Herrin Massacre Investigation Proceedings, 0401-0500

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A. He came up with Mr. Willis and Judge Hartwell.

Q. How many deputies did the Sheriff have at that time?
A. Three, I believe here in Marion. One was Schaffer, one was Storme and the third was Richardson.

Q. And the Sheriff was Mr. Thaxton? A. Yes, sir.
Q. Did he have a deputy at Herrin?
A. He has had deputies at all of these mining towns.
Q. That is full time deputies?
A. As I understand it they are deputies that serve without pay. They are usually men that the Coal Companies ask and require the Sheriff to appoint in order to take care of the mine property.

Q. It has been suggested, Mr. Duty, that perhaps you might be confused about Judge Hartwell coming to your office. Is it not a fact that Judge Hartwell might have come in later.
A. I have been informed that is true. I do not know.

JUDGE HARTWELL: What I mean is if it is not true that all of those fellows were in and I did not come in until later.

MR. IGOE: After the Sheriff and other people were in your office did not Judge Hartwell and Mr. Willis come in?
A. That is what I stated in the beginning. I do not know just who came up. It seems to me like the Sheriff and his deputies were up there.

Q. Do you know why they were up there? A. No.
Q. Why did they say they were there?
A. I do not know they ever said why.
Q. Do you know any reason why they should be there? Why the Sheriff and his deputy should be there at that time of the night in your office? A. No, sir.
Q. Had you ever been in your office at that time before without your knowing why they were there?
A. They have been up there all times. I do not know exactly at that time.
Q. As I understand it you just left the Sheriff and his deputy at the jail? A. Yes, sir.
Q. Then you proceeded to your office?
A. I had not just left there.
Q. About one-half hour or so, engaged in some work?
A. Yes, sir.
Q. And then in came the Sheriff and his deputies?
A. I did not say whether they came first or not.
Q. And then in came those people?
A. They all came.
Q. Did they tell you why they were there?
A. They wanted me to find Colonel Hunter.
Q. Who wanted you to?
A. I believe it was Hugh Willis.
Q. And you don't know whether he came first or later on?
A. No, I could not say.
Q. And you do not remember what time they came in, the Sheriff and his deputy?
A. I thought they all came in together.
Q. And the only request they made of you was for you to find Colonel Hunter?
A. They wanted to know if Colonel Hunter was there, if I could find him.
Q. Then you left them in your office?
A. No. I called from my office.
Q. And then he came over to your office?
A. After I made the third call.
Q. Now, during the time that preceded the arrival of Colonel Hunter did all these persons remain in your office?
A. All that I mentioned.
Q. Did they say anything about any trouble at all?
A. No.
Q. Did they talk about anything that you now remember?
A. No, they did not talk about anything that I can now recall.
Q. When Colonel Hunter finally reached there, what, if anything, was said to Colonel Hunter?
A. I could not tell you what Colonel Hunter and Mr. Willis talked about. They talked in my office and I was not paying any
attention. In fact, I have some work to do of my own and I think part of the time I was talking to Judge Hartwell.

Q. Were you all in the same room?

A. I had a big room.

Q. And finally Colonel Hunter put in a call for General Black?

A. He asked me if he could use my telephone. I told him he could and he put in a call for General Black.

Q. You do not remember anything that was said by any person in your office except when Hunter called up Black on the telephone?

A. Yes.

Q. Do you remember quite distinctly what Hunter said over the telephone?

A. Yes, I remember what he said.

Q. And you cannot tell me anything expressed in your office any time?

A. You mean in connection with this trouble out there? There was nothing said.

Q. What did they talk about Mr. Duty?

A. I do not know. I cannot recall except they wanted to find Colonel Hunter.

Q. Outside of that you do not know what they talked about?

A. I guess they passed remarks back and forth but I cannot remember anything about what they said.

Q. On your way back from Carbondale you and the Sheriff and the Deputy stopped at a town called Carterville, I think.

A. The sheriff, myself and a deputy.

Q. Where is Carterville?

A. It is 9 miles due west, on the Illinois Central and on the Coal Belt.

Q. What is the general direction of this strip mine from here?

A. A little bit northwest, more west than north.

Q. Do you pass the strip mine on your way from Carterville to Marion?

A. No, sir.

Q. Did you receive any word at Carterville about the trouble at the strip mine?

A. I did not.

Q. Did the Sheriff?
A. I do not know that I know of.

Q. Did he tell you anything about any news he received at Carverville?

A. No, sir.

Q. Did any of his deputies, do you know, receive any news at Carverville?

A. Not to my knowledge.

Q. Did you later on find out they had received word at Carverville about this trouble?

A. No, I did not.

Q. This body of men that were ambushed over there, coming from Carbondale, who were they?

A. All I know is what they told me. They were men who had been shipped from Chicago to detrain at Carbondale and to be taken over by truck to the mine.

Q. Were they on the road from Carbondale to the mine at the time they were attacked?

A. Yes, sir.

Q. They were going to Lester mine?

A. That is what they said.

Q. About what time of the day were they attacked?

A. I believe they told me it was between 10:30 and 11 o'clock. When I learned about it it was about 12.

Q. And then you and the Sheriff proceeded right out there?

A. Yes, sir.

Q. Was any one with the men at the time you got there, any officials?

A. With the men, the wounded men?

Q. Yes.

A. They were in the hospital, those that were wounded sufficiently to place them in bed, to have the care of nurses and a doctor.

Q. As I understand it at Carbondale were with you Mr. Thaxton, Mr. Schaffer, Mr. Storms?

A. No, sir. Mr. Thaxton and Mr. Schaffer.

Q. Mr. Storms remained here so far as you know?

A. Yes, sir.

Q. Had Colonel Hunter ever called from your office over the
long distance telephone?

A. Not to my knowledge. Not when I was there. That is the only call he ever made from my office so far as I know.

Q. Now, you told Hunter about this trouble at Carbondale when he was in your office?
A. I told Hunter about it? No.
Q. That night after he got there? A. No, sir.
Q. You did not ever discuss that with him?
A. That was discussed after he put in the call to General Black and might have been discussed with Willis before.
Q. Did Willis know about it?
A. I do not know. It might have been discussed.
Q. But so far as you know it was not discussed?
A. No, sir.

MR. IGGE: I think that is all I want to ask. Oh, just one more question. Did you ever hear anything about the arrangement of the truce?
A. Yes, sir.

Q. Did you hear that before the trouble occurred at the mine or afterwards?
A. I heard that when Colonel Hunter came up to my office that night and talked to Adjutant General Black.
Q. What was said about the truce then?
A. Well, I can tell you in substance what was said. He said he had arranged for a truce between the men in the mine and district officers in Herrin.
Q. And did he advise you the terms of the truce?
A. No, he never said anything about the terms, as I remember. That is when he told the Adjutant General that everything was satisfactory and that troops would not be needed.
Q. Did he, also, say to the Adjutant General that the men were to come out in the morning?
A. If he did I would not remember it. I was not paying any attention. It could be that he said that.
Q. You do remember quite distinctly he said he would not need any troops?
A. Yes.
Q. He might have said later on he would need troops?
Q. You do not remember all of it, do you?
A. No, not word for word.
Q. You do not know whether later on he might need troops?
A. No.
Q. If he wanted troops you would have remembered that?
A. Yes, sir.

Q. But so far as the *truce* was concerned you do not remember just what they were?
A. Yes, I remember about the truce but when he said about when the men were to come out I do not remember.
Q. You do not remember he said he and the Sheriff would go out in the morning?
A. No.
Q. When he first saw you down there he said he had been out at the mine?
A. No, when he first came to my office he had not been there.
Q. When?
A. Colonel Hunter never did tell me he had been at the mine because I never had any conversation with him after he came the first time. Then I was back on Monday and I never had any conversation then except a general conversation with all and Mr. Lester and Mr. McLaren and then Colonel Hunter never came to my office. I never had any conversation with him at all any more.
Q. And then did either Lester or any one apply to you for protection?
A. No, sir.
Q. Do you know whether or not the Sheriff ever swore in any additional deputies?
A. Not that I know of.

MR. FLATOO: Can you tell this committee the exact date when the armed guards were put on duty out there?
A. No, I could not except it was developed during the trials.
Q. You do not know the date?
A. The date the evidence disclosed that they put on guards,
A. That was the 15th. The first armed guards arrived on the 15th so they testified themselves and I think the first time I saw them there was on the Saturday I told about.

Q. That was the 15th. The first armed guards arrived on the 15th so they testified themselves and I think the first time I saw them there was on the Saturday I told about.

MR. PHILLIPS: You know about how many of these armed guards there were?

A. Yes, I know about how many I saw there and then from the testimony of the guards themselves I think there were thirty armed men.

Q. Do you know what kind of arms they had?

A. Yes, sir. They had Marlin rifles and pistols. That is, I would take them to be maybe 30 or maybe 45. I did not take any of them in my hands. They were quite large. I saw some automatic and some Colt's pistols or revolvers.

MR. RICE: You say that at some time prior to Sunday the 18th, I believe, some one had complained to you of being molested on the highway?

A. Yes, sir. There had been, I think two persons.

Q. And had you, prior to that time had any communication or any advice or suggestions from the Attorney General with regard to pending trouble up there?

A. No, sir. I had not. I had never seen the Attorney General in my life and never had any communication with him except maybe an official opinion in one or two instances.

Q. And not with regard to this matter? A. No.

Q. Then it is not true at the time these young men swore out warrants for the persons that had molested them that you told them you had been advised by the Attorney General you had been advised not to issue them?

A. No, that is not true.

EXAMINATION BY JUDGE PIERCE

Q. Now, Mr. Duty, as I understand you, the attack was made upon the trucks carrying guards who were to go to this strip mine
in question some where near the county line between this and
Jackson County?

A. Yes, sir.

Q. And did you learn afterwards about what time of the day
that occurred?

A. Yes, sir. from the wounded men.

Q. And some time in the afternoon of that same day you
together with the Sheriff, went out to the place where it was
said this attack was made?

A. Yes, sir.

Q. Did you locate the place where the attack was made in
Williamson County or in Jackson County?

A. In Williamson County.

Q. And was the shooting all done in Williamson County?

A. Yes, sir.

Q. And at that time several men were wounded?

A. Some 5 or 6.

Q. And one man seriously and afterwards proved to be fatally
wounded?

A. So I heard.

Q. You learned all that same day on the 21st of June?

A. Yes, sir.

Q. You were in possession of those facts on the evening
of June 21st?

A. Yes, sir.

Q. You were in possession of a fact that Colonel Hunter
was from the Adjutant General's Office and had come here as an
Agent for the purpose of inquiring into a situation that was
considered to be tense?

A. No, sir.

Q. You knew Colonel Hunter was from the Adjutant General's
office?

A. Yes, sir.

Q. On this 21st day of June, when you came in from the
scene of the ambush with all of the knowledge pertaining to that
ambush, you knew that Colonel Hunter was an agent of the Adjutant
General's Office and was here for the purpose of investigating
the situation that was said to demand an investigation by the
Adjutant General with a view to determining whether troops ought
to be sent here, did you not?

A. I knew what Colonel Hunter was here for, yes.
heard Colonel Hunter call the Adjutant General over the phone and tell him that everything was quiet and peaceful here in this county and no troops were necessary, didn't you?

A. Yes, sir.

Q. And you did not disclose to him the fact that you had just come from the scene of the riot?

A. I knew Colonel Hunter had already known that.

Q. How did you know?

A. Said he knew it when we talked about this truce matter.

Q. That is it exactly. Now, when you heard Colonel Hunter tell the Adjutant General that everything was quiet here in Williamson County and no troops were necessary, did you correct him?

A. No, sir.

Q. Did you attempt to communicate with the Adjutant General that the report was false?

A. No, sir. I did not know whether that was false or not.

Q. Did you know and did you not come from the scene of the murder?

A. I had come from this scene of shooting.

Q. Didn't you call it murder or an attempt of murder?

A. No.

Q. Now, then, do you not know that conduct of that kind has occasioned the legislature of this state to investigate this and your public officials because reports have gone to the farthest extent of this whole country and the world that it is not safe for outsiders to come into your county and to business here.

A. Conduct of what kind?

Q. Just such conduct that has occurred in this community when you heard an agency of this state make a false report with reference to the matter. You heard him tell the Adjutant General you say that everything was quiet in this county and that there was no necessity for troops, didn't you say?

A. Yes, I said it.

Q. And at that time you knew that 4 or 5 men had been murdered?
A. Yea, sir.

Q. By a mob or ambush? A. Yea, sir.

Q. And you did know there was trouble there?
A. I knew about the shooting, yea.

Q. Why did you not correct his report to Adjutant General,
A. I have just finished telling you.

Q. Have you made all of the answer that you want to make to that question?
A. I said I did not know his report was false. He was reporting to the Adjutant General.

Q. You heard him make his report?
A. He said everything was quiet.

Q. And no necessity for troops?
A. He said troops were not needed.

Q. You understood from that, and you understand the English language, that they were not necessary.
A. I understood what he said.

Q. And you knew at that very time that that report was false, didn't you?
A. No, I did not.

Q. You did not think troops are necessary to be called in when men are shot down on trucks who are going to work for an institution in your county. You do not imagine the military men are here on the ground, that they want to know. What are they down here for? And you heard him make the report.
A. Yes, he made that report.

Q. And at that same time you had the knowledge of the entire situation of a shooting that had occurred within the same day in your own county.
A. Make that question clear.

Q. These people were butchered, a man shot in the spine, four other men wounded right here in Williamson County?
A. Yes.

Q. And you heard him say everything was quiet.
A. That is what I heard.
Q. And you did not attempt to correct it?
A. No, I did not.
Q. Did not want to give any correct information?
A. No, sir.
Q. You were the State's Attorney of this county, were you not?
A. Yes, sir.
Q. Now, then, you were out here to the Strip Mine and had a talk with Lester or Lester's Agent. You talked with a fellow by the name of McDowell. If I am wrong on any of these names I wish you would correct me.
A. I will do that.
Q. I see that you are apt at it. You told him you did not consider he ought to attempt to operate his mine in Williamson County.
A. I told Mr. Lester that.
Q. One or the other. Now at that time there was not any war here was there?
A. Not that I know of.
Q. Everything was peaceful in Williamson County?
A. Oh, no, we are never peaceable down here.
Q. I reckon that is the trouble. There was some disturbance in Williamson County at that time?
A. Not along that line.
Q. Just the general line, the raids, murders, robberies.
A. Just what occur in your town.
(Laughter)
Q. Oh, I hope not.
MR. IGGEN: Ask him what county he is from. He is not from Chicago.
A. I do not care where he is from.
MR. PIERCE: Q. I do not think you care very much about where anybody comes from or what they do. Do you mean to say you told Lester that you did not think it was wise for him to operate a coal mine in Williamson County?
A. Yes, I told him that.
Q. Did he not have a right to operate that?
A. I just finished telling that.

Q. Didn't he have a right under the law to operate it that way?

A. What do you think about it?

Q. I think under the law he did.

A. Then I think so too, if that will give you any satisfaction.

Q. Cannot a man do an act safely and lawfully in your county without having a man tell him he cannot.

A. If you will ask the question right.

Q. You have answered all you desire to make. Answer that question. (No answer)

MR. FIERCE: That is all Mr. Duty, I think we know enough about you.

A. What do you mean?

Q. We, the whole committee, and we are going to put it on paper.

CHAIRMAN MCCARTHY: Cut out the conversation. Mr. Duty, I just want to ask you a couple of questions. The time that Mr. Hunter called Mr. Black on the phone, had you had a conversation either with him or anybody else, or had you heard from any other source that a truce had been arranged?

A. No, sir.

Q. When did you first learn of that?

A. Up there in the office that night. Whenever Colonel Hunter was talking with General Black, that is the first time.

Q. That is the first you knew about the truce?

A. Yes, sir.

Q. Did you hear about that truce afterwards.

A. Oh, I heard about it through these two trials, sure I did.

CHAIRMAN: Any further questions by the Committee.

MR. IGOE: Just one question, Mr. Chairman. Mr. Duty, after you came back to your office on the night of the 21st, after attending this attack of the truck at Carbondale, did you make any effort to ascertain conditions out at the Strip Mine?
Q. Do you know whether the Sheriff or any deputy attempted to obtain that information?

A. No.

Q. Do you know whether the telephone wires were cut?

A. Well, if you will let me answer.

Q. I mean that night. Did you learn that night?

A. No.

CHAIRMAN MCCARTHY: Mr. Backer, any question.

MR. BACKER: No, I think not.

ATTORNEY RUFUS NEELY: I want to ask a question, please. Is it true that Mr. Lester asked the Sheriff in your presence to allow him to swear in these guards of his own as deputy sheriffs.

A. Yes, I remember he did.

Q. Can you tell what was said?

A. I believe Mr. Lester asked the Sheriff after I finished my talk. I cannot remember everything that was said. I believe after I told him what was likely to occur, and the Sheriff told him if any trouble would occur he would, and he told the Sheriff if he would not swear in these guards out there, he would get protection elsewhere.

Q. What did the Sheriff reply to that?

A. I do not remember what the Sheriff said, but he said he would not do it.

CHAIRMAN MCCARTHY: When was that?

A. That was during the conversation on Monday, the 19th. It was on the Monday preceding the Thursday on which the killing was held.

MR. IGOE: Now, Mr. Duty, that you remember that much about guards, can you remember anything else that was said by Mr. Lester about guards at that time?

A. About guards?

Q. Yes.

A. I can remember a few things he said in addition. Q. You let other mine companies swear in their guards as deputy sheriffs in this county?

A. I do not have anything to do with it.
Q. You as State's Attorney have some knowledge about that?
A. What do you mean "that"?
Q. They swear in some of their employees as guards I mean as deputies?
A. Yes.
Q. That is done through this county?
A. Yes.
Q. And this man Lester was making a similar request so far as his property was concerned?
A. That was what was made.
Q. And he, also, stated he would put them under heavy bonds in an amount to be approved by the Sheriff?
A. No, sir, I did not hear that.

MR. CURRREN: When a Sheriff does swear in a Deputy Sheriff he makes sure he is a reputable citizen?
A. Yes, sir.
Q. And those fellows that were down for Lester were not residents of this county?
A. Not so far as I know. That is a statutory matter.
Q. As a matter of fact do you know those guards were not residents and came from Chicago?
A. During the trial I discovered that. They were from Pennsylvania?

MR. IGOE: They were not killed out there then just because they came from Chicago, were they?
A. I do not think so. (Laughter)

Q. This soldier boy who is laying out there with a cross over his head, he was not from Chicago?
A. Who?
Q. Malkivitch?
A. He was from Pennsylvania. I was present at this trial and evidence was developed that all of these men came from Chicago here but that they came down from a certain employment agency there.

MR. IGOE: There was never anything in Chicago to compare with this situation and we do not have to apologize for anything.

MR. CHAIRMAN: Let us proceed with the hearing and not get into any personalities. Are there any further questions. (None)
That is all. We will take a fifteen minute recess.
TESTIMONY OF MAJOR ROBERT W. DAVIS

BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE

HOUSE OF REPRESENTATIVES

AT

MARION, ILLINOIS

April 26, 1923.
In re: House Resolution No. 44.

Present: Committee on Investigation of Herrin Massacre.

Frank A. McCarthy, - Chairman.
William L. Pierce,
W. B. Phillips,
Norman G. Flagg,
Thomas Curran,
M. P. Rice,
M. L. Igoe.

W. L. Backer, Attorney for Adjutant General
A. C. Lewis,
Rufus Nealy On behalf of certain witnesses-
George R. Stone) Melvin Thaxter, other officials.

Witnesses: Major Robert W. Davis
Delos Dury - State's Attorney
CHAIRMAN McCARTHY: Let the record show the following witnesses present who have previously been subpoenaed:

Melvin Thaxton
Delos Duty
Mr. Thornton
Clarence Holmes
Judge Morgan
Mr. Edrington
A. B. McLaren
R. D. Mitchell
Wm. Rix
Will Warder
Oldham Paisley
Fox Hughes

(Receives message concerning Fox Hughes) Let the record show that a Doctor's certificate is furnished showing that Mr. Hughes is sick and confined to his bed at the present time.

Mr. Schaffer
Judge Hartwell

What is the pleasure of the Committee with reference to visiting the mine and the scene of this trouble?

MR. RICE: I move that the Committee adjourn temporarily for the purpose of taking a trip over the ground and acquainting themselves with the surroundings in the vicinity of Marion.

MR. PHILLIPS: I second that motion.

CHAIRMAN: It is regularly moved and seconded that the Committee adjourn to visit the scene of the trouble and go over the ground.

(Motion put to Committee and unanimously carried)

MR. RICE: I suggest that the hour at which the Committee should reconvene should be determined.

CHAIRMAN: The Committee is adjourned until 2 o'clock this afternoon. Let the record show further that Major Davis is present at my request to testify before this Committee.

Gentlemen, we will not be able to examine all of these witnesses today. I suggest that Melvin Thaxton, Major Davis, State's Attorney Duty and Clarence Holmes be here at 2 o'clock and the other witnesses be excused until tomorrow morning at 9 o'clock.

I want to say just a word in regard to the scope of this investigation and the authority vested in this Committee.
We are here as a Committee from the House of Representatives of the Illinois Legislature, having the power to subpoena witnesses and all of the other powers of the Grand Jury and even higher than a Grand Jury. Proceedings here will be conducted in the nature of court proceedings but not in the nature of Grand Jury proceedings. Strict rules of evidence will not be adhered to in all instances. We are here as an investigating body. We have no power to convict anybody of any crime. We simply ascertain what the facts are. I want the people of this community to understand we are here as their friends. We are not here for the purpose of casting any shadows upon your community. Enough of those have gone abroad and we are here to work with you to clear up this situation that the world might know that Williamson County is not as bad as it has been painted and we hope that the citizens of this community will cooperate with us.

I want to say this - that if there any persons who have any information that they think will be of value to this Committee that we will appreciate their talking with either myself or some member of this committee. We will be at the Goodall Hotel and will be glad to see you privately, and any information that is given us will be received in the same spirit that it is given, for the purpose of clearing up the entire situation. I do not want you to be afraid if you have any suggestions you want to offer this Committee. We want to cooperate with you and we want you to cooperate with us.

The Committee will now stand adjourned until 2 o'clock this afternoon.

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The Committee immediately proceeded to the scenes of the massacre, first visiting the Strip mine, making note of the route taken by the mob and its prisoners, the place where several men were killed on way to Herrin, the Power House Woods where a large number were shot down, then proceeding to Herrin and the Herrin Cemetery where more victims were tortured to death and all were buried.
having been first duly sworn, was examined in chief by Chairman McCarthy and testified as follows:

Q. What is your full name?
A. Robert W. Davis.

Q. Where do you live?
A. In Carbondale.

Q. What is your business?
A. Newspaper man.

Q. How long have you been engaged in the newspaper business?
A. About three years.

Q. Three years at Carbondale?
A. Yes, sir.

Q. Are you, in any way connected with the military forces of Illinois?
A. Yes, sir, I hold Majorship in the National Guard.

Q. How long have you held that position?
A. Since June, 1922.

Q. You will please give us your military record?
A. I enlisted with the local company at Carbondale in June, 1916 during the Mexican War and from that time on I was in charge until the war with Germany was declared. I served overseas with the 130th Infantry fourteen months, and was discharged at Camp Grant in June, 1919.

Q. Are you still a member of the National Guard?
A. Yes, sir.

Q. Do you hold the rank of Major?
A. Yes, sir.

Q. What companies are under your jurisdiction and where are they located?
A. I, at Salem, K at Cairo, L at Mt. Vernon and M at Paris and Battalion headquarters at Carbondale.

Q. How far is Cairo from the city of Herrin in Williamson County?
Herrin?
A. Well, the Illinois Central main line from Cairo to Carbondale and then that would have to come to Herrin on this branch line that runs through Carbondale to Herrin.

Q. How long does it take to get there?
A. It takes about 35 or 40 minutes.

Q. To get from Carbondale to Herrin?
A. Yes, sir.

Q. I think you said you had a company at Mt. Vernon?
A. Yes, sir.

Q. How far is that?
A. Mt. Vernon is about sixty miles.

Q. What transportation facilities are there between Mt. Vernon and Herrin?
A. They have to go from Mt. Vernon on the L. & N. to Ashley to the main line and down on the main line from Carbondale over on this branch line.

Q. Where is the other company located?
A. In Salem.

Q. How far is that from Herrin?
A. About 50 miles.

Q. What transportation facilities are there between Salem and Herrin?
A. From Salem you would have to come across I think it is the L. & N. or I. C. and down to Carbondale.

MR. RICE: Let me suggest that the witness talk up so the Committee can hear.

CHAIRMAN: Yes, talk a little louder, Mr. Witness. In the event that you were not able to get a railroad train or street car service between the towns mentioned where these companies are located, what other means of transportation would be provided for them?
In case of emergency might they be used?
A. Yes, sir, I think so.
Q. From your knowledge of the situation of these companies in the different towns, in emergency, could trucks have been provided for them?
A. Yes, sir, I think so.
Q. Now, do you know Colonel Hunter?
A. Yes, sir.
Q. How long have you known Colonel Hunter?
A. I have known Colonel Hunter about seven or eight years.
Q. He is also officer of the National Guard is he not?
A. Yes, sir.
Q. Did you visit Marion and vicinity with Colonel Hunter on or about the 17th or 18th of June, 1922?
A. Yes, sir.
Q. Just tell the Committee when you first heard of that trouble and all that transpired so far as your direct connection with it is concerned.
A. I received a wire from Colonel Hunter at Springfield to meet him at noon on Sunday in uniform and to come to Marion with him. I met him on the noon train and we came over to Marion and went directly to see the Sheriff and Colonel Hunter explained to the Sheriff what he had been sent down there for and to get as much information from him as he could, and asked the Sheriff if he would take us out to the mines. The Sheriff made some excuse, said that he had worked hard the day before and it was Sunday and he wanted to rest. He had a meeting of some sort at 8 o'clock the next morning and to wait until Monday to go out. There was not anything to be done. I went back to Carbondale Sunday evening.
Q. Who went back to Carbondale?
A. I did.
Q. Then what happened?

A. I came back early Monday evening for this conference they were to have - a conference with Mr. Lester, the Sheriff and State's Attorney, and about 8 or 8:30 they held this conference in the State's Attorney's office.

Q. Who was present at that conference?

A. There was Mr. Lester, Sheriff Thaxton, State's Attorney Duty, Colonel Hunter and myself.

Q. All right, what happened at that conference?

A. Well, the situation was discussed among them and with Mr. Lester particularly, and the State's Attorney tried to induce him not to operate his mine with non-union men and went on to explain to him the seriousness of the situation, and Mr. Lester informed him that he intended to operate the mine, and that he would operate it if the civil authorities could not furnish him protection that he would call for protection from elsewhere.

Q. Anything further happen at that time?

A. Nothing more that day that I remember of. I returned to Carbondale that evening and was not back any more until Wednesday evening. I came back Wednesday evening on a telephone call from Colonel Hunter, arriving here about 8:30.

Q. What did you do then?

A. I hunted Colonel Hunter up at the Greater Marion Association office and we immediately went over to the State's Attorney's office to a conference. I think it was a conference with the union leader, the Sheriff, the State's Attorney, Colonel Hunter, as well as I remember. Hugh Willis was there and the State's Attorney, the Sheriff and Colonel Hunter. It seems to me like there was two or 3 other men there, but I do not remember.

Q. You do not remember the names of the other men?

A. No.

Q. Were they the persons who constituted what was known as the Citizen's Committee?

A. Yes, sir, as I understand it.
A. "Well, all that I heard was a discussion of the truce that they had arranged. That a white flag was to be put up at the mine, that the union men were to put up a white flag and that was about all.

Q. Tell us what you know of the terms of this truce that was arranged at that time?

A. I do not know as I understand much about that. All that I got about it was what little I heard there, but I think in my own opinion ---

Q. What was said? Who did the talking and who dictated the terms of stated what they were to be?

A. I do not remember that. I did not hear that part of it.

Q. Were you taking part in the conference?

A. Just as a listener.

Q. What were the terms, upon what terms was this truce arranged, as near as you can remember?

A. That the non-union men at the mine were to put up a non-white flag and that the union men that had then surrendered would wait until daylight and were to be safely taken out and gotten out of the county.

Q. Who was to take care of the terms of this so-called truce?

A. I do not know that there was anything said at the meeting about how it was to be carried out. As well as I remember, the matter was practically over when I came in. The terms had already been gone over and fixed up, earlier in the afternoon, I do not know.

Q. You say you did not get into Marion until about 9:30 on Wednesday night?

A. Yes, sir.

Q. And you had left here at what time previous to that?

A. Monday evening.

Q. You were not here Tuesday or all day Wednesday until about 8:30 in the evening?
Q. Did you get orders from any other person than Colonel Hunter to report here in the afternoon?
A. No, sir.
Q. Did you communicate with any other officer during the time that you were here other than Colonel Hunter?
A. No, sir, I did not.
Q. During the time that you were here, were you with Colonel Hunter all of the time?
A. No, sir. I was most of the time. I did the running of errands for him and things like that, places that he wanted me to go.
Q. What places did he send you to?
A. I made trips to newspapers, Sheriff's office, and first one thing or another that I could do.
Q. What was the purpose of those trips?
A. Some times to get a newspaper. Two or three different times to locate the Sheriff for the Colonel.
Q. During the time that you were with Colonel Hunter did he communicate with his superior officer, General Black, or anybody at Springfield with reference to the situation in and about the mine or Herrin?
A. Yes, sir. On Monday, after his conference with the State's Attorney's office, Colonel Hunter and I went to the telephone office and he called General Black.
Q. What time in the day was this?
A. Near 11 o'clock. Probably 11:15.
Q. In the forenoon?
A. Yes, sir.
Q. What was said at that conversation, so far as you know?
A. Colonel Hunter told General Black about the conference, what Mr. Lester was trying to do and, also, that he did not have much confidence in the Sheriff or he did not think he was
thought we ought to have troops.

Q. Told him this on Monday at 11 o'clock?
A. Told him there was an undercurrent that indicated trouble to him and he thought it would be a good thing to have troops.

Q. Did he tell him how soon or when he ought to have troops?
A. No, sir. I did not think so.

Q. What else did he tell him at that time?
A. That is about all that I remember of. He went into detail about how Mr. Lester was running the mines, the guards and what the situation looked like to him.

Q. What did he tell him about how the mines were being run?
A. He told him that they had armed guards out around the mine, were holding people up on the highways, that people in the community were objecting to it and that it was creating a restlessness among the union men and people of the community.

Q. Did he have any other conversations over the telephone with General Black at any other time when you were with him?
A. No, sir, I do not remember of any unless it was the day, on Thursday.

Q. I mean prior to the trouble.
A. No, sir. None that I heard.

Q. You came to Herrin then at 8:30 on Wednesday evening and had this conference in the State's Attorney's office?
A. Yes, sir.

Q. What happened after that time so far as you know of, your own personal knowledge?
A. I think everybody left but Colonel Hunter, the State's Attorney and myself and we just visited there a few minutes and the Colonel and State's Attorney talked things over - the situation.

Q. Did you state who was present at this conference?
A. I think you stated that the Sheriff, Colonel Hunter, Hugh Willis, Mr. Lester.

A. No, sir, Mr. Lester was not present.
Q. Was Mr. McDowell?
A. No, McDowell was not, I do not think.
Q. Who was there representing the mine owner?
A. I do not remember of any one.
Q. At that conference did they state what time this truce was to go into effect?
A. No, sir, not that I heard.
Q. When was it to go into effect, do you know?
A. No, sir, I do not know.
Q. What it to go into effect the next day?
A. I do not know whether it was to be that evening or the next day. I did not hear the terms.
Q. Who took part in the conversation regarding the terms of the truce?
A. I did not hear the terms of the truce. I think that was all discussed and over before I come in.
Q. Who was with you when you went to the conference?
A. I do not remember. I think I went up alone from the Greater Marion Association office. Colonel Hunter was already in conference when I got in town.
Q. When did you leave Marion Wednesday evening or did you stay over?
A. I stayed over.
Q. What time did you leave this State's Attorney's office?
A. I do not remember the time, it must have been 9:15 or 9:30.
Q. Where did you go then?
A. We went back to the Greater Marion Association office.
Q. What happened there?
A. Nothing that I remember of. We were just sitting around.
Q. Who was sitting there?
A. Mr. Edrington was there, I think.
Q. Who was with you?
A. Colonel Hunter.
Q. How long did you stay in the office of the Greater Marion Association?

A. Well, as well as I remember it, it must have been midnight.

Q. Then where did you go?

A. When we left there we went to the Hotel and went to bed.

Q. Was Colonel Hunter present during all of that time?

A. Yes, sir, unless it was just a minute or two at a time.

Q. Did he communicate with General Back during that time?

A. No, sir, I do not remember about that.

Q. If he had communicated with him would you have heard it?

A. I might not have. I was not in there all the time myself.

Q. Where else did you go?

A. Down on the street, chasing around.

Q. Do you know, Major, did he communicate with General Black on the evening of the 21st, Wednesday?

A. No, sir.

Q. Did he report to you at any time that he had communicated with him on that evening?

A. No, sir.

Q. Where you with him most of the time that evening?

A. No, sir. I was not all the time.

Q. I said most of the time.

A. No, sir. I did not say most of the time.

Q. How much of the time were you with him?

A. I have no idea. I did not watch the time.

Q. You were in the State's Attorney's office with him?

A. Yes, sir.

Q. And from there you went back to the Greater Marion Association office?

A. Yes, sir. I was not there very much from then on.

Q. Your recollection ought to be a little better than that, Major. You stated to us that you were present at these two conferences and that you were with Colonel Hunter most of the time. Now during the time they were in State's Attorney's Duty's office, how much of the time were you present?
A. I was present in the State's Attorney's office from the
time I got there until it was all over, probably about 9:30.

Q. You were there then about one hour?
A. Yes, sir.

Q. Then you went over to the Greater Marion office?
A. Yes, sir.

Q. How much of the time were you there with Colonel Hunter?
A. I was in and out.

Q. Two-thirds of the time would you say?
A. Probably, yes, sir.

Q. Just state to the Committee, Major, what you observed
with reference to the local conditions here as to whether there
might or might not be violence when you first arrived in this
community?
A. Well, about all I saw was what I heard the men talking
around in the town when I came in.

Q. Did you talk to any men?
A. No, sir, I did not personally.

Q. Who were those men talking to?
A. Most of them were men I did not know. Just men around
the streets.

Q. What did they say?
A. It was all a general line, along the employment of non-
union men and what it might bring on, the trouble it might cause.

Q. What trouble did they say it might cause?
A. Well, I do not know whether they mentioned any certain
trouble, only the things I heard most of was Williamson County
in this district was too strongly organized for them to do anything
like they were doing.

Q. Did you hear anybody make any threats of violence?
A. No, sir, I did not.

Q. What else did you see or hear that might lead you to
believe that there might be violence here?
A. I did not hear any more than that.
Q. Did you see anything that was suspicious to you as a military man?

A. Nothing more than just my knowledge of what had happened.

Q. What was your knowledge?

A. That it usually lead to trouble, mobs or something of the sort and I would have thought in my own mind that it probably would lead to something that it did.

Q. Did that thought enter your mind at the time?

A. It did, yes, sir.

Q. What did you see that lead you to believe there might be trouble? I am speaking of Sunday now when you arrived, up to say Monday noon?

A. I did not see anything in particular. I did not see the conditions out at the mine.

Q. Yet you thought there was going to be trouble?

A. I thought there could be, yes, sir.

Q. I want to be fair, Major, but the Committee would like to know on what you based those thoughts of yours, on your opinion. Your opinion was there might be trouble. What did you base it upon?

A. As I told you before, the conditions in an organized district like this and the things that would happen.

Q. Yet, you saw nothing concrete. The opinion or conclusion you arrived at was simply in your own mind?

A. My own mind, yes, sir.

Q. Were you with Colonel Hunter all of the time on Sunday and Monday that you were here?

A. No, sir.

Q. When were you away from him?

A. Sunday afternoon, immediately afternoon I went down to the Elk’s Home and loafed around there most of the afternoon and went riding with some friends.

Q. Do you know where Colonel Hunter was during that time?

A. No, sir.

Q. Did he tell you where he had been?

A. No, sir.
A. I do not remember. I do not think I saw Colonel Hunter before this conference. I came over on the train from Carbondale and went right on to the State Attorney's office.

Q. What time of the day was that?
A. That was about 7:45 or 8:00 AM.

Q. When did you talk with Colonel Hunter after that time relative to the general situation here?
A. Not until after this conference was over.

Q. That was about what time — 10 o'clock say?
A. About 10 o'clock.

Q. Then what happened? Did you have a conference with him?
A. Yes, sir, but not in conference, just as we walked down the street.

Q. Did he tell you anything regarding the situation here at Marion or in Williamson County which you might arrive at the conclusion you just gave us that violence might break out at any time?
A. Yes, sir, we talked about that. I do not remember just what was said.

Q. What did he tell you he had discovered?
A. We talked about the civil authorities. What we thought they might do, had not done and things like that. I think I told Colonel Hunter that it would be a good thing to get all these armed guards, take their arms away from them and stop this.

Q. Did you know the guards were armed?
A. Only what I had heard.

Q. Did you discuss with Colonel Hunter than the feasibility of calling troops?
A. Yes, sir.

Q. What did you say, or was the conclusion arrived at?
A. The conclusion was that we thought we ought to have troops.
Q. What did you base that conclusion on?
A. Morning, in particular as to keep down trouble if it should come.

Q. You just figured you ought to have troops?
A. Yes, sir.

Q. And you know of no definite fact now in your mind that you saw here that might have lead you to think violence would break out in this community?
A. No, sir.

Q. You saw nobody with arms?
A. No, sir.

Q. You saw no mobs gathered?
A. No, sir.

Q. You heard nobody make any threats?
A. No, sir.

Q. After this conference in the morning which ended about 10 o'clock, you and Mr. Hunter went over to the telephone office?
A. Yes, sir.

Q. At this conference what was said regarding the necessity for troops?
A. Well, I do not know that anything was said about troops then, only it was discussed with Mr. Lester and he made the remark that if the civil authorities did not give him protection that he would call for troops himself.

Q. Anybody else say anything about calling for troops?
A. I think Colonel Hunter did.

Q. What did he say?
A. Getting troops was mentioned and the State's Attorney told him he did not think they would need troops and he thought it would be the worst thing to have them.

Q. What did Colonel Hunter say to the State's Attorney about calling troops?
A. I do not think he said anything to him, only asked him what he thought about troops, probably something like that. I do not just remember.
Q. What else was said there regarding troops at that conference?
A. That was all.

Q. Any of the other men say anything about the necessity for troops?
A. No, sir.

Q. Then all that you heard was just general discussion between the State's Attorney Duty and Colonel Hunter as to the advisability of calling troops?
A. Yes, sir.

Q. And they decided there was no immediate necessity for it?
A. I do not know that they decided that.

Q. Was that the conclusion they came to?
A. Well, I think that was all there was said. I think Colonel Hunter still thought we ought to have troops.

Q. I do not care what he thought, what did he say?
A. I do not think he said anything more after that.

Q. Did he, at any time, say to any of those men he thought troops should be called or that troops were necessary?
A. I do not remember that.

Q. Can you answer the question directly whether he made such a statement or not?
A. No, sir.

Q. You cannot answer that?
A. No, sir.

Q. Did you hear him make such a statement?
A. No, sir, unless he made it to me. I am sure he mentioned it to me.

Q. Did anybody else hear him when he mentioned it to you?
A. Well, I think maybe it was mentioned before Mr. Edrington. I do not just remember about that.

Q. Who else was present besides Mr. Edrington?
A. No, one that I remember of.

Q. And where did this take place?
A. In the Greater Marion Association office.

Q. When?
CHAIRMAN: Any members of the committee want to ask any questions?

FURTHER EXAMINATION BY H. L. IGGE.

Q. Where do you live, Major?
A. Carbondale.

Q. Any mines over there?
A. Just a few small mines around the edge of town.

Q. How far is Carbondale from this town?
A. About 18 miles.

Q. When you came over here on Monday morning, as I understand it, there was present at the conference, State's Attorney, Sheriff, Mr. Lester, Colonel Hunter and yourself?
A. Yes, sir.

Q. Who is Mr. Lester? Is that the man who owns the mine?
A. Yes, sir.

Q. And Colonel Hunter and yourself?
A. Yes, sir.

Q. Was that here in the Sheriff's office, that conference?
A. No, sir, that was in the State's Attorney's Office.

Q. At that time did Mr. Lester or anybody else request protection for his property?
A. Mr. Lester did.

Q. What, if anything did he say?
A. I think Mr. Lester told the Sheriff that he would have to have protection, that he would ask him to swear deputies to give him protection or take what steps his office would to make it safe for him.

Q. That is Lester told the Sheriff he wanted him to swear in deputies to give him protection?
A. Yes, sir.

Q. What, if anything, did the Sheriff say?
A. I think the Sheriff told him he could handle the situation. He could handle it all right.

Q. Do you know whether or not any deputies were sworn in?
Was it after that that Colonel Hunter went out and called up General Black?

A. Yes, sir.

And how soon after that conference was it that orders were issued out of Springfield to cause three companies of militia to move on short notice?

A. I do not know.

Q. Did you ever know such an order was issued?

A. No, sir.

Q. Who is captain of the Company at Cairo?

A. Captain Wilbur G. Thistlewood.

Q. And Captain McMackin at Salem?

A. Yes, sir.

Q. Captain Brown at Mt. Vernon?

A. Yes, sir.

Q. Do you know when they got their orders?

A. No, sir, I do not know.

Q. Do you know whether or not those orders were received before this trouble occurred down here?

A. I think they were.

Q. Do you know from whom they got the orders?

A. From General Black.

Q. Did any one else outside of the Sheriff say anything with relation to their willingness to have troops sent in to protect lives or property?

A. No, sir.

Q. On that Monday morning?

A. Well, I think the State's Attorney mentioned it.

Q. What did he say?

A. He said he thought there was, it was inadvisable. They should not have troops there. It was the worst thing they could do.

Q. That is Mr. Duty?

A. Yes, sir.

Q. The Sheriff is Mr. Thaxton?

A. Yes, sir.
Q. Was anything said at that conference about armed guards out at the Strip mine?
A. Yes, sir, I think that was talked about. The Sheriff, I
know, objected to the guards.

Q. And was anything said at that time about a written demand
being made upon the Sheriff to send protection out there?
A. Well, I do not know anything about a written demand or not.
Q. You do not know whether or not a written demand was made?
A. No, sir.
Q. That practically accounts for your presence here at that
time. You went back to Carbondale?
A. Yes, sir.
Q. You returned here on Wednesday?
A. Yes, sir.
Q. You came, I believe, at the request of Colonel Hunter?
A. Yes, sir.
Q. Was anything reported to you at that time as to what
had occurred on Wednesday in this city?
A. No, sir.
Q. With reference to violence of any kind?
A. Colonel Hunter called me and told me he thought that they
were going to have trouble here or something like that and that I
had better come over.
Q. What time of the day did he call you?
A. About 3:30.
Q. What time did you reach here?
A. At 8:30.
Q. Did you see the Sheriff, Mr. Thaxton that night, Wednesday
night?
A. No, sir, I do not remember of it.
Q. Did you see the State's Attorney that night?
A. Yes, sir.
Q. Where was he?
A. He was in his office.
Q. What was said in his office that might by either you or
A. I do not remember of anything like that. I think their conference was practically over when I got to the office.

Q. Were they in the office when you got there?
A. Yes, sir.

Q. As I understand, you left there about 9:30?
A. Something like that.

Q. Were you planning to meet the Sheriff the next morning?
A. Yes, sir, I think they had made arrangements to meet the Sheriff about 6 o'clock next morning.

Q. Was there anything said that night about going out to the mine?
A. Yes, sir, I think there was.

Q. What was said, if anything?
A. I think that the Sheriff and some more of the men decided to go out there about 6 o'clock in the morning or start out at that time.

Q. That was decided in the State's Attorney's office?
A. Yes, sir.

Q. Then you went off to your hotel for the night?
A. Yes, sir, we went back to the Hotel.

Q. What time did you get up the next morning?
A. About 5:30 or a quarter to 6.

Q. What time did you see Hunter the next morning?
A. I saw Colonel Hunter, I think Colonel Hunter was sitting over in the office.

Q. By the office what do you mean?
A. Greater Marion Association.

Q. Is that near this building here?
A. Across the corner.

Q. Near the Sheriff's office?
A. Yes, sir.

Q. You say you got there at what time Thursday morning?
A. About 6 o'clock.

Q. And then what did you or Colonel Hunter do at that time?
A. We tried to find the Sheriff.
Q. Where is the Sheriff's office?
A. In this building.

Q. Did both of you come over here?
A. Yes, sir.

Q. Did you find the Sheriff?
A. No, sir.

Q. Did you find anybody in the office, in the Sheriff's office?
A. I do not think we did. I am not sure about that. If there was it was a deputy. I do not remember.

Q. Did you go to the State's Attorney's office that morning?
A. No, sir.

Q. And if you could not find the Sheriff at about 6 or 6:30 what did you do next?
A. We waited around on the corner until he came.

Q. Where did you wait for him?
A. At his office, across the street and around the square.

Q. How long did you wait for the Sheriff that morning?
A. Until about 8 o'clock.

Q. Did he arrive at that time?
A. Yes, sir.

Q. And then what did you do?
A. We went with him out to the mine.

Q. Who went to the mine?
A. Colonel Hunter, Sheriff Thaxton and a deputy sheriff. I do not remember. I think his name was Storme.

Q. What time did you get to the mine?
A. About 8:30.

Q. What did you see at the mine at that time?
A. We saw the office, oil house, blacksmith shop and things all burning, people were crowded all over the ground.

Q. Were you advised as to what had become of the men who had been out at the mine?
A. Yes, sir. People around told us they had come out and gone towards Herrin with them.

Q. What did you folks do after you found that out?
A. After we were told that we started back to town with the
Sheriff, he met someone. I do not remember who it was, and turned
around and decided he would go on to Herrin. He got out of his car
and got in another and came on back to Marion.

Q. Did the Sheriff decide he would go on to Herrin?
A. Yes, sir.

Q. When you folks were at the mine did you learn what had
become of these persons outside of their being taken to Herrin?
A. No, sir. We heard rumors some had been killed. "We did not
know.

Q. You came on back to Marion?
A. Yes, sir.

Q. Outside of that deputy who was with the Sheriff were there
any other deputies around here at that time?
A. None that I know of.

Q. Was there any conversations ever held in your presence
in which Sheriff was asked to swear in extra deputies outside of
the request made by Lester.
A. I remember of a message, I think from Governor Small about
deputies.

Q. A message from Governor Small to the Sheriff requesting
the swearing in of additional deputies?
A. Yes, sir.

Q. Who had that message if you know.
A. I think the Sheriff received it. I think Colonel Hunter
received a message at the same time asking him to get the Sheriff
to wire the Governor the number of deputies he had and Colonel Hunter
sent me to the Sheriff to see if he got that message and his answer.

Q. Did the Sheriff say whether or not he had received that?
A. Yes, sir. He did.

Q. This was before the trouble occurred out to the mine, as
I understand?
A. That was after it was over.

Q. Was there any conversation after it was over?
A. I do not know about the swearing in of deputies.

Q. Was this message after the trouble at the mine?
A. Yes, sir, as well as I remember.

MR. TGOE: I think that is all.

FURTHER EXAMINATION BY MR. CURRAH.

Q. You say when you came here on Sunday you thought troops ought to be sent in. Would you have ordered troops in here after what you heard on the streets?
A. Yes, sir. I would have.

Q. Why would you order troops when you did not hear anything? What would make you do it?
A. The attitude the people were taking towards it.

Q. How did you know the attitude they were taking when you did not hear anything?
A. I did not say I did not hear anything.

Q. You say you heard nothing in that only about the county being well organized, but you did not hear anybody make any threats of violence, and still you would have ordered troops notwithstanding you had heard nothing?
A. The feeling in the community. What people say they could do and could not do.

Q. Who did you hear say that?
A. Around town.

Q. Who were they?
A. I did not know any of them.

Q. I presume if you came up to Chicago and heard a few people arguing you would have had the troops out.
A. I was on riot duty in East St. Louis and other places and I had enough experience that you don't have to hear people threaten. you know what is going to happen just from the feeling a round. I would do it so I would be safe if nothing else.

Q. You would not care about the expense to the State you would just do it to see the soldiers come?
A. No, sir. I would not say I would do it to see the soldiers come.
Q. Still you say you did not hear anything. You did not hear any threats made outside of Williamson and Franklin counties were well organized and that they could not work non-union men here?

A. Well, I think that would be enough.

MR. IGBE: Major, you did hear Mr. Lester request protection didn't you?

A. Yes, sir, I did hear Mr. Lester request protection.

Q. And you did hear Mr. Lester be advised by the civil authorities in this county that he better shut his mine?

A. Yes, sir.

Q. And you did hear Mr. Lester comment on the armed guards at the mine?

A. Yes, sir.

MR. CURRIN: That was the second day you heard that?

A. On Monday, yes, sir, after my conference with Mr. Lester.

FURTHER EXAMINATION BY JUDGE PIERCE

Q. State's Attorney Duty met you and Colonel Hunter at his office some time on Monday evening?

A. No, sir, it was Monday morning.

Q. At that time had you learned anything about armed guards being out here at the mine?

A. Nothing only what I had heard around town. People talking about them.

Q. Did you, at that time, see Lester the owner of the mine?

A. Yes, sir, on Monday morning.

Q. Was he with you in Duty's office?

A. Yes, sir.

Q. Did he at that time, tell you and Duty and others that were there, that there was danger at the mine?

A. Yes, sir.

Q. Was that the time that he said that unless he could get protection from the civil authorities here that he would look for protection elsewhere?

A. Yes, sir.
Q. Was Duty there at that time?
A. Yes, sir.

Q. What did he say as a reason why he thought he would have to look for protection elsewhere if the local authorities would not take hold of it?
A. I think that was more because the State's Attorney advised him that he should not try to do that.

Q. It might result in trouble to get other protection other than county authorities?
A. No, I mean working non-union men.

Q. Well, but Lester was complaining there that he was apprehensive there was going to be trouble from his working the non-union men and was asking for outside assistance, and he was asking that in the presence of the State's Attorney?
A. Yes, sir.

Q. At that time you had learned that these men that were working for him were armed men?
A. Yes, sir.

Q. Were armed with weapons working at the mine under arms and that that mine was under arms, you learned all that. Did Duty know it at that time?
A. Yes, sir, I think he did.

Q. Duty said to you and to Lester and to the Sheriff, as I understand it, at that time that he thought that it would not be the part of wisdom to call in troops, that the situation was not of such menacing character as to indicate that it was beyond or above or outside of the power of the local authorities to handle it, that is what he said?
A. Yes, sir.

Q. In substance?
A. Yes, sir.

Q. Notwithstanding Lester had complained that there was danger and that Colonel Hunter had said he thought there was danger?
A. Yes, sir.

Q. Did you see Duty again after that time?
A. No, sir. I do not remember seeing him.
Q. How, then, you went out from that conference on the streets here in Marion and naturally you were listening to hear what you could hear?

A. Yes, sir.

Q. And you heard comments from different of the citizens here concerning the condition, and from remarks you could hear, coupled with your experience and observations of former events that had lead into ‘riots’, you judged there was a situation here that was critical and that ought to be overcome by outside forces, did you?

A. Yes, sir.

Q. That is the way you made up your mind. A. Yes, sir.

Q. The spirit of the people here as manifested from conversations you had, indicated there might be trouble, didn’t it?

A. Yes, sir.

Q. Without any express words to that effect you drew the conclusion that there was liable to be trouble here from the fact that this county was highly organized in union labor and that they were seeking to break that down without force and attempting to operate coal mines here with non-union men in spite of organization with the union men - did you couple that up with any idea that the union men might resist that by armed forces? A. Yes, sir.

Q. Is that what gave you the idea that there might be an outbreak at any time? A. Yes, sir.

Q. And had you used your judgment in the matter you would have considered it expedient, under the existing condition, to have called troops right away on Monday, wouldn’t you, as early as Monday? A. Yes, sir.

Q. Did you learn anything of that kind here on the evening of the 18th?

A. On Sunday, I do not remember the date. I think it was the 18th.

Q. Wednesday was the 22d was it not? A. Yes, sir.

Q. Thursday morning was the morning of the riot? A. Yes, sir.

Q. Now, you learned, of course, when you got here on Wednesday Evening that somebody had been killed, didn’t you?

A. Yes, sir.
Q. Did you learn the number of men who had been killed?
A. No, sir.

Q. Did you learn whether they were union men, non-union men or guards?
A. I did. I understood they were non-union men that were being brought from Carbondale over here on the truck that was ambushed on the way over.

Q. Did you understand the men who were killed on the evening of the 21st were non-union men or union men?
A. They were men that was fired on in this truck, I understood non d to be union men.

Q. Did you learn that these men were killed, through Colonel Hunter? Did Hunter know anything about that?
A. Well, I did not hear from Colonel Hunter. I think he heard it before I left.

Q. That men had been killed over there? A. Yes, sir.
Q. Didn't you learn that men had been fired upon - non-union men coming in trucks?
A. Yes, sir, I did.

Q. You learned, or when you learned of the that had been struck, you learned that certain men had been killed out in the vicinity of the mine, did you not, on the evening of the 21st of June?
A. No, sir. I do not remember about that.

Q. Didn't you know that anybody had been killed the night before this riot?
A. I do not remember. I think I heard there was one or two union men killed. I do not remember.

Q. What would you understand the purpose of the truce was if there had not been some shooting or firing going on?
A. They probably had the truce to stop trouble.

Q. And there would not be any occasion for a truce until after trouble began. Did you ever hear of an armistice or truce until there had been some firing?
A. This truck had been fired on on the road.

Q. Didn't you hear that a truce had been struck at the mine?
A. Yes, sir.

Q. That the non-union men had ceased to fire, laid down their arms, stuck up a flag and that the guards at the mine had done likewise and that that truce should continue until 6 o'clock the next morning?
A. I do not remember about the time.

Q. Didn't you understand that at 6 o'clock the next morning the men were to be given safe passage out of the county?
A. Well, that is what I understood it was for, I did not understand any certain time.

Q. Didn't you talk with Colonel Hunter concerning this matter on the night of the 21st after you got here?
A. I listened to their conference.

Q. Didn't Colonel Hunter report to you it had been done?
A. He did.

Q. What did he report as to what had been done?
A. The men at the mine had put up a white flag and the union men had put up a white flag.

Q. For what purpose?
A. To stop trouble, that it would be safe for them to get out. I do not remember any certain time.

Q. What was the object of your meeting the Sheriff at 6 o'clock the next morning?
A. To go out to the mine.

Q. For what purpose?
A. I do not know. I was just going.

CHAIRMAN McCARTHY: What did Colonel Hunter report to you had happened after you arrived on Wednesday evening?
A. I do not remember just what that was. I think he told me that the men had fired on the mine or the guards had fired on the men running around the mine.

Q. You do not remember anything about that?
A. I do not remember just what that was.
MR. FIERCE: When did you first see the telegram purporting to have been sent in here by the Governor?

A. I think that was on Thursday evening.

Q. That was the evening of the 22d? A. Yes, sir.

Q. The same day of the riot? A. Yes, sir.

Q. In the evening of the same day of the riot? A. Yes, sir.

Q. Do you know when that telegram was sent?

A. No, sir, I do not.

Q. Did you notice the date? A. No, sir.

Q. The hour of sending? A. No, sir.

Q. Did you know where it came from?

A. No, sir. I do not know that I saw the telegram?

Q. Do you know where the Governor was at that time?

A. No, sir, I am not just sure about that.

Q. Did you learn where he was? A. Yes, sir.

Q. Where was he? A. Waukegan, I think.

Q. And you did not notice when that telegram was sent?

A. No, sir.

Q. Did you say that Colonel Hunter did not communicate to General Black the result of what was going on in the evening of the 21st from the time you got here until you had retired? Made no report to the Adjutant General?

A. Well, Colonel told me he had. I did not hear the conversation.

Q. When did he tell you that?

A. That evening.

Q. What time did he tell you he had reported to the Adjutant General?

A. I do not remember that.

Q. Where were you when he told you that?

A. I do not remember that.

Q. What did he say when he said he had reported to the Adjutant General?

A. That he had told him about the truce. I think that was all.

Q. Do you remember what time in the evening he told you that?

A. No, sir.
MR. FIERCE: When did you first see the telegram purporting to have been sent in here by the Governor?

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A. No, sir, I am not just sure about that.

Q. Did you learn where he was? A. Yes, sir.

Q. Where was he? A. Waukegan, I think.

Q. And you did not notice when that telegram was sent?
A. No, sir.

Q. Did you say that Colonel Hunter did not communicate General Black to the result of what was going on in the evening of the 21st from the time you got here until you had retired? Made no report to the Adjutant General?
A. Well, Colonel told me he had. I did not hear the conversation.

Q. When did he tell you that?
A. That evening.

Q. What time did he tell you he had reported to the Adjutant General?
A. I do not remember that.

Q. Where were you when he told you that?
A. I do not remember that.

Q. What did he say when he said he had reported to the Adjutant General?
A. That he had told him about the truce. I think that was all.

Q. Do you remember what time in the evening he told you that?
A. No, sir.
Q. Did you been out with Colonel Hunter up to the time he told you he had made that report?
A. Off and on, I had.

Q. Were you and where was he off and on?
A. I do not know where he was. I was just down town.

Q. Weren't you and Colonel Hunter in conference in Duty's office from the time you got here until later in the evening?
A. We were together most of the time.

Q. Where were you making your headquarters?
A. Over to the office of the Greater Marion Association.

Q. Any one else there in your office besides you and Colonel Hunter at the time you were there?
A. Mr. Edrington.

Q. Who was he?
A. Secretary of the Business Men's Association.

Q. Is he in town now?
A. I do not know, Sir.

Q. Was there anything said by Colonel Hunter in his presence with reference to having called the Adjutant General or notified him of the existence of trouble here and the striking of a truce?
A. I think there was. I think Mr. Edrington heard most all of it.

Q. Then you understand it was the night before this trouble that the communication had been had and that information concerning the witness here had been communicated by Colonel Hunter to the Adjutant General at Springfield?
A. Yes, sir.

Q. Did you learn from him whether or not he had demanded troops from the Adjutant General?
A. No, sir. Only what I heard the first day he talked to him on Monday.
Q. But you did not hear he had demanded troops on the evening of the 21st?
A. No, sir.

Q. Did he say anything about troops to you that night?
A. Well, I do not know that he said anything unless it would be that he wished he had troops. I know we all wished that.

Q. Didn't he say the evening of the 21st, during that conversation with you or during that evening, that he was satisfied now that trouble had been averted, that the truce had been carried out in good faith and that it would probably be carried out in the morning?
A. I do not remember Colonel Hunter discussing that with me.

Q. You saw the Sheriff the next morning about 8 o'clock?
A. Yes, sir.

Q. Where did you first see him? A. At his office.

Q. Didn't you see him before he got to his office? A. No, sir.

Q. Were you with Colonel Hunter before he came to his office?
A. Yes, sir.

Q. Didn't you or Colonel Hunter see him coming across the square before he came to his office?
A. I cannot remember.

Q. He did not get there until 8 o'clock?
A. Some where around 8 o'clock.

Q. Did you notice the time? A. No.

Q. Did you know it was 8 o'clock because you had been waiting for him?
A. I knew it was 8 o'clock.

Q. When he got in about 8 o'clock did he tell you there had been any trouble out at the mine?
A. No, I think he mentioned that he heard the miners had been taken out of there, yes, sir.

Q. He told you that before he went out to the mine, didn't he?
A. Yes, sir.

Q. And you knew then and Colonel Hunter knew then that the terms of that truce had been violated?
A. We did not know it then. It was just rumored. That was
Q. You were taking the rumors. You were acting on reports that were being made here?  
A. Yes, sir.

Q. Then, Colonel Hunter asked the Sheriff anything about where he got his information?  
A. I do not know whether he did or not.

Q. Did you hear before you went out that somebody had been killed?  
A. No, sir. I do not think we did.

Q. Did Colonel Hunter make any report to the Adjutant General before he went out and that the Sheriff advised you he had heard they had taken these men out of the mine?  
A. Colonel Hunter did not make a report until he had gone to the mine and come back.

Q. Then neither of you acted upon the report or information you obtained from the Sheriff with reference to communicating that to any superior officer?  
A. I do not remember whether the Sheriff was the man that gave us the information or not. We heard it all around town.

Q. That morning before you went out? It was generally known around town here that the terms of that truce had been violated?  
A. Yes, sir.

Q. You went out and discovered there was a mob there?  
A. Yes, sir.

Q. And that there was all kinds of violation, acts of violence. They were burning cars, destroying property, destroying everything in front of them, weren't they?  
A. Yes, sir.

Q. The mob was wild, in your judgment?  
A. Yes, sir.

Q. And very dangerous. The men had gone into the hands of that mob - you learned that?  
A. Yes, sir.

Q. You did not follow on to find out what they were doing to these men?  
A. No, sir.

Q. But you and Colonel Hunter came back here and left these men that the mob had taken away to take care of themselves?  
A. Yes, sir. Colonel came back to report to the Adjutant
General Black. At the beginning, when we heard they were going
to Herrin I told the Sheriff myself that we ought to try to head
them off, that they might take them out on the road some place and
kill them. The Sheriff told me no, he would not think they would.
He was going to the mine. He was not going to head them off.

Q. Do you know how far Thaxton went that morning?
A. Thaxton went out to the mine that morning.

Q. How much farther did he go?
A. He went on to Herrin.

Q. He was in an automobile?
A. Yes, sir.

Q. And after you and Colonel Hunter got out of the car he was
in that car alone?
A. No, sir. He had a deputy with him. I do not remember his
name.

Q. You think the deputy's name was what?
A. Storme, I think.

Q. Now, what time did you see the Sheriff after that, on that
day, if you saw him?
A. I saw him at Herrin. It must have been 12:30 or 1 o'clock.

Q. How did you happen to go over there?
A. After we came back and reported to General Black we went on
to Herrin.

Q. What did you report to General Black?
A. Colonel Hunter reported what had happened.

Q. What did he report what had happened?
A. That the mine had been broken up, the men captured and
taken out, cars were burning and property destroyed.

Q. Did he report any men had been killed?
A. He reported that there were rumors there were and that he
would call him later after he verified the report.

Q. Were there means of communication with General Black there
at the mine? Any telephone?
A. No, sir.

Q. The distance was about the same between Herrin and Marion?
A. No, sir. I think it is a little nearer to Marion.

Q. A little nearer to come back.
A. Yes, sir.

Q. Was there some one there with a car affording you means of
transportation back?

A. No, we just jumped in somebody's car and rode back. They were coming this way.

Q. There was some car there?
A. Yes, sir. There were several cars there.

Q. Do you know whose cars they were? A. No, sir.

Q. What was your idea about the Sheriff here and his attitude towards the situation? What did you think about it?
A. Well, I did not think he did everything he could do or what I would have done if the responsibility had been on me.

Q. Without any reference to the Sheriff at all, if you had had the authority that Colonel Hunter had or that General Black had or that the Governor possessed at the time, when you got out on the streets here and heard the rumors you did and acquainted yourself with the conditions, with your knowledge of military affairs and your riot knowledge, would you have considered yourself justified, under the military code of Illinois, and under the laws of Illinois, in calling the troops, or calling for troops?
A. I think I could. I do not know just what the laws are on that.

Q. Do you understand and did you understand then that you must first have information from the Sheriff that he was unable to cope with the situation and that the civil authorities were ready to yield to military authority, and a demand made from the Sheriff for those authorities before they were authorized to come? A. Yes, sir.

Q. Do you understand that was the rule. Do you know whether Colonel Hunter understood that to be the rule?
A. I think he did, yes, sir.

Q. You did not then, that independently of the Sheriff and without any regard to the Sheriff at all, that the Adjutant General had the authority and that it was his duty, if he thought the Sheriff was not doing his duty, to call the troops into a locality to suppress riot or take care of a riotous situation?
A. No, sir. I did not know that.

Q. You did not know the Governor had that power?
Q. Haven't you satisfied yourself since that time that you were mistaken and you did not know that was the rule? Has it not been considered among military men or officers connected with the National Guard that the military local authorities are first expected to exhaust their efforts in the suppression or control of a riot before the military authorities are to be called for?
A. Yes.

Q. And that the interposition of military authorities only obtains when the local authorities are unable to handle the situation?
A. Yes, sir.

Q. And that the announcement of the inability to handle it by local organization must come from the Sheriff?
A. That is the way I understand it.

Q. That is the way it is understood by men of the guard, officers and military men generally?
A. Yes, sir.

Q. Did you ever hear anything about Grover Cleveland when he was President of the United States, about sending troops into Illinois to suppress riots in Chicago?
A. Yes, sir.

Q. Did you ever read anything about what the Governor of Illinois said about his doing that at that time?
A. No, sir.

Q. You are not prompted about knowing what men in military affairs and the Commander in Chief of the United States Army and Navy had thought was the duty of the superior authority when inferior authorities failed to do their duty?
A. No, sir. I had not thought about it.

Q. You do know that the military authorities are somewhat reluctant about hastening into a situation like a riot until the local authorities have exhausted their efforts?
A. Yes, sir.

Q. Do you believe that is the proper interpretation of the military rules relating to those affairs?
A. No, sir. I do not.

Q. Now, if you were advised that the law was that you did not have to pay any attention to the Sheriff at all, that the Governor or the Adjutant General would not have to listen to the
Sheriff but could, upon their own initiative, upon information independently obtained from the Sheriff, send military forces in any place in the State of Illinois for riots or riotous conduct, you would act differently than you are now impressed with your views of the law, if you were in authority? A. Yes, sir.

MR. FIERCE: That is all.

CHAIRMAN MCCARTHY: You say that was your understanding of the law with reference to calling troops, weren't you surprised when you heard Colonel Hunter call the Adjutant General and tell him they should send troops to that territory?

A. No, sir, I was not, for the reason that the situation looked like it needed troops. We knew the Sheriff did not want troops.

Q. The Sheriff had not asked you for troops? A. No, sir.

Q. Anybody else?

A. No, sir. No one mentioned troops but Mr. Lester. The impression you would get was the civil authorities were not going to ask for troops.

Q. I suppose you were here with Colonel Hunter to assist in any way you could and you conferred together with reference to the situation. Did you or he either one wonder why the Sheriff had not requested troops?

A. I do not know whether we discussed that.

Q. Did you discuss the question as to what was necessary before troops could be sent here? A. Yes, sir.

Q. That was along the lines that you have expressed yourself here?

A. We both understood we could not have troops until the Sheriff had asked for them.

Q. Did you discuss that with Colonel Hunter and did he tell you those were his views? Did his views coincide with yours on that point?

A. We talked about that, also, about what we would do if we thought the civil authorities would not call for them.

Q. Colonel Hunter told you in his conversation, what his idea of the law was and that it was the same as yours, that troops
Mr. RICE: The whole committee would like to hear the questions as well as the answers.

CHAIRMAN McCARTHY: From your conversations with Mr. Hunter and what he said to you, it was your opinion he had the same idea of law as you have expressed it here?

A. Yes, sir. I think it was.

Q. And you discussed that matter with him? A. Yes, sir.

Q. On Monday when you thought it was necessary to send troops or that was the conclusion you had arrived at, did you express your opinion in that regard to anybody besides Colonel Hunter? A. No, sir.

Q. At any time did you, while you were in Marion, express the through that troops should be called? A. No, sir.

Q. You never talked that over with anybody else? A. No, sir.

FURTHER EXAMINATION BY MR. RICE.

Q. You came down here on Sunday, is that correct?
A. Yes, sir.

Q. At whose request?
A. A message I had received from Colonel Hunter.

Q. Are you a member of the Military Department of this State?
A. Yes, sir.

Q. Did you get any request from any civil authority?
A. No, sir.

Q. Was Colonel Hunter a member of the Military Department of the State? A. Yes, sir.

Q. Well, do you understand that your presence here as military authorities was intruding upon the civil authorities here?
A. No, sir.

Q. Did you understand that he had a right to be here, you or Colonel Hunter? A. Yes, sir.

Q. You are a part of the Military Department of the State of Illinois? A. Yes, sir.

Q. You were already coming down here without requested by.
Q. You mean to say that you had no authority to do those things until requested by the civil authorities?
A. No, sir. I refer to the sending of troops.

Q. You were a part of the troops weren't you? A. Yes, sir.

Q. You were already getting into the game, weren't you?
A. Just investigating, that is all. For the purpose of keeping the State Department at Springfield informed, is that correct?
A. Yes, sir.

Q. Did you understand the message that was sent to Springfield by Colonel Hunter, I think it was Sunday night?
A. Monday morning.

Q. And you say at that time he urged that matters here did not look safe. He did not think the Sheriff was handling the matter correctly.
A. Yes, sir.

Q. How do you know that is what he said to Springfield?
A. I heard the Colonel talk to General Black.

Q. Where was this message sent from?
A. At the telephone office.

Q. Did you go with the Colonel to the telephone office?
A. Yes, sir.

Q. You did not hear the replies made to Colonel Hunter over the phone?
A. No, sir.

Q. But you were satisfied at the time he expressed and declared the necessity for the safety of the community, that there ought to be troops?
A. Yes, sir.

FURTHER CROSS-EXAMINATION BY MR. IGOE.

Q. Do you know whether or not Colonel Hunter filed a report of all of his actions and doings down here with the Adjutant General?
A. I think he did, with the Adjutant General.

Q. Did you go over that report with him? A. Yes, sir.

Q. Did you sign it?
A. I do not remember whether I signed the original copy or not.

Q. Was that report substantially correct?
A. To the best of my knowledge it was.
Q. How soon after the affair down here was it that that report was made?

A. I do not know.

Q. I think the record up there shows it was filed July 5, is that right?

A. I do not remember just what time I got a copy of that report.

Q. If your name happens to be signed at the bottom of that, does that refresh your recollection as to whether or not you signed it?

A. If I would see it I would know.

CHAIRMAN: What was your purpose in signing this report?

A. I do not know whether I signed it or not.

Q. If you did sign it what was your purpose of signing this report?

A. To verify it.

Q. Was that customary in military affairs?

A. If I knew something about it.

Q. Did you know of all of the matters contained in that report?

A. No, sir.

Q. Did you ever read the report? A. Yes, sir.

Q. Did you know it contained details of happenings and conversations, times and places when you were not present?

A. Yes, sir.

Q. Yet you signed the report?

A. I do not remember whether I signed it or not.

Q. If you did sign it at whose request would you sign it?

MR. IGOE: Maybe he did not sign it at anybody's request.

A. I do not remember whether I signed it or not. I think Colonel Hunter mailed me a copy. I did not see Colonel Hunter fixing it. I do not know when he mailed it.

CHAIRMAN: Would it be customary for you to sign such a report?

A. Yes, sir. I think it would.

Q. Mr. Backer, do you want to ask any questions?
Q. How soon after the affair down here was it that that report was made?

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CHAIRMAN: Would it be customary for you to sign such a report?

A. Yes, sir. I think it would.

Q. Mr. Backer, do you want to ask any questions?
Q. Mr. Davis, when did you have a conference with the State's Attorney for the first time, you and Colonel Hunter?

A. On Monday morning, I think.

Q. Did you hear Colonel Hunter give any reports to Adjutant General Black?

A. Did I hear him what?

Q. Render any reports to General Black over the phone?

A. Nothing, only what I have just told.

Q. This is what I want to know: How many conversations did you hear Colonel Hunter have with General Black?

A. I do not remember. I could not tell you how many.

Q. You heard him have a conversation with General Black on Monday, didn't you?

A. Yes, sir.

Q. That was shortly after Lester require troops?

MR. IGGS: Mr. Chairman, I do not like to interrupt this Attorney from Chicago but I suggest, if he is going to cover the whole ground already covered by three or four members of the Committee, that it will make the record rather cumbersome.

CHAIRMAN: We would like to have you confine yourself to matters not already covered unless you wish specifically to point out certain details.

MR. BACKER: In that first conversation had by Colonel Hunter with General Black, did Colonel Hunter state he thought troops would be necessary or did he ask to have troops sent?

A. I think he told Adjutant General he thought we ought to have troops. I do not know just the phraseology of it.

Q. You are sure that whether he said he ought to have troops or whether troops ought to be ready in case they are necessary they can be called?

A. I do not think he said anything about troops being ready. He told him he thought we ought to have troops.
Q. Did he request any certain companies be called?
A. I think he said two or three companies.

Q. In your testimony you said he had a conference with Mr. Duty and several others in Mr. Duty's office Wednesday evening. What time did you go to Mr. Duty's office for this conference?
A. It was about twenty minutes to 9.

Q. Was Colonel Hunter there at the time you went to the office for the conference?
A. Yes.

Q. There is just one more question. What time did you leave the State Attorney's office on Wednesday evening? Well
A. As near as I remember it was about 9:15 or 9:30.

Q. And at no other time were you back there after that time?
A. No.

CHAIRMAN: Any questions. That is all.
TESTIMONY OF MELVIN THAXTON
BEFORE THE MERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS

April 26, 1923.
having been first duly sworn, was called as a witness, examined in chief by Chairman McCarthy, and testified as follows:

Q. What is your name?
A. Melvin Thaxton.

Q. How long have you lived in Marion?
A. Over four years.

Q. Where did you live prior to that?
A. In the country west of Herrin in Williamson County.

Q. How long have you been a resident of Williamson County?
A. All my life.

Q. What is your official position at the present time?
A. County Treasurer.

Q. And when were you elected to that office?
A. Last November.

Q. When were you elected sheriff of Williamson County?
A. In 1918.

Q. Were you sheriff of Williamson County during June 1922?
A. Yes, sir.

Q. Your term expired the 1st of December, 1922?
A. Yes, sir.

Q. Sometime during the month of June there was trouble at what is known as the Herrin Strip Mine. I believe that it had several names - one is the Lester Strip Mine. Anyway, I wish you would tell the committee all the facts you know regarding disturbances, beginning with your first knowledge of any trouble at the Lester Strip Mine. When did you first
hear of any trouble at the Lester mine.

A. Well, I don't know just when I heard of any trouble there, right at the mine. I don't believe I heard of any trouble right at the mine.

Q. The killing took place the 21st day of June?
A. Yes, sir.

Q. How long prior to that time did you know there was trouble or that they had armed guards at the mine?
A. I didn't know.

Q. When did you first hear of the armed guards being at the mine?
A. I don't remember the date.

Q. How long was it before the killing near Herrin?
A. Well, it was — well, several days before that — a few days.

Would
Q. Did you say it was a week?
A. Well, I wouldn't be positive, it might have been.

Q. How did you get the knowledge?
A. By being out there.

Q. Who went with you?
A. I couldn't say.

Q. The first time?
A. I think myself and Deputy Sheriffs Schaffer and Storms, and maybe Richardson was with me.

Q. Did you ever go out with the State's Attorney?
A. Yes, sir.

Q. When?
A. Just before the trouble.

Q. Was that the first time?
A. No, I had been there before.

Q. How long before?
A. I think I had been there some few times.
Q. Some few times before you went with the State’s Attorney?
A. Yes, sir.
Q. What was your object in going out to the mine?
A. Well, I went out to look around to see what was going on out there.
Q. Did you talk with anybody out there?
A. Yes, sir.
Q. Who did you talk with?
A. Well, I talked with McDowell and some other fellows, don’t remember their names.
Q. What did you talk about?
A. I don’t remember what the conversations was about, just about their work.
Q. How often do you visit mines in this vicinity?
A. Not very often.
Q. How many other mines did you visit?
A. I don’t remember.
Q. Why was it that you went out to visit this mine when you didn’t go out to visit other mines?
A. Some people had come in and reported that the guards asked them where they were going and talked pretty rough.
Q. That was the reason you went out there?
A. Yes, sir.
Q. When you went out with State’s Attorney Duty, who did you talk with?
A. Well, I don’t know, but one man – that was McDowell.
Q. What was said?
A. I don’t remember just what was said. We went out there and was talking about the situation.
Q. Did you tell him about complaints coming to you about the guards?
A. I think I did; yes, sir.
Q. What did you say?
A. Well, we told him the complaints had come to us by people passing by that their guards talked roughly and we were just out to see them about it.
Q. Well, they had a perfect right to operate a mine, didn't they?
A. Yes, sir.
Q. In your estimation did they have a right to have armed guards?
A. I didn't estimate that.
Q. Would you think they had a right to come into a county with armed men?
A. I didn't know about that.
Q. Did you know where they kept their guards?
A. No, sir.
Q. Didn't know where the guards were stationed?
A. No, sir.
Q. Whether they were on the property of the mine or off?
A. Well, I only supposed that they were on the mine property.
Q. That was on Saturday that you were out with State's Attorney Duty?
A. I am not positive.
Q. That was the 17th day of June. Do you remember what happened on Sunday?
A. No, sir, I don't.
Q. Did you meet anybody from the Adjutant General's office on Sunday?
A. I think I met Colonel Hunter.
Q. When did you meet him?
A. I think it was on Sunday.
Q. Where?
A. I am not positive just where I did meet him.
Q. Did you know he was coming to Marion?
A. No, sir, I did not.
Q. Well, what did Hunter have to say to you?
A. I don't remember just what he said that day.
Q. You didn't have any idea what he came down for?
A. I think probably I did. I think maybe he told me what he was down here for.
Q. What do you think he told you he came down for?
A. I think he told me he came down for the Adjutant General.
Q. He was in uniform, wasn't he?
A. I believe he was. A few times he was in uniform and a few times he was not.
Q. Did he talk to you about armed guards at the Lester Strip Mines?
A. No, sir, I don't think they were mentioned.
Q. What did he talk about?
A. He talked about the situation, just how it looked out at there.
Q. Did he ask you about the circumstances of men being out there?
A. I don't remember whether he did or not.
Q. You saw him on Sunday?
A. Yes, sir.
Q. When did you see him again?
A. Probably I saw him off and on every day.
Q. How long did you see him on Sunday?
A. I don't think it was but a very short time.
Q. Did he say anything about going to the Lester Strip Mine?
A. If he did I don't remember.
Q. Did you go out to the Lester mine with him on Sunday?
A. I did not.
Q. Do you know whether he went?
A. I don't know.
Q. When did you see him again?
A. Probably the next day - I am not positive.
Q. Did you go out to the mine with him at any time?
A. Yes sir.
Q. When was that?
A. I think we made more than one trip out there - maybe two or three.
Q. Do you remember going out there on Monday?
A. I don't remember whether it was Monday or not.
Q. Were you present at any time when Mr. Lester and Col. Hunter and Mr. Duty had a conversation?
A. Yes, sir.
Q. Where was that?
A. In the State's Attorney's office.
Q. When was that?
A. I am not positive what day that was on.
Q. Might it have been Monday?
A. It might have been.
Q. What was the purpose of that conference?
A. I am not able to say.
Q. How did it happen you were at that conference?
A. Maybe I was asked to come over and there by somebody I forget who it was.
Q. What was your purpose in going your being asked?
A. I don't know only because I was an official.
Q. What did you do after you got there?
A. I listened to the conversation.
Q. Take part in it?
A. Probably, yes, sir.
Q. What was the conversation about?
A. Well, just about the mine.
Q. What did they say about the mine?
A. I don't know what they did say about the mine.
Q. You don't remember what took place at that meeting?

What was said?
A. I don't remember except Lester was operating the mine with non union labor.
Q. You knew that?
A. Yes, sir.
Q. What was the purpose of the conference? Why did they have the meeting at the State's Attorney's office?
A. I don't know the purpose except to go over the matter.
Mr. Lester wanted to talk to us.
Q. Did you talk to Lester about removing the armed guards?
A. I think so.
Q. When was that?
A. Well, I don't know. I couldn't say when it was. I believe it was after Sunday we were speaking about it.
Q. Why did you want the armed guards removed?
A. I didn't see that there was any use in armed guards being around there. People were making complaints that armed guards were stopping them on the highways.
Q. What was said at this meeting about armed guards?
A. If there was anything said then, I don't remember what was said.
Q. Do you remember what Mr. Hunter said?
A. No, sir.
Q. What was he doing there?
A. He was just there, that was all I can tell you.
Q. What did he say to Mr. Lester for you?
A. I think I remember Mr. Hunter asking Mr. Lester if he expected to operate that mine. I think he asked Lester questions along that line.

Q. Mr. Lester talked with you that morning?
A. We were all there together.
Q. Did he say anything to you about deputizing those guards?
A. I think he asked me to deputize those guards.
Q. When did he ask you to do that?
A. In the State's Attorney's office.
Q. What did you tell him?
A. I told him I didn't think I had the power.
Q. What was your reason for telling him that?
A. I didn't think there was any use of it.
Q. Why did you do that? You deputize guards at other mines, don't you?
A. Sometimes.
Q. You knew they expected trouble, didn't you?
A. No, sir, I did not.
Q. You had lived here all your life and know that this is a highly organized Union Labor district, a large number of Union men, and that there might be trouble if non-union labor was guarded?
A. I didn't know it; no.
Q. Didn't you suspect it might be trouble?
A. I don't know whether I suspected it.
Q. Wasn't it the general opinion of the community that there would be trouble?
A. It might have been.
Q. Wasn't that the reason Col. Hunter was here from the Adjutant's General's office?
A. I don't know whether it was.
Q. Didn't you think it was the reason?
A. I might have thought that.
Q. What happened after that time?
A. After the meeting in the State's Attorney's office?
Q. You know about this and I don't. You had some trouble down here and you have gone all through it. I wish you would tell me what happened instead of me asking you everything. I want you to tell me everything that happened between Monday morning and Thursday morning from the 19th day of June until the 23d day of June 1932. I want you to tell this committee all you know; any conferences you had and everything you know concerning it.
A. Well, you ask me any question and I will try to answer it.
Q. I want you to tell me just what happened.
A. There was this trouble happened out at the mines.
Q. After a lot of questioning we have found out you had a meeting in Mr. Duty's office. Col. Hunter, Mr. Lester and Mr. Duty, all were there. Now what happened after this meeting in the office?
A. Well, then I was called to Carbondale between here and Carbondale.
Q. When was that?
A. That was on Wednesday, I believe.
Q. That would be the 2lst of June?
A. Yes, sir.
Q. What time of day was it?
A little after noon.

Q. How did it happen you were called?

A. Somebody called me and said it was McDowell from the Lester mine. He telephoned and told me that he had had some men coming in from Carbondale, coming in a truck, and they had been fired into and they wanted me to investigate and see what happened. Myself, Duty and Schaffer went, and we found the automobile truck had been fired into and we found men wounded.

Q. Where did you find it?

A. Carbondale.

Q. Where did this happen?

A. That happened somewhere between here and Carbondale in this county.

Q. Was State's Attorney Duty with you at that time?

A. Yes, sir.

Q. Why did you take the State's Attorney with you?

A. I would as soon take him as anyone else, I guess.

Q. You found the spot where this happened?

A. Yes sir.

Q. Was this in your county?

A. Yes, sir.

Q. What happened after that?

A. We went one road and came back to the spot where it happened and saw the situation and the truck.

Q. What did you find in Carbondale?

A. The men who were hurt in the truck.

Q. How many?

A. Three or four.

Q. Were they seriously hurt?

A. One of them seemed to be seriously hurt.

Q. What seemed to be the trouble?

A. He had been shot.
Q. Did you examine him to see how badly he was shot?
A. No, sir.
Q. Was he shot with a shot gun?
A. Yes, this fellow looked like he was shot with a shot gun.
Q. There were several others who had been slightly wounded in the hospital?
A. Two others. I don't remember whether there was any others.
Q. What did you do after that?
A. We came back to where the truck was fired on.
Q. Who was with you?
A. State's Attorney Duty and Mr. Schaffer. I believe that was all.
Q. Then what did you do?
A. We went on to Carterville and came back to Marion.
Q. Whose truck was this?
A. I don't know.
Q. Did you find but who the owner was?
A. No, not then.
Q. Did you examine the truck?
A. Yes sir.
Q. What was its condition?
A. It had been shot through the side curtains and had bullet holes in it.
Q. How many bullet holes did you see?
A. I don't know, several.
Q. Forty or fifty?
A. There might have been.
Q. There was quite a number?
A. Yes, quite a number.
Q. What did you do after you saw the truck?
A. Well, we came on here to Marion.

Q. Then what happened?
A. I went over to the State's Attorney's office.

Q. You first reported to your office?
A. I think we come to my office first.

Q. Who was at the office when you came back?
A. I think one of the deputies.

Q. Who was it?
A. Maybe Stormes. I am not positive whether I went to my office before I went to Duty's office.

Q. Are there any of your deputies here?
A. Yes, sir, they are in town.

Q. Any here now?
A. Mr. Storms was here.

Q. You think it was Storms who was here.
A. I am not positive.

Q. You left at noon, so when you came back you reported at the office?
A. Yes, sir.

Q. Did you find any reports there of any trouble or anything?
A. I either learned it there or over to Duty's office that there was trouble.

Q. What did you learn?
A. I learned they had had trouble at or near the mine.

Q. What was the nature of the trouble?
A. Couple of men shot.

Q. You don't know whether you got that information from your deputy?
A. I don't remember.
Q. What is your best recollection?
A. That is my best recollection. I don't know.
Q. You don't have those things happen very often, do you - a couple of men being killed. And yet you don't remember who told you.
A. There might have been somebody on the street that told me about it.
Q. What did you say to the fellow who told you?
A. I don't remember who told me.
Q. Who did you inquire from?
A. I went into Duty's office.
Q. We want to know the exact people. This is a serious thing when you get a report that two men are shot. I want to know who gave you that report.
A. I don't know. I couldn't say.
Q. Can you tell me anybody that gave you that report?
A. It was talk on the streets and I don't remember who gave it to me.
Q. You have lived here all your life and know most of the people here. Did a stranger tell you about it?
A. I don't remember.
Q. Did a stranger tell you about two men being killed the 31st day of June 1932?
A. I am not able to say. It might have been somebody I knew. I don't remember.
Q. What other deputy might have been in your office at that time?
A. Well, Richardson could have been. He wasn't with me but I don't think he was in the office.
Q. Who were the only possible men who might have been in your office when you came back?
A. There is Storme, there is Richardson, or Schaffer.
Q. Who else?
A. No other deputies. There might have been a dozen men in the office.
Q. One of those men was there?
A. I don't remember. I think it was Storme.
Q. You don't know which one of these two deputies it was?
A. I am not positive but I think I know. I think it was Storme. I think he is the first man I heard
Q. That there had been two men killed?
A. No been shot. I am not sure he said killed.
Somebody told me to come over to Duty's office.
Q. Who told you?
A. It seems to me Col. Hunter.
Q. Col. Hunter told you to come to State's Attorney Duty's office?
A. That is my recollection.
Q. Do you think that was a stranger or somebody you knew? Was that Storme?
A. I am not positive about that.
Q. You don't know who it was that told you Mr. Hunter wanted to see you at Duty's office?
A. I don't remember now.
Q. But it must have been somebody you knew or relied upon or you wouldn't have gone?
A. I guess so.
Q. Who did you find in the office when you got there?
A. There must have been six or eight or a dozen there.
Q. Was Col. Hunter there?
A. Yes, sir.
Q. Who else?
A. Duty, Mr. Storms, Mr. Schaffer, I think, Major Davis, I think he was there, Judge Hartwell was there.

Q. Was Hugh Willis there?
A. Well, I wouldn't be positive Hugh was there when I got there, but he came afterwards.

Q. You got over to State's Attorney Duty's office. What did you do there? What was the reason for your going?
A. I suppose to talk over the situation.

Q. No, not what you supposed. What did they tell you?
A. They told me a couple of men had been shot out near the mines. That is what they told me then.

Q. What did they want you for?
A. Suppose because I was an official. Didn't tell me what they wanted me for.

Q. Mr. Thaxton, during the month of June, what deputies did you have sworn in and connected with your office?
A. Well, right with the office in and around the office, all the time, was Storms -

Q. What is his first name?
A. S. E. Storms, John Schaffer, Al. Richardson.

Q. Any others?
A. Well, that was all that worked right in and out of the office.

Q. Did you have any special deputies sworn in in connection with this trouble?
A. Yes, sir.

Q. How many?
A. Five or six.

Q. Can you give me their names?
A. I think so.

Q. When did you swear them in?
A. I don't remember the date. They had been sworn in for some time.
Q. More than thirty days prior to the trouble?
A. Yes, sir.
Q. Were they on duty at any time during the month of June?
A. Not unless they were called on.
Q. Were they called on any time during June?
A. I don't think so.
Q. Now you had this meeting in Mr. Duty's office. Now, tell the Committee what happened. What was said and what was done.
A. Well, the crowd was just talking about what had happened that evening out at the mine or near the mine, about those two fellows being shot.
Q. Just talked about those fellows being shot?
A. No, they talked about other things.
Q. Well, what else?
A. They talked about these fellows being shot. Both sides had quieted down.
Q. Who told you that?
A. The fellows in Duty's office.
Q. Who told you?
A. I don't know who just told it. There was Mr. Hunter there.
Q. What did Hugh Willis say?
A. I don't remember just what he said.
Q. What was the substance of what he said?
A. Everything had quieted down, a truce had been made, there had been a couple of fellows shot and both sides had put up a truce.
Q. What did he mean by that?
A. I suppose he meant both sides had agreed to be peaceable. I suppose that was what it meant.
Q. What did Col. Hunter tell you that night?
A. Well, Col. Hunter said something about he had come
from out there. I am not positive whether he had come from
out there or not but he had talked to somebody there.

Q. He said he had talked to parties from out there?
A. Yes, sir.

Q. What did he say had been done?
A. He said he had helped arrange a truce.

Q. Did he tell what he had done in relation to getting
a truce arranged?
A. I believe he had talked to Fox Hughes or Hugh Willis.

I am not positive whether he said he had been out there or
not.

Q. He told you a truce had been arranged then? What
sort of truce was it?
A. I understood it was a white flag.

Q. What were they to do. Tell the different facts.
A. They said both sides had ceased, fixing and no
further trouble was expected. They had stopped fighting.

Q. Who had been fighting?
A. I don't know.

Q. You didn't know a thing about that?
A. No, sir, I did not.

Q. Did you ask those men who had been fighting?
A. I suppose we did. I don't know as any names were
called. I suppose it was the Union miners and the men in
Lester's mine.

Q. You didn't know that?
A. No, sir, that was what I heard. I didn't know it.

Q. There wasn't any doubt in your mind as to what the
trouble was?
A. I don't know whether there was any doubt or not.

Q. You didn't expect trouble any other place, did you?
A. I don't know as I did.

Q. You knew there was trouble at Lester Mine?
A. Yes, sir.
Q. What about the terms of this truce? What had been arranged between the two factions?
A. They had arranged to go out the next morning, and adjust matters.

Q. Who was to go out?
A. All were talking and I suppose all of us were to go.

Q. You were the sheriff, weren't you?
A. Yes, sir.

Q. You were the man who had authority to regulate disorders and put them down? That was the reason they called you over there, wasn't it?
A. I suppose so.

Q. You were the man selected to carry out the terms of this truce?
A. I don't know whether I was or not.
Q. That was what they asked you to do?
A. Well, I don't know.

Q. Why was that?
A. I suppose because I was an officer.

Q. What were you going to do next morning?
A. We were to go to the mine next morning.

Q. Well, all right, then what were you to do?
A. What we were to do was to see that nothing went wrong I suppose. That was what we were going out there for; to see matters adjusted and those fellows were to come out of there.

Q. The non-union miners were to surrender and come out of the mine?
A. Yes, sir.

Q. What time was that to take place?
A. About 8:00 o'clock.
Q. I suppose that in this conference and in this conversation you had in Mr. Duty's office, that they informed you that some 300 shots had been fired out there?

A. No, sir, I didn't know that.

Q. When did you find that out?

A. I don't know whether I knew there were 300 shots fired.

Q. Didn't you ever hear that there were?

A. I don't know that there were.

Q. There were a great many shots fired. That is a fact, isn't it?

A. I guess it is.

Q. That was discussed there that evening, wasn't it?

A. Yes, sir. - Firing of shots - I don't know whether it was or not.

Q. The killing of Union miners was discussed?

A. I think so.

Q. And at times they discussed the matter of these stores being broken into and arms being taken?

A. I didn't know about that.

Q. When did you hear about that?

A. Not until after that night.

Q. None of your deputies or the men in Duty's office told you about the stores being broken into?

A. I don't remember that they did.

Q. If it had been mentioned you would have heard it, wouldn't you?

A. Might of, yes.

Q. You are the man they would have reported it to?

A. Yes, sir.

Q. When did you hear that the stores were broken into?
A. Not until after the killing on the 22d.

Q. Do you want the Committee to understand that the stores in Marion and Herrin had been broken into by crowds of men and you didn't hear about it?

A. I don't think I had ever heard it from anybody.

Q. And nobody had discussed the matter of these stores being broken into?

A. No, sir.

Q. And you didn't hear of it till after the killing next morning?

A. I did not.

Q. Have you a chief of police in Marion?

A. Yes, sir.

Q. What is his name?

A. George Vinson.

Q. Was he chief of police the 21st of June, 1923?

A. Yes, sir.

Q. Is he still chief of police?

A. I think so.

Q. Did you see him that day?

A. I think so.

Q. Did you see him that night?

A. I am not positive. Don't remember that I did.

Q. You went out to the mine the next morning?

A. Yes, sir.

Q. What time?

A. I don't remember, somewhere around 8:00 o'clock.

Q. Who went with you?

A. Mr. Schaffer, Col. Hunter, Mr. Davis. There was that many. That might have been all there was. I don't remember, but there was that many anyhow.
Q. Schaffer, Hunter and Mr. Davis?
A. Yes, sir.
Q. Where did you go?
A. Out to the mine.
Q. Why did you go to the mine?
A. Well, I went to see what was going on.
Q. You did not expect any trouble, did you?
A. I don't know.
Q. Why did you go out?
A. I went to see what was going on.
Q. Hadn't Col. Hunter discussed with you that there had been killing? Didn't you know that?
A. No, sir, not until I got to where the killing was done.
Q. You didn't hear it at the Lester mine?
A. No, sir, I didn't.
Q. You didn't know there had been any trouble?
A. I didn't know there had been any killing.
Q. When was the first you heard of trouble?
A. After I got out to the mine that morning.
Q. What did you find out there that led you to believe that there had been trouble?
A. Buildings were burning out there.
Q. Any people out there?
A. Yes, somebody told me they took men out and were shipping them away. Somebody said they had taken them to Herrin.
Q. Going back to the night before in the State's Attorney's office, arrangements had been made that the men were to leave the mine at 6:00 o'clock next morning?
A. I don't know.
Q. When were they to take them out?
A. We were to go out somewhere around 8 o'clock.

Q. Who told you it was to be 8 o'clock? Who did you arrange it with?

A. The bunch in Duty's office - Mr. Duty and Mr. Hunter -

I don't remember Davis being there then.

Q. Who did you talk with about arranging a truce for 8 o'clock next morning?

A. Talked with Hunter and Duty was there and all of the crowd together was talking.

Q. Did he say anything about this truce?

A. I don't remember.

Q. Did he take part in the conversation?

A. I don't know.

Q. Was he taking part in the discussion relative to arrangements that had been made for non-union men to surrender and be taken out of the mine and the county safely?

A. Duty was just talking individually - maybe two or three talking at the same time. I don't know that he took part in the conversation.

Q. Did Willis take part in the conversation?

A. I don't know. I think he did.

Q. You know Willis took part in the conversation?

A. That is my best recollection.

Q. You know Col. Hunter did?

A. Maybe he didn't. My best recollection is he did.

Q. He took part in the discussion?

A. Yes, sir.

Q. What was said by one could have been heard by all?

A. I think so, unless too many were talking at once.

Q. What time did that conference end?

A. It must have been after midnight.
Q. Who was there when it ended?
A. Well I remember Judge Hartwell, Duty, Mr. Storme, Mr. Schaffer and Col. Hunter.

Q. And this was in Mr. Duty's office - his law office in Marion?
A. Yes, sir.
Q. You are sure it was there?
A. Yes sir.
Q. And all these men stayed there until after midnight?
A. I don't think Davis was there when we adjourned.
Q. But you think the rest of them were there until midnight?
A. That is my best recollection.
Q. And did you go to any other rooms in Marion?
A. I don't think so.
Q. You didn't have a conference at any other place in Marion?
A. Not that night.
Q. And you weren't at any other place with those men you have mentioned?
A. No, only there.
Q. Where did you live on the 21st day of June 1922?
A. 105 S. Van Buren St.
Q. Is that the county jail?
A. Yes, sir.
Q. The residence is attached so that it is part of the same building?
A. Yes, sir.
Q. Who was the turnkey at that time?
A. Myself.
Q. You had charge of the keys?
A. Yes, sir.
Q. Who had charge of them when you weren't there?
A. My wife.
Q. And what does your household proper consist of?

A. Yes, sir, and three children.

Q. How old are they?

A. One girl 16, one 13, and one 8.

Q. And they were all living at home at the time?

A. Yes, sir.

Q. Did you have any other assistants or deputies living there with you, or staying there?

A. No, sir, I don't think so, no deputies.

Q. Anyone staying there?

A. No, sir, I don't think so.

Q. Anyone staying in the building excepting you and your family?

A. Yes, sir, I think a couple of cooks. Generally kept two but there might have been only one at that time.

Q. Any other men staying in the building with you on the night of June 21st.

A. No, I don't remember anyone else staying there that night.

Q. This conference broke up about midnight?

A. A little after midnight.

Q. Where did you go then?

A. I think I went to my residence.

Q. Who left with you?

A. I think Mr. Schaffer, Mr. Storme, and I think Judge Hartwell come down the steps right ahead of me.

Q. Anybody go down to your residence with you?

A. I don't remember, they might of.

Q. Where did you leave these men?

A. At the steps of Duty's office.
Q. And you walked home alone?
A. I might, and I might not.
Q. Who did go with you?
A. Mr. Schaffer might.
Q. Where did Mr. Storms go?
A. I don't know.
Q. Where does he live?
A. He lived on West Market.
Q. What direction from your home?
A. West.
Q. Where did Schaffer go?
A. Home, I suppose.
Q. You separated from Storms and Schaffer after midnight?
A. Yes, sir.
Q. At your residence door or at Mr. Duty's office?
A. I don't remember.
Q. What did you do after that?
A. Well, I went home.
Q. And what time did you get home?
A. My best recollection is it was somewheres around one o'clock.
Q. When what did you do?
A. I went to bed.
Q. How long did you stay in bed?
A. Until the next morning.
Q. What time did you get up?
A. Somewheres about daylight.
Q. What time, 4 o'clock?
A. Possibly around that time.
Q. Around 4 o'clock?
A. Not positive, but it was around daylight.
Q. Did the rest of your family get up at that time?
A. I don't think so, they usually got up around 7 o'clock.
Q. What did you do after you got up?
A. Well, I think I come to the office.
Q. You came to the office here in this buildin?
A. Yes, sir.
Q. What time did you get to your office?
A. I don't remember.
Q. What is your best recollection?
A. About 7 o'clock.
Q. Then you stayed around your residence from 4 o'clock until 7 o'clock?
A. That is my best recollection.
Q. On that morning were there any deputies at your home in charge of the jail?
A. No, sir.
Q. What time that morning did you see anyone of your three deputies?
A. Well, I suppose when I come up here is when I saw them first.
Q. At 7 o'clock?
A. If it was at that time. I think I was at the office two or three times.
Q. Was there anybody at the office when you arrived?
A. I don't think there was anybody when I arrived there first.
Q. Have you an automobile?
A. Yes, sir.
Q. Where was your automobile on the night of June 21?
A. Down at the jail.
Q. That is over at the residence?
A. Yes, sir.
Q. Did you bring the automobile when you came to the office?
A. No, sir, I don't think so.
Q. Did you have your automobile out on the evening of June 31?
A. Yes, sir.
Q. Where had you been?
A. To Carbondale.
Q. Where did you leave it?
A. Over by the jail.
Q. Garage there?
A. A makeshift garage. I use it for a garage.
Q. And you left it there about 9 or 9:30?
A. Yes, sir.
Q. Did you take it out again?
A. Not until 8 o'clock next morning.
Q. How, you say you came to your office around 7 o'clock and were there any of your deputies there when you arrived?
A. Not positive. Don't seem to me like every one was there the first time.
Q. How soon did they arrive?
A. The next time when I came back to the office was when I went out there around 8 o'clock.
Q. Was there anybody in the office from the time you left until the time you returned?
A. Probably Mr. Storme.
Q. Mr. Storme came after you arrived and before you left?
A. Yes, sir.
Q. Where did you go then?
A. Out to the Lester Strip Mine.
Q. When did Schaffer get in?
A. I don't remember. He was here and started with us.

I don't know what time he got to the office.
Q. Was he in the office at any time after you first arrived until you left?
A. I don't know. He probably was.
Q. You think he was there?
A. I think he was, yes, sir.
Q. You think you saw Storme there before you left?
A. Yes, sir.
Q. Did you ride in an automobile or take a trip any place outside of the city limits of the city of Marion between midnight of the 21st and 8 o'clock of the 22nd?
A. No, sir.
Q. Were you in an automobile during the time just mentioned?
A. No, sir, I was not.
Q. And had your automobile been taken out during that time?
A. No, sir.
Q. When did you use your automobile? When you went out to the mine that morning?
A. Yes, sir.
Q. And you took Col. Hunter and Schaffer with you?
A. Yes, sir.
Q. And did your deputies have automobiles?
A. Yes, sir.
Q. Which one?
A. All of them, I think.
Q. When you came from Duty's office, did any have their automobiles with them?
A. I don't think so.
Q. Did Mr. Storme have his automobile?
A. I couldn't say whether he had his car here at that time or not.
Q. Did Mr. Scaffer have his?  
A. I don't remember.

Q. When you went to the mine, you used your car?  
A. Yes, sir.

Q. What kind of a car is it?  
A. A Ford.

Q. Now, Sheriff, on the 21st of June - go back to Monday the 19th. You had a conference with State's Attorney Duty, Mr. Lester and Col. Hunter, did you not?  
A. I don't know whether that is the date. It was on Monday.

Q. Was anything said at that conversation about troops?  
A. I don't remember.

Q. You would have remembered, if there had been anything said?  
A. Yes, sir. I don't remember that there was.

Q. Did Mr. Lester say anything about troops?  
A. No, sir, he did not.

Q. Did Col. Hunter say anything about troops?  
A. I didn't hear him if he did.

Q. When did you first discuss with Col. Hunter about troops?  
A. I don't remember.

Q. Was it on Monday or Tuesday?  
A. I couldn't say.

Q. You don't know what day?  
A. It might have been Monday. I don't remember what day it was. I saw Col. Hunter probably every day and I don't remember this particular day.

Q. Did you discuss troops more than one time?  
A. Probably we did.

Q. What was said at those discussions?  
A. I don't remember just what was said; he said troops were going to be needed.
Q. What did you say about it?
A. I don't remember just what I said. I told him I didn't know whether we would.

Q. Didn't you tell him you thought the situation was such that troops should be omitted unnecessary?
A. I don't think I told him that. I don't remember. I thought we would be able to handle the situation. I didn't see any need for troops.

Q. You had four or five extra deputies?
A. Yes, sir.

Q. Where did they live?
A. Over the county.

Q. How long would it take to get them in?
A. I don't know. Owing to how quick I could get hold of them.

Q. In case there was trouble at the Lester mine between Union and non-Union men, how many men would be necessary to quell a disturbance of that kind?
A. I don't know.

Q. What was the opinion at that time?
A. That me and my deputies could control the situation.

Q. You felt that three or four deputies and yourself could handle any trouble which might come up?
A. Yes, sir.

Q. Did you tell Col. Hunter that?
A. I might of.

Q. Did he agree with you that with the force you had at hand you would be able to handle the situation?
A. I don't remember.
Q. Did he disagree with you?
A. He didn't talk that way with me.
Q. Did he tell you you wouldn't be able to handle the situation without the use of troops?
A. He did not.
Q. In the conversation on Monday or Tuesday, when he told you troops were necessary, what did you say?
A. I told him I didn't see any use for them. I don't remember just the words.
Q. Did you feel at that time if you should call out troops it would make a bad situation in your county?
A. I did not.
Q. You advised him not to call out troops?
A. No, sir, I did not.
Q. You gave your opinion that troops were not necessary and you would rather they wouldn't be called?
A. It might have been something to that effect.

(Cross Examination written by Mrs. Daigh)

Melvin Thaxton, Sheriff.
Q. Did you testify in the trials which have recently been concluded in this county?
A. No, sir. Yes, I believe I did.
Q. Do you know whether you did or not?
A. No, I do not believe I did.
Q. Is there anything wrong with your memory?
A. I do not think so.
Q. Are you sure? A. Yes, sir.
Q. Do you remember whether you testified in the trial or not?
A. Yes, sir.
Q. Do you or don't you? A. Yes, sir.
Q. Did you testify or not? A. I did not.
Q. What are the duties of the Sheriff?
A. I have several duties.
Q. What are they?
A. He is supposed to serve papers, keep the peace.
Q. What do you mean keep the peace?
A. Quiet disturbances, arrest fellows, serve warrants.
Q. Is he supposed to arrest persons when a crime has been committed?
A. I think so.
Q. What do you do in a case of murder?
A. Well, I try to arrest them.
Q. Did you try to arrest anybody in these murders which occurred in June, 1922?
A. Yes, sir.
Q. Who did you try to arrest?
A. Several fellows.
Q. In connection with the trouble at the mine who did you arrest?
A. We could not make any arrests.
Q. Did you arrest anybody before June 22, 1923?
A. No, sir.
Q. Why not?
A. Did not have any warrants.

Q. Do you need a warrant when a murder has been committed?
A. I do not think so.

Q. What is your duty when a murder has been committed?
A. Make an arrest.

Q. Why did you not make arrests in these cases?
A. I did not know who to arrest.

Q. Did you make an attempt?
A. I think I did. I failed to find anybody.

Q. What did you do?
A. I did not find anybody to arrest.

Q. Did you make any attempt to find anybody?
A. Yes, sir.

Q. What attempt did you make?
A. I inquired around.

Q. From whom did you make an inquiry?
A. I could not say, just talking to people around town.

Q. Who did you ask any questions?
A. I do not remember.

Q. Did you make any report in your office?
A. Any report?

Q. Yes, make any written report as to what you had done?
A. I do not know as I did.

Q. Any single act you did in connection with the murder of those two union men at Lester mine on June 21st?
A. Well, I arrested a few persons.

Q. When?
A. After they were indicted.

Q. Those were union men? A. Yes, sir.

Q. Talking about the men who killed the union miners, what did you do in connection with arresting those people?
A. Killed union miners?

Q. There were two union miners killed on June 21st, did you ever hear that before?
A. I did.
The evening they were killed, what did you do in order to find who killed them?

A. Well, we talked around to people and inquired.

Q. You knew it occurred at the mine, didn't you?

A. Of course.

Q. Did you go out and find out who killed them?

A. The next morning.

Q. That night?

A. No, sir.

Q. You had a report on June 21st that two union miners had been killed at Lester Strip mine?

A. I had been told they had been shot.

Q. And another man had been killed?

A. Two had been shot.

Q. Who was the old fellow who was killed with a machine gun?

A. I do not know anything about that.

Q. You never heard about that?

A. No, I never did.

Q. Did you ever hear of a union miner named Henderson?

A. Yes, sir.

Q. Did you ever inquire about him?

A. Yes, sir.

Q. When?

A. I think maybe that evening or the next morning.

Q. What evening?

A. Evening of the shooting.

Q. What evening was that, do you remember?

A. The 21st.

Q. And you did not know his name that night, did you?

A. No, sir.

Q. Did you know he was shot?

A. Heard rumors.

Q. Did you find out where he was shot?

A. About one-half mile from the mine.

Q. Did you know where his body was taken to?

A. No, I do not remember now.

Q. Just what do you do down here when they murder people?
A. I do what I am supposed to do.

Q. What are you supposed to do?
A. I am supposed to make arrests.

Q. Do you wait 24 or 48 hours before you do that?
A. No, sir.

Q. Why didn't you do it in this case?
A. How did I know who had done it?

Q. Did you make any effort to find out? A. Yes, sir.

Q. Did you find out where this man was killed? A. No, sir.

Q. Do you know now?
A. Nothing only what was said.

Q. No one in this community told you approximately where this man was killed?
A. About one-quarter mile from the mine.

Q. Near what place?
A. The Crenshaw place.

Q. He was killed there and every boy on the road can point the place out to you? A. I do not know.

Q. Were you ever out there? A. No, sir.

Q. Did you ever see the place? A. No, sir.

Q. He was a union miner? A. I do not know.

Q. You never knew that? These other two men that were killed shot on June 21st, they were union miners?
A. I do not know.

Q. What do you know about this county down here, anything?
A. Ask me and I will tell you what I know.

Q. On the night of June 21st you found out that two men had been shot, didn't you?
A. On the night of June 21st?

Q. Yes, you found out two more men had been shot?
A. I found out some men had been shot.

Q. You found out some men had been shot in an attempt to come from Carbondale in a truck?
A. Yes, sir.

Q. Two men shot near the Leater Strip mine? A. Yes, sir.
Q. And you knew armed guards were patrolling the road around the mine?
A. Yes, sir.

Q. And you knew it was a regular camp surrounded by armed guards?
A. Yes, sir.

Q. You were out there?
A. Yes, sir.

Q. You knew the situation?
A. Yes, sir.

Q. And after those two men had been shot from that mine it was reasonable to suppose that some one in the mind had shot them?
A. I do not know.

Q. You could not follow that line of reasoning?
A. I could.

Q. Does it sound reasonable to you?
A. It could be that way.

Q. They might have been shot from some union camp around there, is that what you had in mind? A. No.

Q. You did not think they were shot from persons in the camp that was surrounded by armed guards?
A. I do not know.

Q. Did you discuss that with the State's Attorney of this county?
A. I do not know.

Q. Did you discuss the killing of those men with the State's Attorney of this county?
A. It was talked there.

Q. Just casually?
A. I do not know casually. It was talked there.

Q. Was it talked over earnestly in an effort to find out who shot them, do you know?
A. I do not know who shot them?

Q. Do you know if it was talked over earnestly?
A. If it was talked at all it was talked over earnestly.

Q. Do you know if it was talked at all? A. Yes, sir.

Q. It was talked earnestly? A. Yes, sir.

Q. What effort did you make, after talking earnestly to ascertain who killed these men?
A. Well, we tried to find out about all we could.
Q. Why didn't you go out to the Strip Mine?

A. I don't know.

Q. Why didn't you go that night instead of going over and sleeping in your soft bed? A. I do not know.

Q. Why didn't you go out that night? A. We did not go.

Q. Why didn't you go? A. I do not remember.

Q. You did not want to go. A. I did not go.

Q. You knew what was going to happen here? A. No, I did not.

Q. You had no idea about that? A. No, I didn't.

Q. Why didn't you go out that night? A. I did not go.

Q. You knew it was your duty? A. I did not know it was my duty.

Q. You did not know it was your duty or not? You know it was your duty, don't you? A. If I was needed, yes, sir.

Q. Although two men were murdered at the strip mine you dilly-dallied in this town and then went home and slept in a soft bed all night long? A. I went home and slept.

Q. Did you find out who shot the men from Carbondale? A. I did not.

Q. Did you make any effort to find out? A. A right smart effort.

Q. What do you call a right smart effort? A. Inquiring around.

Q. From whom? A. Several different fellows.

Q. Any one fellows? A. A fellow named E. M. Barry.

Q. Where does he live? A. He lives near the scene.

Q. Where the shooting took place? A. Yes, sir.

Q. When did you talk to him? A. That same evening.
Q. When you were with Mr. Duty? A. Yes, sir.

Q. What did you bring Duty along for?
A. I told him a man had been shot and I didn't know whether it was in Williamson or Jackson County.

Q. You thought it was important enough to take a deputy and State's Attorney out where some men were only shot over towards Carbondale to determine whether or not it was in your county or another, and the same State's Attorney did not think it important enough to go with you to the Lester mine the night these men were murdered?
A. No, sir.

Q. How far did you travel out to Carbondale?
A. We traveled all the way.

Q. How far is it?
A. 22 miles.

Q. Why did you go?
A. Because I was called.

Q. Why?
A. Because I was called.

Q. What were you told?
A. I was told there was a truck fired into and some men shot.

Q. Were you told whether it was a question whether it was in this county or some other county, that was the reason you went out?
A. I did not go to determine what county.

Q. That is how many miles?
A. From 18 to 20 or 22.

Q. How far is the Strip mine from the city?
A. About 4 or 5 miles.

Q. You traveled 18 or 20 miles to see whether a crime was committed in this county or not and you would not travel four miles to apprehend murder of two men? A. Yes, sir.

Q. Why didn't you do it?
A. I was called to this other place.

Q. Didn't duty or some one call you to go to this mine, I mean official duty?
A. I was out to the mine practically every day.

Q. You were out there this day, the 22d? A. Yes, sir.

Q. Early in the morning? A. Yes, sir.
Q. When you came back to town?  A. Yes, sir.

Q. What time did you get out that morning?
A. It was early in the morning.

Q. What do you call early?
A. About 7 or 7:30.

Q. Why couldn't you get out the next morning at the same time?
A. I did not know we should.

Q. You did not hear anything about what was going to happen shortly?
A. No, sir.

Q. And you, as Peace Officer, did not think of a situation where there were armed forces opposing each other in a civilized community, did you?
A. No, sir.

Q. When you were out there at 7 o'clock in the morning, there were armed forces on both sides?
A. No, sir.

Q. Did you say no?
A. I did.

Q. No armed forces on both sides?
A. No, sir.

Q. And no intimation as to what was going to take place on the following morning?
A. No, sir.

Q. Why did you go up to Duty's office on June 21st, that night?
A. I had word to go there.

Q. Who gave you the word?
A. I do not remember.

Q. Was it made in writing or over the telephone or did some one tell you?
A. Over the telephone.

Q. You do not know from whom it came?
A. I do not know.

Q. Why did you go up there? I was called.

Q. Did they tell you in the call why they wanted you?
A. I do not think so.

Q. And the only reason you went to this office was because you were called?
A. I suppose it was.

Q. Why yourself would you have gone anyhow?
A. I do not know.
Q. You had no particular reason for visiting Duty's office the night of June 21st, had you? A. No.

Q. And you would not have gone if you had not been called there? A. No.

Q. The fact that there were a couple of men murdered would not have actuated you in going to that office? A. It might.

Q. How many murders do you have in a year? A. I do not know.

Q. Have you any records? A. I guess there is a record.

Q. Where is the record kept? A. In the clerk's office.

Q. Did you ever have a situation such as existed at the Lester mine at any time you were Sheriff? A. No, sir.

Q. That was the only one of its kind? A. Yes, sir.

Q. When you were in Duty's office who were with you? A. I am not positive.

Q. Are you positive about anything in connection with the disaster? A. Yes, sir.

Q. What are you positive about? A. Ask me and I will tell you.

Q. And then when I ask you you are not positive? A. I will tell you.

Q. You are not positive with whom you were? A. I am not.

Q. You are not positive, why? did you go there? A. Why? Because I was called.

Q. You are not positive about the nature of the call? A. No, sir.

Q. When you got in, are you positive about who was there? A. Colonel Hunter, Mr. Davis, Duty, Judge Hartwell. I think that was practically all when I got there.