3d, Geo. Burke, white, age 35, weight 156 lbs., height 5 ft. 10 in., heavy dark mustache, stoop shouldered and Sam McFarland, white, age 30, weight 160 lbs. height 5 ft. 11 in. light hair and eyes, clean shaven, was discharged from the Thaker C. & C. Co., for agitating a strike among their employes.

On March 4th, Frank Frazell, A. E. Frazell, James Bowman, Sandy C. & C. Co., as drivers, struck for an advance in wages, and failing to obtain same they walked out and endeavored to prevent other men from taking their places. They were immediately discharged.

J. F. Robinson, white, age 35 to 40, black mustache, height 6 ft., weight 180 lbs. slightly stoop shouldered, was dismissed from the Big Sandy C. & C. Co., recently for soliciting subscriptions for the United Mine Worker's Journal and being in sympathy with the Union.

I would suggest that you keep a close lookout for these men and see that they do not secure employment at your mines.

The following are also Union men who should not be furnished employment:

J. R. Grafton, white, (home, Brandy, Tazewell, Co., Va.)

Geo. Calloway, colored, yellow, height 6 ft., weight 180 lbs.

C. C. Guthrie, white, 5 ft., 7 or 8 in., J. D. Kincaid, white, age 21, Richard Mills, white, age 35.

Yours truly,

(Copy of letter.)

Thurmond, W. V., Sept. 13, 1912.

General Manager,
Or Superintendent.

Dear Sir:

The following named parties who were employed on Paint Creek on the 1st of April came out on strike. All of these parties are known as red-hot union men and the majority of them are undesirable citizens as well. Many of them left on being notified to do so, without giving any trouble, but a large number remained in the houses until they were forcibly ejected. Among this list being some of the worst Socialists, anarchists and criminals that ever infested a mining district. In case these men have been furnished employment if you will furnish me their names, I will give you a personal report showing character, conduct, etc., of those you have in your employ.

Yours very truly,

Thurmond, W. Va., Sept. 19, 1912.

(Copy)

Dear Sir:

Below you will find the names and description of men who have been recently discharged in the New River field, who are either Socialists or strong Union men and should not be employed at any operation:

Henry Thomas, who has been making Socialist speeches and advocating organized labor. Description of Henry Thomas: White, age about 40 years, height five feet, six inches, black hair, smooth shaven, dark complected, generally wears stiff hat.

John Admitte, alias John Matisko, who is a strong Union man, had in his possession transfer card of the U. M. W. of America. Description of John Admitte:

Litwish, age 26 years, height five feet, six inches, weight 160 pounds, brown hair, blue eyes.

Tomaso Verano or Thomas Vorent, Socialist, and Union agitator. Description of Thomas Vorent: Italian, age 40 years, height five feet, 6 inches, weight 165 pounds, hair black mixed with gray, large fancy mustache, scar at corner of right eye resembling the letter "Y," talks good English.

James M. Morgan, strong Socialist and advocating strike in the New River fields. Description of James M. Morgan: negro, age about 38 years, height six feet; wears mustache.

John Marazie or Mason; Socialist and anarchist. Description of John Marazie or Mason: Italian, weight 135 pounds, height 5 feet, 6 inches, black hair, small black mustache, speaks poor English and has a whining tone, smokes pipe continually, slightly stoop shouldered, has four children.

Louis Gugliotha or Anton Grigerovitch, Socialist and anarchist. Description of Louis Gugliotha: Litwish, about six feet tall, weight 180 pounds, light hair and heavy light colored mustache, talks fairly good English, married and has three children.

Louis Grighotta or Culot, Socialist and anarchist. Description of Louis Culot: Age about 24 years, Italian, height five feet five inches, weight 140 pounds, black curly hair, small black mustache, generally wears cap. Few small coal marks scattered about face. Talks good English. Married and has one child.

N. R. Lewis, strong Union man and agitates organization of the New River Fields. Description of N. R. Lewis: Negro, age 47 years, weight 190 pounds, height about 6 feet, complexion yellow, small mustache

carries himself very erect and has a determined expression on his face.

James Clark, strong Union man and agitator of organization of the New River Fields, and has held office with the U. M. W. in Pennsylvania. Description of James Clark: Scotchman, about 38 or 40 years old, height 5 feet 6 or 7 inches, reddish mustache, one eye has a cast. The above party is now working at Carlisle but we have asked for his discharge.

Patrick Doyle, strong Union man and labor agitator, now working at Carlisle but have asked for discharge. Description of Patrick Doyle: Age about 60, height about 6 feet, weight about 150 pounds, hair and mustache dark mixed with gray, walks slowly and rather unsteady, powder or coal marks on face.

Tom Akers, discharged from Minden for agitating Unionism and talking Socialism. Description of Tom Akers: White, about 30 years old, height 5 feet, nine inches, weight 165 or 170 pounds, light hair and blue eyes.

John Bellis, discharged from Minden for being a strong Socialist and agitating trouble among the miners. Description of John Bellis: Englishman, age about 40 years, height about 6 feet, weight about 170 pounds, gray eyes, light hair and light mustache.

John Holley, came from the Kanawha Field and is a strong Union man and a Socialist: Description of John Holley: Scotchman about 40 years of age, height 5 feet 7 or 8 inches, weight about 140 pounds, sandy hair, turning gray, smooth shaven, blue eyes, squints one eye.

J. G. Bragg, Union man and Socialist, left Meadow Fork and went to Terry where he has been chosen by the Socialist party as candidate for constable. Des-

cription of J. C. Bragg: American, 40 years of age, weight 180 pounds, height 5 feet, 10 inches, fair intelligence and very talkative.

Jesse Spade, one of the chartered members of the Mt. Hope Socialist local. Description of Jesse Spade: American, age about 24 years, height 5 feet 11 inches, weight about 180 pounds, smooth shaven, ruddy complexion, generally goes well dressed.

Ed Dugan, discharged from Minden for talking Unionism and expressing sympathy for the strikers in the Kanawha Field. Description of Ed Dugan: American, age about 37 years, six feet tall, weight 190 pounds, smooth shaven, dark hair.

Yours very truly,

CHAPTER IV.

Statements Taken from Miners on Cabin Creek.

This is to say that when in New York City I was told by some friends of mine that they were hiring men for mine work at No. 458 West Broadway. I went there in the morning and was hired as a motor runner at the rate of \$2.50 per day, free board and transportation coming there and back. Before I signed I asked them to let me read and know what was in the contract, but they said, "Never mind about that, you have to sign if you want to go." As I was without work and madly looking for it, I signed without knowing that a strike was going on at the C. C. C. Coal Co.'s mines, not even knowing that this place was the place where I was coming. I had nothing to eat from ten o'clock in the morning when I left New York, until I arrived here the next day at about ten o'clock.

After I had been here they gave me ten checks and

told me to go and work as a miner; I refused to work, first, because I never have been a miner in my life, and second, because that was not the kind of work I signed for—I was told, too, that I had to pay for everything. After that a man whose name is Anderson told me to go up to the mine and get my job as a motor runner, and when I went up there the Super. in the mine put me to couple cars. When I went up the second day they gave me a shovel and made me shovel coal as a miner, and when I came down in the afternoon I felt sick, as a man would who has never had to do that kind of work. I told the Super, Mr. Anderson, I wanted my wages to go home and he said, "I can help you hit a freight," and then without a penny in my pocket I started back to the Union camp, where I am at present waiting and wanting help.

While in the C. C. C. Coal Co. camp I was told by the guards not to hold any conversation with the natives of the town and to keep away from them.

I hold the mine owners responsible for bringing me to the state of West Virginia under false promises, and they threw me away after working as a laborer, without a cent in my pocket.

I left New York, November 6th, 1912.

Arrived at Acme, W. Va., November 7th, 1912.

Left Acme, W. Va., November 14th, 1912.

(Signed) WILLIAM MARTIN,

Eskdale, West Virginia.

November 14, 1912.

Mrs. W. H. Smith
Isaiah Smith
John Nuckles
Joe Minno

Joseph Gateñ
James Johnson
Mr. DeRosky
Lawrence Dwyer.

We, the above named parties, who have been work-

ing for the Consolidated Coal Company, at Acme, and Kayford, West Virginia, were evicted from our homes by thirty Baldwin guards armed with guns, and our furniture was thrown out in the road by them. We had to live and sleep on the county road four days and nights, until the U. M. W. of A. got us tents to live in. Isaiah Smith, one of the parties herein mentioned, had a child three weeks old, and his wife with her three weeks old baby was compelled to lay out on the county road also day and night until a place could be secured for her to stay.

State of West Virginia, County of Kanawha, To-Wit:

This day personally appeared before the undersigned Notary Public, in and for said County and State aforesaid, Frank Keller, who being first duly sworn deposes and says: that he is taking a special course in Civil Engineering at the University of Brooklyn. I am taking up mathematics now and wanted to get money to finish my course at the university. I was in the New York Ophthalmic hospital, where I was operated upon for a cataract of the eye. While I was in the hospital I saw an advertisement published in the New York World, some time between the 15th of November and the 22nd, which said, "Men, foreigners wanted for special construction work in West Virginia. Wages from \$2.75 to \$3.50 a day. Also men to dig tunnel for the C. & O. railroad, wages \$4.00 to \$4.50 a day. No. 536 or 563 E. 6th Street, J. Blair." I thought this was a good chance to get money to pay my way to the University next year. I could work hard and save my money.

On the 29th I left the hospital, and went over to the Blair Agency and they told me that they would ship Sunday night. When I reported Sunday night,

the agent took me with about eight other fellows over to No. 458 W. Broadway. The door was locked there and they took us to an empty flat at 151 W. 32nd Street, about 40 feet from the Pennsylvania Depot. There we met a man whom I have since described to the miners and who say that his name is Williams.

We stayed in the flat a few hours and during that time many more men came to the flat, about 61 altogether. Two men told the labor agent that they were married and wanted to take their families with them and the agent told them that the families would come later. The train left Sunday at 5:15. We went into two cars. There were eight men on the two cars who acted as guards.

Two men were stationed at each end of the car. When we arrived at Philadelphia, we wanted to get off to get something to eat. I had a loaf of bread and some meat and I wanted to get some coffee, but they told us then that we could not leave the train. This was the first time I understood that these men were guards. A tall fellow, they called him "Babe", one of the guards, wouldn't even let us get near the water in the end of the car. At Washington we changed from one car to another. The guards made a lane between the cars and we had to march through this lane in changing from one car to another. I saw a pistol on one of the guards. This was where we began to understand that we were going into a strike field. Another fellow and myself tried to run away at Washington but we couldn't do it.

When we came into West Virginia, our two coaches and the engine was all there was of the train. About twenty miles from Montgomery, we saw two men, who seemed to be miners, come up to the train and they

were pushed away by the guards. When we got to Montgomery, we were all given numbers. My number was 23. Then the guards discovered that we were two men short. Two fellows had escaped, how they got away, we don't know. The guards brought us papers to sign. Some of the fellows wanted to read the papers but the guards wouldn't let them, said there wasn't time. I didn't sign these papers because I was taken off the train before it was brought to me. With fifteen other men, strangers to me, I was taken up to the Decota mine, on Cabin Creek, Kanawha County, West Virginia. That was Monday about 3 o'clock in the afternoon. We were put in cottages and told not to talk to anyone. There were men with rifles watching us. I saw one man with a black mustache, about 5 feet 10 or 6 feet tall. He wore a military hat and one of the guards called him "Major". They told us that the military men were stopping at the hotel.

A fellow came to see us on Tuesday morning, Mr. Sears, general superintendent of the mine whom I understand is also a stockholder in the mine, and told us that we would have to go to the store to buy clothes to go to work in the mines. The other fellows, who were working in the mine, told us that they had to pay \$4.00 to \$5.00 a week for board. They said they had to pay for everything. Six of us refused to go to work. One Italian asked Sears, "What you want to lie to us for. Bring us on a scab job. Some of us are union men." He called us all the names he could think of. He said if we didn't go to work, he would send us to jail. There was a man there with a gun. He hit me on the leg with the butt end of the gun and I fell down on the floor. Then Sears asked us, "Are

you going to work?" We were all scared and said "Yes". They started to take us to the store. When we came to the railroad track, an Italian broke and ran and we followed him. We ran most of the way to Eskdale about seven miles. I think we broke all records going down that mountain. My shoes, which were alright when I started, had broken through when I came to Eskdale. Once we saw, on the way, a gasoline car with two armed men on it. We thought they were coming after us and we started to run into the hills but the men on the car didn't come after us. One man who had been at work in the mine a week, ran away with us. He said that they told him he was coming to Charleston to run a street car and that he would get \$17.00 a week. He was sick and crying.

I am 24 years old. I was born in Moscow and came to this country about 7 years ago. I am now a citizen of this country. I am a nervous wreck now and my leg pains me where the guard struck me. I don't know how I am going to get back to New York.

FRANK KELLER.

Taken, subscribed and sworn to before me this, the 29th day of November, 1912.

A. M. BELCHER, Notary Public.

My commission expires on the 17th day of August, 1915.

State of West Virginia, County of Kanawha, ss:

A. M. Davis, a witness of lawful age, being first duly sworn, deposes and says that: He is a resident of Pikeville, Kentucky; that prior to the 17th day of July, 1912, he was at Catlettsburg, Kentucky, and while there, he was approached by Alex Stover, who represented himself to be the agent of the Hickory Ash Coal Company, of Peytona, Boone County, West

Virginia, and wanted to engage affiant's services in behalf of said Company; that the said Alex Stover, representing the said Hickory Ash Coal Company, represented to affiant, that they were opening up new mines, and that they had good coal, and had only been operating for a period of six months; that the coal company were scarce of men by reason of persons in the community having to take care of their farms, etc., or engaged in farming; that by reasons of the representations made by said Alex Stover, agent for the said company, he was induced to go to Peytona, and while en route to said point, he, together with a number of others were met at the station at St. Albans by a number of persons calling themselves "Baldwin men", that these men so prevailing to be "Baldwin Men" stated to affiant, as well as to several other persons on the train at the same time, "that they were there to protect us fellows"; that up until this time affiant did not know, nor had he heard, of any trouble of any kind or character whatsoever existing at, or near Peytona, in relation to the mines or operations at that point, owned or controlled by the Company hereinbefore named; that when the train upon which he was a passenger, reached the station on the Coal River Railroad, known as Sproul, affiant, together with a number of others were placed in a car said to be chartered for the purpose of carrying persons to the mines at Paytona; that when they had changed at said station, and had so entered said car for the purpose of being carried to Peytona station on said railroad, a number of said persons calling themselves "Baldwin Men" pulled down the blinds in said car, and stated to the persons, or passengers therein riding, "Not to put their heads out of the window, that they

were liable to be shot"; and about this time one of the parties in said car, Charles Fisher, stepped out upon the platform of the coach within which affiant and others were riding as aforesaid, and was told by one of the men calling himself a "Baldwin Man", "to get back upon the car, you might get your head shot off"; that affiant together with the other persons riding in said car, remained in said car until he reached the mine of the Hickory Ash Coal Company; that when he, together with a number of others had reached said point, which was about two miles further than at the point at which he had been requested to go in the beginning; that immediately upon his reaching said point he learned that a strike was in progress by the miners that had theretofore been employed by the said Hickory Ash Coal Company; that upon Sunday morning, affiant went to one of the parties calling himself a "Baldwin Man", who appeared to have charge of the situation, and stated to him, that he had been told by a number of men that a strike was in progress there, whereupon the said party calling himself a "Baldwin Man", requested of affiant to give him the names of the men who have given him the information relative to said strike, and was told by affiant that he did not know the names of the two men who have been to see him concerning said strike, whereupon the said party so calling himself a "Baldwin Man" stated to this affiant that "he was a traitor to the company" and immediately started off, or away from the presence of the affiant, and this affiant believed from his actions and conduct in the premises, that he had probably gone for a gun and affiant immediately left the premises by entering the woods thereby making his escape, leaving his wife,

Zona Davis upon the premises of the Hickory Ash Coal Company, that had said affiant known of the strike in progress at said Hickory Ash Coal Company's place, he would not have gone to said point, but was induced to go to said point solely upon the representation of the said Alex Stover, which representation this affiant says turned out and proved to be absolutely false and misleading.

And further affiant saith not.

A. M. DAVIS.

Taken, subscribed and sworn to before me this 24th day of July, 1912.

A. M. BELCHER, Notary Public.

My commission expires on the 17th day of August, 1915.

Charles Fisher, another witness of lawful age, after being first duly sworn, deposes and says, that on and prior to the 17th day of July, 1912, he was in Iron-ton, State of Ohio, and was approached by Ed. Hassey, claiming to be the Agent of the Hickory Ash Coal Company, operating in Boone County, West Virginia, at or near Peytona in said County, and stated to affiant that he was securing the services of employees for said Coal Company; that they had good coal, giving to this affiant the price paid for the different kinds of work, and thereupon this affiant asked said Hassey, agent for said company, whether there was any trouble at said Hickory Ash Coal Company's mines, whereupon he was told by said Hassey, that there was not; that the mines had only been in operation for a period of eight months; that there was no use to be afraid of any trouble at that point for there was none; that a man could make good money there; that he, Hassey, had made \$82.75 in eleven days; said

Hassey promised affiant that in event he would agree to go to said point to work for said Company he would pay his way there; that after he reached said point and began working for said company, he could get his money at any time he desired it; that in the event after said affiant reached said point he did not care to remain in the employment of said Company, that said Company would, upon affiant's request, give to affiant a sufficient amount of money to enable him to leave the premises of said Company; that by reason of the representation so made by the said Hassey, agent of said Company, he was induced to go to the mine, of said Hickory Ash Coal Company; that some time after reaching said point and after this affiant had worked a few hours in the mines of said Coal Company, he was informed that there was a strike at said mines, whereupon he enquired of a number of persons living at said point whether or not there was such a strike in progress, and having been answered in the affirmative, he went to the Superintendent of said Coal Company, Clam Vogel song, and was told by said Superintendent, that if he would continue to work in said mines, he would see that he was guarded from his house to the mines, and that affiant would be furnished with a gun to guard himself if he would only remain in said employment. Affiant further says, that upon the first night after he had reached the mines of the said Coal Company, he, together with a number of others started down the hollow to the store belonging to the said Coal Company, and that at a point near the said store this affiant and those who were with him, were met by Ed. Hassey, one of the men claiming to be a "Baldwin Man" who threw a flashlight in the face of this affiant, thereupon this

affiant requested him not to do such, and he, the said Ed. Hassey, immediately flashed the light upon a number of persons in the crowd who were going to the store as aforesaid, and stated to this affiant and those who were with him, "You had better go back up the road, you have no business down here." whereupon a number of those in the crowd stated to Ed. Hassey that they were simply going to the store for the purpose of getting some dinner-pails, and after this statement was made, he allowed them to go to the said store for the purpose of securing said pails.

Affiant further states that immediately after he had reached the Hickory Ash Coal Company, and after he had eaten supper on the evening of his arriving at said point, he, together with a number of others was told by said Ed. Hassey, representing himself as the Agent of the said Coal Company, and also acting and calling himself one of the "Baldwin men", that "we have got you up here now, and you can't get away"; that affiant believed from the statement made by Hassey and from the conduct surrounding the situation, that they would be compelled to remain there against their will; that he had seen one of the parties calling himself a "Baldwin Man" enter the train at St. Albans while it was enroute to said Hickory Ash Coal Company, with a rifle, and after they had reached the station known as Spraul, the same parties calling themselves "Baldwin Men" had drawn the blinds over the windows in the coach in which he was riding after the men, bound for Hickory Ash Coal Company's property, had been separated and placed in a coach to themselves; that after affiant had ridden a short distance from said station at Spraul, he walked out on to the platform of the coach in which he was

riding, and was told by said Hassey "you had better get back in the coach, or you will get your head shot off", whereupon affiant entered the said car, and remained therein until he reached Hickory Ash Coal Company's property; that by reason of the conditions prevailing at said mines and by reason of the threatening conduct of the "Baldwin Men" and those in charge of the operations at said Hickory Ash Coal Company's place, this affiant left the premises of the said Hickory Ash Coal Company in the night time so as to prevent the said company and especially the "Baldwin Men" from learning the facts in advance of his intention to leave.

Affiant further says that he is now and has been for a period of nine years next ensuing, a member of the Order of the United Mine Workers of America, and in good standing.

Taken, subscribed and sworn to, before me this the 24th day of July, 1912.

A. M. BELCHER, Notary Public.

My commission expires on the 17th day of August, 1915.

State of West Virginia, County of Kanawha, ss:

W. W. Barnes, a witness of lawful age being first duly sworn, makes the following statement: That he is a resident of Williamson, Mingo County, West Virginia; that he was approached on Friday, October 18th, 1912, by one Ernest Gaujot, a mine guard, employed by the Paint Creek Collieries Company, and one of the Baldwin-Feltz men, and was told by said Gaujot that he wanted him to come over to Paint Creek and work for the Paint Creek Collieries Company; that the strike was all settled and there was no danger. Whereupon the affiant came with the said

Gaujot to Paint Creek and that while en route to said mines of the Paint Creek Collieries Company, he was told by a party at the station at Pratt, West Virginia, that the strike was still on and that it had not been settled. Whereupon a Captain of the West Virginia guards at Pratt, West Virginia, whose name is to affiant unknown, told this affiant that to go on up there (meaning Paint Creek), that there was no danger, and put the party talking to his affiant about the strike situation off the train.

And further affiant saith not.

W. W. BARNES.

Taken, sworn to and subscribed before me this the 21st day of October, 1912.

A. M. BELCHER, Notary Public.

My commission expires on the 17th day of August, 1915.

State of West Virginia, County of Kanawha, To-Wit:

Personally appeared before the undersigned notary public in and for the County and State aforesaid, Charles Eveland, and Bert Canter, who being first duly sworn testified as follows:

We were on the same transportation train with Thomas Stanley, which left Cincinnati, Ohio, on Monday night, December 9th and were taken to the mine at Burnwell.

After Stanley got away on Monday morning, we left twenty minutes behind him. We came to the bridge and found that Stanley had gone on ahead, and so we started out. We got as far as Mucklow when two guards came along on some kind of a railroad tricycle. We saw them first about two hundred yards on the Burnwell side of Mucklow. They stopped their tricycle and got off. We ducked behind a tree. They

shot at us three times with rifles. We saw the bullets tearing up the leaves about three feet from where we were standing. We started running up the hill, ducking behind the trees as we ran. During the chase they fired three more times at us. When we got to the top of the hill and started down the other side of the hill, we lost them. We ran all the way through Mucklow into the miners' camp.

We are now in Charleston, being cared for by the United Mine Workers of America.

BERT CANTER,
CHAS. EVELAND.

Taken, sworn to before me this the 12th day of December, 1912.

FLOYD H. HARLESS, Notary Public

My commission expires on the 6th day of March, 1922.

State of West Virginia, County of Kanawha, To-Wit:

Personally appeared before the undersigned notary public in and for the County and State aforesaid, Joseph A. Fleming, who being first duly sworn did depose and say:

I am a member of the Brotherhood of Railroad Trainmen. My home is in Brooklyn, N. Y. I was induced to come to West Virginia by a man by the name of Williams or Costella, who promised me work at dropping cars under the tipple. He said there was no trouble at all, that they were new mines. I was assigned to house 56 in Kayford, Kanawha County, West Virginia. Once I tried to lead a break from that house and they threatened me with jail. There was a little Jewish boy by the name of Heim, about 17 years old, in that house. He had been picked up, he said, in New York on the East Side. He was crying

night and day and begged the bosses to send him home. They put him in the mines. He was under-sized and sickly and wouldn't eat.

My buddie and I escaped by climbing out of window at 12 o'clock one night and we never heard anything more about this boy.

JOS. A. FLEMING.

Taken, subscribed and sworn to before me this the 12th day of December, 1912.

FLOYD H. HARLESS, Notary Public.

My commission expires on the 6th day of March, 1922.

CHAPTER V.

Military Despotism.

Since the strike broke out over a year ago, the dispossessed miners have been living in tents at Holly Grove, which is situated about one mile up the Paint Creek branch of the Chesapeake and Ohio Railroad. This village of canvas tents has attracted considerable attention owing to the fact that it was so near the junction where the men were ever on the watch for scabs going in, and always ready to help out of the mining regions those who were taken there under false representations.

It became apparent to the operators very early in the struggle that so long as Holly Grove remained a haven of rest for the homeless miners and escaping peons they could never secure a sufficient force to operate the mines successfully, and on more than one occasion they set out through the aid of their hired assassins, the Baldwin-Feltz detectives, to wipe it off

the map, but in anything like an even break the miners put them to route.

The Baldwin guards have a special train at their disposal which became known throughout the region as the "Bull Moose." Driven desperate by the passive mood of the miners, and unable to break down their solidarity, the Chesapeake & Ohio Railroad, at the instigation of the coal barons, had this "Bull Moose" armored with one-half inch boiler plate with suitable port holes on each side. On the night of February 7th, about 10 P. M., this "Bull Moose" stole into Holly Grove with all lights out and when abreast of the dwellings of the miners opened fire. One of the strikers, whose tent was so near the track that the shots ranged over it, in describing the shooting said that when the fire opened it sounded like "thirty-thirty" rifles and pistols, but when the train got abreast of the village proper, they turned loose the machine guns.

Several people were hit with bullets, the most serious being Mrs. John Hall, who was shot through both legs while she sat by her own fire, and Secco Estep, who was killed with his babe in his arms.

At first it was thought that the shooting was done on the initiative of the Baldwin guards, but the following day brought forth the fact that Bonner Hill, the republican sheriff, and several operators as well as Baldwin guards, were on the train and that the orders were given by the man who only a few days previous held up his hand and sworn, "so help him God", that he would use whatever power vested in him as sheriff of Kanawha County to keep the peace.

On the following day, February 8th, these peace officers (?) kept up practically a continuous fire on

the village from 11 A. M. until 2 P. M., determined that if lead and "steel jackets" would do it, they would drive the miners out of Holly Grove, and to some extent they succeeded. The miners, who have no fear for the hired assassins in an open fight, brought their wives and children down the creek to Hansford, a town at the mouth of the Creek and on the opposite side from Pratt. A hurried search was then made for arms and ammunition with which to protect their wives and children.

When Governor Glasscock issued his first declaration of martial law, he seized everything in the shape of guns that could be found in the "War Zone". After the embargo was raised he returned to the operators and Baldwin guards their gattling guns, high-power rifles and pistols, but not so with the miners' guns. Consequently when these midnight assassins made their murderous attack on the sleeping village the miners were practically unarmed.

Saturday afternoon and Sunday was devoted to the mobilizing of sufficient guns and ammunition to enable the miners to put up a defense. Some of these men traveled as much as forty miles on foot simply to borrow a gun. In the meantime, all kinds of rumors were flying thick and fast. The governor sent men into the field to investigate, but the miners have long since lost confidence in these investigations. They have seen their comrades murdered before by this band of hired assassins, and then seen the Governor send men out to "investigate", and invariably the investigation resulted in turning the murderers loose to work out their hellish designs.

A well-founded rumor reached Hansford that the guards were going to make an attack on the town

and had a gattling gun mounted upon the hill overlooking the main street and in a position that would enable them to rake the town from one end to the other. A small body of men went into the mountains by a round about way and overtook the guards and a pitched battle was fought in the hills from which the guards made a hasty retreat. Just why they should run off and leave a brand new \$1800 gattling gun that shoots three hundred and fifty times a minute, was not clear to the miners, but the secret came out later on when in the trial of "Mother" Jones she was accused of stealing the gun. These fellows have such a horror for "Mother" Jones that when they saw her coming they just quit that gun and ran. Some went by the way of the creek, but most of them took the hills for it.

Monday, the tenth, was a day long to be remembered by the citizens of Hansford and the wives and children of the miners who had sought shelter in the town. During the latter part of the forenoon and up until late in the afternoon people kept streaming out of the main forks of the creek, many of whom were strangers who had been taken into the mines under false representation, and who took this first chance offered to escape the terrible conditions of peonage that now prevails throughout the whole field.

Shortly after noon, a group of men, women and children dragged themselves into Hansford. Everyone that could carry anything, had a back load, and the poor women and children were ready to drop at the first friendly greeting.

Aside from what they carried on their backs they brought a new terror with them in that they reported that the guards, driven out of the hills by the miners,

had mounted a gattling gun on a hand car and were going to make an attack on the town. This report was somewhat confirmed later in the day when Dr. Hunter of the "Sheltering Arms Hospital", which is situated on an elevation on the opposite side of the Chesapeake and Ohio tracks from the town of Hansford, sent word through the town to the effect that the town would be fired upon and that the women and children should come to the hospital. There seemed to be an understanding between the hospital authorities and the coal baron's assassins that the hospital was immune from attack, a thing not to be surprised at when it is remembered that Czar Cabel of Cabin Creek fame, is treasurer of the hospital fund.

The miners and citizens of Hansford were not asking for any quarter at this time, though they did accept the hospitality for their wives and children, and by 6 P. M. all the women and children were safely out of range of the assassins' bullets.

Then came a few hours of the most tense, nerve-racking suspense it has ever been my experience to endure. Word reached Hansford early in the afternoon that the Governor was going to declare martial law and call out the militia. Almost simultaneous with this report came another to the effect that the "Bull Moose" with all the Baldwin guards from Cabin Creek who had crossed over the mountains into the head of Paint Creek was preparing for another night attack, this time on the town of Hansford. And while some of the miners were only too anxious for the "Bull Moose" and the hired assassins to come, more conservative ones were hoping against hope that the military train would reach the scene before the

“Bull Moose” arrived. In this way only could a terrible battle be averted.

Evidently the “Bull Moose” got word that the militia was coming and sneaked back up the creek. The militia arrived about 12 P. M. and proceeded to place every miner and sympathizer under arrest. Inside of the next few days over two hundred men and boys were arrested. The military power did not confine its operations to the military zone, nor to arresting miners. On February 13th, C. H. Boswell, editor of the “Labor Argus”, “Mother” Jones, Paul Paulsen and Charley Battley, the two latter organizers of the United Mine Workers of America, were all arrested in Charleston on warrants sworn out in Squire Deerings court, and taken to Pratt and lodged in the “Bull Pen.”

Governor Glascock appointed a Military Commission consisting of five military men and presided over by Judge Advocate Wallace. The attorneys for the United Mine Workers went before the Supreme Court on a writ of habeas corpus, setting forth that the military could not take a civilian arrested by a civil process and try him for alleged offenses committed outside of the military zone, and prior to the declaration of martial law. They held further that the military commission could not sit in judgment on the acts of civilians not in the service.

Judge Advocate Wallace, who represented the Governor and the Adjutant General, presented to the Court an affidavit sworn to by each of the five commissioners who were to sit in judgment in each case to the effect that the defendants were all guilty of all the alleged charges set forth in the indictment which ranged from “accessory before the fact” to

“wilful murder” and “accessory after the fact”, and that while the defendants were guilty of all the charges there was “not a court of justice in West Virginia that would find them guilty.” Therefore he, Judge Advocate Wallace, wanted this power conferred upon this military commission in order that justice might be done.

Needless to say, the servile court concurred with the Judge Advocate, notwithstanding that none of the courts of the county or state had in any way been obstructed, and that both the state and national constitutions explicitly prohibit any such high-handed methods.

The whole thing was such a bare-faced travesty on justice that Governor Glasscock before retiring from office, and practically his last official act, dismissed this commission and appointed another, which was composed in part of the same individuals who sat on the first one, including the renowned Judge Advocate Wallace.

These preliminaries having been dispensed with the august tribunal lost no time in getting down to work. And of all the laughable fiascos ever staged outside of an insane asylum this one took the cake. The “Court” convened about 9 A. M. on March the 7th. Squads of soldiers were sent to the different “Bull Pens” in different parts of the town and marshalled the defendants into the Odd Fellows Hall, where the court was in session. After fifty-three of the defendants were present, the Judge Advocate arose and addressed the court. During his introductory remarks he advised the defendants that Houston and Belcher, the attorneys for the United Mine Workers, had declined to appear in Court. (he did not say that they

refused to prostitute their profession by appearing before such an institution) but that he, or the Governor, or some one else, solicitous for the welfare of the defendants, had graciously and without any expense to the defendants, selected a couple of military men to defend the accused. It here developed that one of the "Military lawyers" who was so chosen to defend the accused, was one of the gentlemen who sat on the former commission and whose name was signed to the affidavit that the defendants were all guilty of murder and sundry other felonous crimes.

About this time the writer of this pamphlet, one of the defendants arose and asked the court to define for him his status in the case. The proposition was a little too big for the Judge Advocate, whereupon I tried to elucidate. I asked the judge if the court took the position that the Governor's declaration of martial law suspended the State and National constitution, a position which the Judge Advocate took before the Supreme Court. This looked too much like a "leading question", to use the vernacular of the American bar, for the Judge Advocate. He declined to answer but told me to "proceed". I then stated for the benefit of the court that as a citizen of the State of West Virginia and the United States, my rights as such were woven and interwoven into the organic law of the State and Nation.

If this junta had set aside both the State and National Constitution, then I had no rights to defend, as I would then be a subject and not a citizen. This being the case I had no use for a lawyer and declined to acknowledge the jurisdiction of the legality of the court and refused to enter a plea one way or another.

"Mother" Jones, the avenging Nemesis of the coal

miners, took the same position and added that "she had violated no law of the land, that she had done nothing but what she had done all over the United States and would do again when she got out." Boswell, Battley, Parsons and Paulsen took the same position. Parsons, who was quartered in the freight depot where most of the prisoners were kept, stated that he spoke for the "bunch" to which the genial (?) Judge Advocate replied that he would enter a plea of "not guilty" for the whole squad." How kind, after having signed our death warrant!

This act having been performed, the wheels of justice began to grind, but before they made their first revolution they struck another snag. The attorneys for the United Mine Workers petitioned the District Court for a restraining order prohibiting the military court from trying the cases until after the question of jurisdiction had been determined by the United States Court. A restraining order was placed in the hands of the Sheriff. This is the same gent who ordered the Baldwin thugs to fire on Holley Grove. Needless to say these papers were never served.

In the meantime one of the defendants, whose brother holds an official position in the Miners' Union, had engaged counsel, or what is more to the point perhaps, the office holding brother secured counsel for him, in the person of "Mike" Matheny, of the firm of Littlepage, Matheny and Littlepage. Matheny was present when the court opened to defend his client. When the Judge Advocate announced that he was going to try the prisoners in "squads" and the prisoners refused to enter a plea, Matheny was up a tree.

Now comes about as low down and contemptible a

trick as ever shyster lawyer pulled off. Between the attorneys for the defense and the Judge Advocate they agreed to take a recess. The prisoners were marched back to the "Bull Pens" after which the "bunch" which Parsons spoke for in the morning were taken over to the hall where the court held its sessions, leaving Parsons in the "Bull Pen". Here they were sweated and subjected to the third degree with the horrors of the penitentiary depicted on one side and the hope of acquittal on the other until the "bunch" were wheedled into signing a paper to the effect that the "court was a just and equitable tribunal and that they believed each man would get a fair trial and his just dues and therefore had decided to acknowledge the jurisdiction of the court and enter a plea of "not guilty".

Armed with this document the Shyster Lawyer beat it back to Charleston, where he presented it to the Judge of the District Court as an evidence that there was no excuse nor justification for his restraining order. After this piece of jugglery the wheels of justice (?) once more began to move. I have always heard it said that it was a shame to cheat a blind man, but what shall we say of a man, a judge advocate—heaven save the mark—that would take poor old blind Justice, gag and bind her hand and foot, then smack her plumb in the face with a black jack. This is practically what Judge Advocate Wallace did.

The farce had scarcely got fairly started again when one of the attorneys appointed to defend the prisoners called the Judge Advocate's attention to the "Code of West Virginia." To which the Judge Ad-

vocate replied: "This court is not bound by the Code of West Virginia!"

"But," replied the attorney, "you are trying these men for a violation of that very code."

"That does not make any difference," replied the Judge.

"Then," protested the attorney, "you will at least observe the military rules in this case."

"No, sir," replied the Judge, "this court is not bound by any code or rules. I have absolute power and I am going to use it even to the extent of hanging these men up by the thumbs."

Then, with a grimace that made one think of a sewer rat, he said. "Proceed with the case." And they did.

Could you see assembled five political understrappers, who in their professional life at the best are but hirelings, but who for the time being, through the grace of a Kaki uniforms have become military sycophants, bursting with the importance of new shoulder straps, inflated with the newly acquired authority of pistols and dangling swords, ignorant of the law, as their acts have proven, unlettered in the Constitution, uninstructed in either the tactic or rules of civilized warfare, and presided over by a man with a bald and receding forehead, an extending lower jaw and protruding teeth, who when he stands up on his hind legs shows that he is yet sprung at the knees, that his abdomen is forced upwards and obstructs the human pulsation of the heart, and who from force of habit keeps chattering to himself and every once in a while reaches in through the many folds of his bespangled uniform only to withdraw his hand a second later with the expression on his face that "if

it wasn't for this damned uniform I'd have caught that one." No one I suggest who could have witnessed that fiasco could have failed to see the grim humor in the theory that "man sprang from monkeys", at least, that some men did.

For five days they kept this farce going, at the conclusion of which the lawyers for the defense and the Judge Advocate tore off a yard or two of supercilious punk, which perhaps to their craven hearts sounded like oratory, and rested the cases pending the findings of the five "tin horns" who composed the commission, and the approval or rejection by the Governor of the whole bucket of slush.

Summary.

There are three cardinal principles involved in the present conflict. First, abolition of the Guard System; second, recognition of the Miners' Union, and third, adoption of the Kanawha scale.

The abolition of the Guard System would compel the Operators to treat with the miners as citizens and not as subjects, and incidentally abolish the black list and the revolting conditions of peonage that now prevails.

Recognition of the Miners' Union would mean the abolition of the contract system, establishment of a uniform nine-hour day, union scale of wages, a bi-monthly pay day, placing of checkweighmen on trip-les and the check-off system.

Adoption of the Kanawha Scale would increase the Miners' income from 50 to 75 per cent. Under the Kanawha scale a miner receives forty-nine cents per ton of two thousand pounds, "run-of-mine". In the unorganized fields the miner receives from twenty-five to thirty-five cents per ton; in the organized fields

two thousand pounds constitute a ton and the miners have a check weighman on the tippie to see that they get their just dues in weight. In the unorganized fields the miners have to load a "long ton", which is twenty-two hundred and forty pounds. In the majority of cases the coal is not weighed, but is loaded into cars that are supposed to hold a "long ton", but which more often hold twenty-five hundred to three thousand pounds.

These are but a few of the conditions against which the miners of West Virginia went on strike. And it was for the purpose of breaking this strike and forcing the miners back into the mines to endure that which had already become unendurable, that Governor Glasscock called out the militia of the State and sat up his drum-head court martial, with absolute despotic power; and it is for this same purpose that this illegal, irresponsible and unconstitutional power is being maintained by his successor, Dr. H. D. Hatfield, inaugurated March 4th, 1913.

There are several dark pages in American history, but none of the errors of the past can compare with the present. I here submit a few of the striking paragraphs from Judge Robinson's dissenting opinion from the decision of the Supreme Court of Appeals in the case of "Mother" Jone, et al:

"May citizens accused of civil offenses be tried, sentenced and imprisoned or executed by military commissions at the will of the Governor of this State, notwithstanding the civil courts having jurisdiction of the offenses are open? This is the question made by the record in these cases. It is none other. Nor can it be reduced to any other. The question is not that of the power of the Governor to use the militia to

execute the laws, suppress insurrection and repeal invasion. That the Governor has constitutional and statutory power to so use the militia and thereby arrest persons so far as it is reasonably necessary, no one will deny. But because the Governor has this power, must judicial construction run random and thrust upon the citizens of this State military courts for the trial of civil offenses, in the very face of the direct inhibitions against such procedure contained in our constitution, and regardless of all constitutional guaranties?"

It is impossible to give at length the legal contentions and citations of authority with which Judge Robinson sustains his view, and the concluding paragraphs will have to suffice.

“Is it not a spectacle for the notice of a people who rest their liberties on our form of constitutional government that in one of the States of the Union a section thereof is given over to an independent military rule, which admits no power of civil courts to enter, and which claims cognizance as against all found therein of every imaginable accusation from mere words spoken to perjury, rape or murder? Does the peaceful mountain farmer residing therein realize that he is subject not to the civil law but to the will of a military commander who may hear no excuse as to any accusation against him? Do citizens of this republic passing through that district on one of the great trans-continental lines of railway, realize that for a time they are subject absolutely to the will of one man? It is no excuse to say that the supreme military authority will not be exerted against such. It is bad enough to say that a majority of this court has held that such authority exists. The majority has

held that martial law—the law and usage of public war can and does exist in that district. Then that martial law “overrides and suppresses all existing civil laws, civil officer and civil authorities, by the arbitrary exercise of military power; and every citizen or subject, in other words, the entire population of the country, within the confines of its power, is subject to the mere will or caprice of the commander.

holds the lives, liberty and property of all in the palm of his hand. Martial law is regulated by no known or established system or code of laws, as it is over and above all of them. The commander is the legislator, judge and executioner.” In re Egan, Blatch. 321.

“The persistency with which a military rule heretofore unknown has been sanctioned, has demanded this second protest on my part. Unfortunate indeed is the generation that forgetteth the memories of its fathers.”

It is well to note here that Dr. Hatfield, who succeeded Glasscock, sustained the position taken by Glasscock, that he, as Governor of the State, has a right to suspend the State and Federal Constitutions, to suspend the writ of habeas corpus, to suspend the civil law and substitute in its stead, a military commission or drum-head court martial, which, in the words of Judge Advocate Wallace, “is no law other than the arbitrary will of the commander-in-chief.”

This position is again confirmed by Governor Hatfield in his written order to arrest Fred H. Merrick and the seizure of the “Labor Argus”. Evidently he interprets Chapter 14 of the Code of West Virginia to mean that he, Hatfield, and “Czar” Cabel, are the

State. This bears out the attitude he took during the campaign, and he wants to "make good."

The writer of this pamphlet had the pleasure of addressing the citizens of Boone county last fall at the Madison Court House. Dr. Hatfield addressed the audience previous to my coming on the platform. One of his proud boasts was the large vote he received in the primary elections from the Cabin Creek district. Several other bombastic effusions were delivered to that same audience, such as "The Republican party has solved every great problem that for over half a century has confronted the American people." I happened at that time to know something about the big vote from Cabin Creek district, and immediately challenged the doctor to come back on the platform and tell that audience how the poll clerks voted, not only the pay roll of each mine, but every bank mule who was unfortunately nicknamed after one of "Czar" Cabel's peons, and incidentally, if he could point out to the audience just one incident where the Republican party has solved just one of the great National problems that have come up within the past fifty years. Hatfield and his clique were within the sound of my voice but showed no inclination to measure fiction against facts, or votes that were secured through coercion, intimidation and fraud against votes that were secured honestly.

A man who will accept an office secured through a fraudulent vote will not hesitate to do anything else. Hatfield came into office waving peace offerings, but his peace offerings are like "the peace of Warsaw", which came after the Czar had murdered and exiled all the liberty-loving sons of Russia.

In such epochs as West Virginia is now passing

through there will always be those whom the tyrant on horse back can coerce, intimidate and brow-beat. There are also those who cannot be coerced and brow-beaten. Up to the present the conflict has raged around a handful of poor coal miners, who have been plundered, profaned and disinherited, with all the force of government, corrupt and otherwise, on the side of the coal barons. The latest move of Governor Hatfield has changed the seat of the conflict. He has cleared the decks for action. The Socialists accept the guage of battle. We do not ask Hatfield for a "square deal". We know what such platitudes amount to when mouthed by a capitalist politician, and from now on we shall look upon Governor Hatfield simply as a puppet whose acts, official and unofficial, are in accordance with his master's wishes, who secured for him the big vote in the primary election, even though they failed to materialize in the general election.

In conclusion, let me call your attention to the fact that there is a sense in which history repeats itself, and in which like conditions produce like results. In this respect it is well to remember that a usurpation of political power will undermine an empire of adamant. Pharoah and his drowning task-masters grasped this lesson in the foaming jaws of the Red Sea; Brutus' dagger carved it into Caesar's bleeding heart; silent waves chanted it to the proud Napoleon, as with hands clasped behind his back, he contemplated the storm swept ocean on his way to St. Helena; George III realized it when the shot fired from Bunker Hill was heard all around the world; John Brown attested it on his way to the scaffold, as he reverently stooped and kissed the child in chains, condemned to perpetual slavery by both Church and State, and this confirmed

in by the highest judicial tribunal in the land; but General Lee, surrendering up his sword at Appomattox bears witness to the fact that his soul goes "marching on".

The whole history of man, from Mount Araarat to Appomattox Court Court and from Appomattox to Faint Creek records but the struggle of the working class, trying to maintain their rights against law and government, which sought to suppress them.

Law and government, backed by force, lashed Israel's back in Egypt's brick yards, but the rebel Moses broke the law and led them out. Gold-bought laws enslaved Rome's millions, barbarians burst assunder her gates and set them free. Law and government crucified Christ on the cross of Calvary, the hirelings of plutocracy placed upon His brow a crown of thorns and in his hand a wind blown reed, and lo, it became a weapon mightier than the sword! Law and government burned Bruno at the stake, where to-day his statue proudly stands, while triple-crown and scepter lie molding at his feet. Law and government imprisoned Copernicus, and bended Gallileo to his knee, but the world "still moves", and America is a fact. Law and government made an Alexander of Russia, Nihilists blew him up. Law and government made Charles I, Cromwell beheaded him. Law and government made a Stamp Act, Washington stamped it out of existence. Law and government upheld slavery, blood wiped it out.

In West Virginia, law and government refused to punish the cowardly assassins, who, on February 7th, 1913, swept down on the tented villagers at Holly Grove and from a steel armored car shot and killed in cold blood the inoffensive coal miners, even while

they slept; but promptly sentenced to the penitentiary for five years the common citizen who dares to raise his voice in defense of his constitutional rights. Law and government gave West Virginia a Glasscock and a Supreme Court, and Glasscock has Russianized West Virginia, scuttled the ship of State, strangled justice, cut the throat of Liberty, trampled in the dust every right and guarantee of citizenship, stole the jewel of Liberty from the crown of manhood and reduced the victim of the burglary to slavery and to prison, while the Supreme Court, its dark robes dripping with putrefaction, cowardly trembles between its duty to society and its subservancy to the master class.

In the case of Nance and Mays vs. the State, it renders first an evasive opinion, then modifies its opinion, but at all times withholds its final opinion, and by so doing sanctions and condones the whole damned infernalism.

West Virginia belongs to the sisterhood of States. Her children are not hereditary bondsmen, their ancestors were free born, their sovereignty none denied, and we have still the ballot. It has been designated as a weapon that executes a free man's will as lightning does the will of the Almighty, but the ballot as a weapon of defense in the hands of the working class has never been appreciated by the workers, for the simple reason that the working class has never had a political party of their own. They have at all times delegated their political prerogative to somebody else to do with as they pleased, and this is the result.

Yet not withstanding, the working class are ever becoming more conscious of their own moral and economic worth to society; their own strength and their own resourcefulness. When the day comes that

they can no longer be used as the political cogs to the capitalist political machine, they will march to the polls as one man, united in a political party of their own, and by virtue of their own political prerogative ordain and decree their own industrial emancipation.

The working class of West Virginia are now face to face with a condition that must be met, must be fearlessly confronted and must be overcome if the future citizens are to be free citizens instead of industrial serfs as our fathers were feudal serfs.

As a step in this direction we demand of the powers that be, the complete abolition of the nefarious guard system; the right of free speech and free assemblage on every inch of West Virginia soil; and the right of habeas corpus and trial by jury of every man accused of a crime, whether he be a citizen of West Virginia or otherwise.

MOTHER JONES

By J. A. BRADLEY

“Mother Mary”. Those two sweet names,
Just linked with a common one;
No better name, for one whose love,
The love our class has won.

Long weary years her mother heart
Has throbbled for the toiling ones;
And a filial love has sprung and grown,
In the hearts of her working sons.

We love her for her constant voice
Raised ever 'gainst wrongs and ills;
For healing the bodies, bruised and torn,
In the factories, mines and mills.

Some merely for a passing smile
And some for a kindly word;
Some for those words, from a burning pen,
That they may have seen or heard,
Some love her for their dear ones clothed.

For the tears shed o'er their dead;
All, for her heed to the plaintive cry
Of little blue lips for “bread,”
But—for that mother's love, outpoured,
She earned our master's hate;
For that, alone, they hold her fast,
In that proud Virginia state.

No truer words, than those last words,
“They know not what they do”,
They nailed a Son upon a cross,
And would smite a Mother too.

“Sons of Mother Mary Jones awake!
Your mother stands in need;
She and her sons are in the grasp,
Of the Beast, made mad with greed.”

Lancaster, O., March 29, 1913.

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