Herrin Massacre Investigation Proceedings, 0501-0600

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Comments
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A. I am not positive.
Q. Do you know how he happened to get there?
A. I do not know.
Q. Do you know when he got there? A. I do not.
Q. You and Duty and Storrs came over from Carbondale in an auto?
A. That was Schaffer.
Q. You and Duty and Schaffer came over? A. Yes, sir.
Q. And where did Schaffer go?
A. He might have went with me.
Q. Are you positive about that?
A. I am not positive.
Q. Now we are all up in Duty's office, are you positive about anything that was said up there? A. I think so.
Q. Are you positive you were up there? A. Yes, sir.
Q. You are positive about that? A. Yes, sir.
Q. And you are positive you are sitting there in the witness stand?
A. Yes, sir.
Q. You are not positive about anything that was said. What was said that you were positive about?
A. Ask me and I will tell you.
Q. I am asking you.
A. What is it you want to know. I am positive we talked about going out to the Strip mine the next morning.
Q. Why were you going to the Strip mine the next morning?
A. To adjust matters and get the fellows out of there.
Q. You wanted to get those fellows out of there? A. Yes, sir.
Q. Are you positive something was said about a truce up there? A. Yes, sir.
Q. Are you positive about when men were to go out next morning? A. About 8 o'clock.
Q. What time did you get out there?
A. Some where around 8 o'clock.
Q. Do you know you did not meet Hunter until about 8:30 that morning?
A. I do not remember about the time.
Q. You do not know what time you met him? A. No.

Q. But you are positive that men were to come out under the truce at 3 o'clock?
A. We were to go out at 3.

Q. Why didn't you get out there at 3 o'clock?
A. I do not know.

Q. You had plenty of time, didn't you?
A. I expect so.

Q. And the fact that these two union men had been killed the day before did not cause you to hurry out there, did it?
A. It might of.

Q. Weren't you a little bit anxious to question the men in that mine, to determine whether or not any of them were responsible for the murder of these men?
A. I do not think I was anxious.

Q. Did you have any idea they might have killed them?
A. I might of.

Q. Do you not know it was rumored that men were killed?
A. No, sir.

Q. Did you bring any witnesses from the Grand Jury down here to indict for the murder of those two miners?
A. No, sir.

Q. Did you appear before the Grand Jury in that particular case?
A. Yes, sir.

Q. Did you appear before the Grand Jury and give evidence about men being ambushed coming from Carbondale? A. No, sir.

Q. Did you tell the Grand Jury you did not know? A. Did.

Q. Did you tell them you made inquiries? A. Yes, sir.

Q. Did you bring Mr. Barry in? A. No, sir.

Q. Were you Sheriff then? A. Yes, sir.

Q. Did you serve subpoenas on them? A. No, sir.

Q. Why not? A. Other deputies did.

Q. You stopped at Carterville on your way back?
A. Yes, sir.

Q. What did you find out?
Q. What else did you find?
A. Looked it over and saw where it was shot.
Q. What else?
A. That was about all. We found where they put the truck.
Q. Do you find who drove the truck in to Carterville?
A. Thomas, and another fellow by the name of Zimmerman.
Q. Did you ever talk with him.
A. Yes, sir.
Q. Did you talk with Thomas? A. Yes, sir.
Q. Did you bring them before the Grand Jury?
A. I did not. Another fellow subpoenaed them.
Q. Did you find out who was in the auto following the truck?
A. No, sir.
Q. Did you ever make an effort to find out? A. No.
Q. Why not? A. I do not know.
Q. It was thought that some one in the auto following the truck had committed the crime, was it not? A. I do not know.
Q. Did you ever find out? A. No, sir.
Q. Did you ever make an effort? A. I do not think so.
Q. Did you talk with anybody in Carterville about the Lester Strip Mine? A. I do not remember.
Q. What time did you get to Carterville that night?
A. It must have been dark.
Q. What do you call dark, 7 or 8 o'clock. This was about the longest day in the year? A. Yes, sir.
Q. Dark is about 8 o'clock?
A. Just about 8 o'clock, a little after.
Q. Any word there from the Lester Strip mine? A. I do not know.
Q. Who did you talk with at Carterville outside of the men you have mentioned? A. I do not know.
Q. You talked with Duty, didn't you? A. Yes, sir.
Q. About going over to the Strip Mine?
A. Yes.

Q. And you and he talked about going over to the Strip Mine?
A. I think so.

Q. And you wanted to and what did he say?
A. I do not remember.

Q. Did you want to go or did he want to go?
A. I do not remember. Duty said something about this strip mine. I do not remember just what he said.

Q. These men who had been shot at on the truck, you knew were headed for the Strip mine?
A. That is what they said.

Q. And you did not think it proper to inquire at the Strip mine that night?
A. I did not.

Q. You and Duty talked about going to the Strip mine that night, didn't you?
A. It was talked of.

Q. Did you want to go over?
A. I do not remember whether I mentioned or Duty. It seemed like I heard Duty mention it.

Q. How far away from the Strip mine were you on the way back from Carterville?
A. Carterville is 6 or 7 miles from there.

Q. How close to the Strip mine did you pass?
A. That was about as close there, as it was when we came back.

Q. You are only about 4 miles from it at Marion? A. Yes, sir.

Q. Did you not say you wanted to go to the Strip mine that night?
A. No, sir.

Q. Didn't Duty tell you not to go?
A. I do not remember.

Q. You are not positive? A. No, sir.

Q. Did Schaffer say anything about going to the mine that night?
A. I do not remember.

Q. There was nothing about the situation at the Strip mine that would suggest to your mind that either you or your deputies or Duty should go over there?
A. I do not know. I made mention about going out, I think.
Q. When you were at Carterville, did you learn two men had been shot out there that day?
A. I do not think so. I do not know.
Q. Are you positive about that?
A. No, I am not positive.
Q. You did not call up your office from Carterville?
A. I do not think so.
Q. Are you positive about that?  A. Yes, sir.
Q. You say there was a big crowd of people around you at Carterville?
A. I did not say a big crowd.
Q. You did not think if they shot men out of trucks they might be shooting somebody at the mine?
A. I do not think I did.
Q. You went out to the mine on June 21st, didn't you?
A. Yes, sir.
Q. Early in the morning?  A. Yes, sir.
Q. Went by yourself?  A. All alone.
Q. Didn't Hunter go with you?  A. No, sir.
Q. Senator Sneed?
A. No, sir.
Q. You went out alone?
A. Yes, sir.
Q. Why did you go out there?
A. I just went out to look around to see if there was anything unusual going on.
Q. You had no reason to believe anything unusual was going on?
A. I went out to see if there was anything going on.
Q. So you went out when there was not any trouble to see if everything was all right and then when the insignificant matter of a couple of men being murdered occurred, that did not cause you to go back, did it?
A. No, I did not go that night.
Q. Do you know a man named Earl Miller, a newspaper man?
A. No, sir, I do not know him.
Q. Is it not true that you told Colonel Hunter and Earl
Miller that you learned of the murder of these two men on June 21st at Cartherville?
A. No, sir.

Q. And is it not, also, true that you suggested to go over there and Duty told you not to go? A. No, sir.

Q. You do not remember that conversation? A. No, sir.

Q. Where did you go on the morning of June 22d?
A. Out to the mine.

Q. With whom?
A. Colonel Hunter and Mr. Lewis and Mr. Schaffer.

Q. What did you do out there?
A. We went out there and learned what we did and then I went on to where the killing took place.

Q. When you got to where the first killing took place, what did you see there?
A. I saw several people there.

Q. Did you see the body of the man who had been killed?

That was McDowell, wasn't it?
A. I did not see McDowell then. He was about the last man killed that I saw.

Q. Who was the first man?
A. I think the first man I saw who was killed was named Shoemaker.

Q. Where did you see his body?
A. In the woods.

Q. Did you stop there? A. Yes, sir.

Q. That was in the Power House Woods?
A. Back of the Power House.

Q. Were any persons around there then who had participated in the killing?
A. I do not know.

Q. Where did you go from there?
A. I stayed there, until we got all the bodies out.

Q. How many were dead there?
A. I forget the number of bodies there.

Q. Any of them alive? A. Yes, sir.

Q. How many? A. 2 or 3.
Q. What did you do with them?
A. Took them to the Hospital at Herrin.

Q. Did you go all on to Herrin and found some men shot?
A. I got all the bodies out then we went to Herrin.

Q. Did you make any inquiries as to where the mob was?
A. Nobody knew.

Q. Did any one attempt to escape from the woods?
A. Yes, sir.

Q. Did you see anybody hanging in one of the trees?
A. I did not.

Q. Did you find bodies over at the graveyard at Herrin?
A. I did not.

Q. You did not go over to Herrin? A. I did not.

Q. When did you find out any bodies had been killed at the graveyard?
A. At the same time.

Q. When you found out some men had been killed?
A. The others were over where I was.

Q. When did you find McDowell’s body?
A. I think it was about the last body I remembered seeing that had been found.

Q. Did some one show you were the body was?
A. They had the body in the ambulance when I saw it.

Q. Did you make any arrests then? A. No, sir.

Q. Did you ever present that evidence to the State’s Attorney?
A. Yes, sir.

Q. Did you make any inquiry as to who composed the mob?
A. Yes, sir.

Q. What inquiry?
A. I tried to inquire around.

Q. Did you find out anything? A. No, sir.

Q. You did not learn anything about the makeup of the mob?
A. I did not.

Q. All you did was to make inquiries? A. Yes, sir.

Q. So you did not find out who killed the non-union men or union men?
A. I did not.
Q. And you did not make any real effort to find out who killed anyone?

A. Yes, sir.

Q. Outside of inquiring around?

A. That is what I said.

Q. Did you furnish names of any witnesses to State's Attorney for presentation to the Grand Jury?

A. Well, I do not remember whether I did. I do not think so.

Q. Did you furnish names for any witnesses for trials?

A. I do not think so.

Q. Somebody was performing a duty that you should have performed, weren't they?

A. I suppose so.

Q. Who did it?

A. You mean subpoenaing witnesses?

Q. Yes, looking up witnesses, who did that?

A. It was some special deputies that did that.

Q. Who had them?

A. The Attorney General.

Q. And until he came in here you did not furnish any names did you?

A. I do not think so.

Q. And until he came in here you did not do a thing about the prosecution of that case, did you? A. It was not done.

Q. There was not a single arrest made? No, sir.

Q. There was not a single arrest made until after the Grand Jury brought in indictments?

A. No, sir.

Q. And then the men indicted were some men that could be found in any part of the county? A. Yes, sir.

Q. And you knew some of them? A. Yes, sir.

Q. And that Grand Jury was composed of witnesses of this county?

A. Yes, sir.

Q. So that when an investigator came into this county, you could not even find out how the crime happened or furnish a witness, is that not the situation?

A. It probably is, yes, sir.

Q. Lester asked you to give him guards, didn't he?

A. Well, no, he did not ask me to give special deputies. He asked me to swear in some of his men.

Q. He asked you to guard his property? A. No, sir.
Q. He sent you a letter?
A. He might have sent me a letter.

Q. Where are your records as Sheriff?
A. They are down in the office.

Q. And those records show receipt of any official communication by your office?
A. I do not think so.

Q. What did you do with your records?
A. We keep them.

Q. What do you do with official records?
A. I put them on file.

Q. If you got a letter or official matter, would you keep it?
A. We probably might remember.

Q. Did you ever receiving a letter from Lester? A. No, sir.


Q. You say these records are still preserved? A. I do not know.

Q. Do you not know on June 18, 1922, he wrote you a letter and asked you to protect his property and men?
A. I do not remember.

Q. Do you not remember he told you he had heard rumors that he may expect trouble, etc? As you sit there you say you never got a letter like that? A. I did not say that.

Q. Can you find out?
A. No, I do not know that I can. I do not remember of keeping a letter like that.

Q. This has to do with a subject which caused the death of 25 or 26 men and you say you do not know whether you got that letter or not. A. No, sir, I do not.

Q. Did it not make an impression on your mind to such extent that you would remember it?
A. I probably received a letter to that effect.

Q. What did you do about the letter?
A. I do not remember.

Q. Did you ever answer the letter?
A. I probably did.
Q. Would those records be downstairs?
A. I do not think so.

Q. Did you ever give him protection for property or for men that he requested in his letter?
A. I do not think so.

Q. He met you the following date, didn't he, June 19th?
This letter is dated June 18th?
A. I do not know what day he met me. I believe it was Monday.

Q. That is the day you were down in Duty's Office? A. Yes, sir.

Q. And he talked to you about the subject mentioned in the letter?
A. Yes, sir.

A. He asked you to swear in his guards as special deputies, you think that in any way is related to the subject matter in this letter?
A. It might have been.

Q. You are not positive?
A. No.

Q. Hunter asked you to swear in special deputies, too, didn't he?
A. I do not remember.

Q. You do not remember?
A. I do not remember.

Q. Will you say he did not.
A. He might ask. If he had I do not remember.

Q. Didn't he, in the presence of Major Davis, tell you that Governor Small wanted you to swear in a sufficient number of special deputies?
A. I do not remember.

Q. Do you remember when you swore them in?
A. All that I had.

Q. How many did you have?
A. There must have been 6 or 8.

Q. Those are the ones you had all the time?
A. No, not all the time.

Q. When did you swear in the 6 or 8? A. I had them.

Q. You did not swear in any more?
A. Not at that time.

Q. You swore in some on June 22d? A. Some.

Q. You swore in about 30 that day? A. I do not know.

Q. Do you know anything you did in connection with this matter?
Q. Do you remember sending a telegram to the Governor?
A. Probably did, yes, sir.
Q. Do you know? A. I might of.
Q. You do not know whether you sent a telegram to the Governor or not? A. Yes, sir.
Q. Do you remember what you put in it? A. No, sir.
Q. Do you know where the copy is? A. I do not.
Q. Do you know you sent a copy to the Governor about June 22d. Do you remember that day, June 22, 1922?
A. Yes, sir, I remember that day.
Q. Something happened in this county, didn't it? A. Yes, sir.
Q. Can you remember whether or not you sent a telegram to the Governor?
A. My deputy might have sent it.
Q. 20 or 30 deputies, when did you put them on? After the trouble at the mine? A. Yes, sir.
Q. You did not put them on before? A. No, sir.
Q. Still you say to the Governor: Everything done possible to restore order and protect property and people. What did you do?
A. I did all I knew how.
Q. Any single thing you did besides riding in automobiles?
A. I went out to see if I could see anybody armed?
Q. You did not see a person armed? A. Not a soul.
Q. Hunter could see them armed, couldn't he? A. I do not know.
Q. Duty saw them armed? A. I don't know.
Q. They were armed? A. Yes.
Q. I thought you just said you could not see anybody armed there? A. On the morning of the 22d I saw a few men armed on the 21st.
Q. That did not make any impression on you, did it?
A. It might of.
Q. (Reading) "Everything done possible to restore order" Everything quiet.
You meant all were dead out there, didn't you?
A. No, I did not think so.
Q. A man is pretty quiet when he is dead, isn't he?
A. I do not know.

Q. And property all burned? A. I do not know.
Q. Lost of it? A. I do not know.
Q. You had control of the situation, didn't you? A. Yes, sir.
Q. They had burned everything out there, killed men and then you, as Sheriff of the County had complete control? A. Yes, sir.
Q. That is all.

FURTHER EXAMINATION BY JUDGE PIERCE

Q. Now, Mr. Thaxton, on this 21st day of June, along in the evening, when you went over to Mr. Duty's office and you found Colonel Hunter and these other men you have named there, that was just a short time after you had returned from the Carbondale trip, as I understand. You and Duty had some back together from Carbondale. Some one else was with you but you and Duty were together. Now you discovered out there that one man was probably fatally shot?
A. That was the talk.
Q. That was your idea?
A. That was the idea.
Q. And there were four others more or less wounded?
A. I do not remember about four others.
Q. And there were some in the hospital, were there not?
A. That was my understanding.
Q. There were some you think were not so badly wounded in the hospital?
A. That was at Carbondale. I think there was one badly wounded.
Q. Then altogether 5 men had been shot in Williamson County on the 21st up to 9 o'clock of that evening that you know of, hadn't they?
A. Yes, sir.
Q. You were unable to learn who had shot them? A. Yes, sir.
Q. You knew they were shot either from ambush or from some other source?
A. Yes, sir.
Q. You were unable by inquiry to ascertain who had done it?
A. Yes, sir.
Q. You made inquiry of several people? A. Yes, sir.

Q. You used every effort that ordinarily you thought would develop or disclose to you who did that shooting?
A. I do not know I used every effort.

Q. You made the effort that you considered complied with your duty, didn't you? A. I think so.

Q. Do you know you did? A. Yes, sir.

Q. You came back here and went over to Duty's office. You saw Colonel Hunter there. Colonel had told you he was down here for the purpose of looking into the situation down here at the Strip mine, didn't he?
A. I do not know he just told me he was down in that interest.

Q. You knew from what he said what his mission was down here, didn't you? A. I think so.

Q. And you knew where he was from? A. Yes, sir.

Q. You knew his official position? A. I know what he told me.

Q. You knew that he represented the Governor of the State of Illinois in that official position and the Adjutant General of this State, also, didn't you? A. That is what he told me.

Q. So that you had full knowledge of it? A. Yes, sir.

Q. You knew that it was your duty as Sheriff, whenever there was any riots or threatened riots or conduct that was menacing or threatening among crowds of people assembled together, to use your office, your efforts, your ability and your duty as Sheriff to suppress it and quiet it and disperse the mob? A. Yes, sir.

Q. You knew all that? A. Yes, sir.

Q. You knew if the crowd got beyond control in an effort to destroy property or kill or maim persons, that it was your duty to use all of the power within the county to overcome that situation? You were acquainted with that fact? A. Yes, sir, I was.

Q. In the office of Mr. Duty did you hear Colonel Hunter see him go to the telephone for any purpose? A. Yes, sir.

Q. You were there all the time? A. Yes, sir.

Q. Until 12 o'clock? A. Yes, sir.
Q. From about 9 or 9:30?  A. Yes, sir.

Q. Colonel Hunter was there all the time?  A. Yes, sir.

A. Duty was there all the time?  A. Yes, sir.

Q. And you say that any conversation that took place there between either one or three of you, you probably heard?  A. Yes, sir.

Q. And everyone probably heard the same?  A. I think so.

Q. You were discussing the pro and con of everything?  A. Yes, sir.

Q. Now, at that time, did you know that these two men had been killed at the Strip Mine?  A. Yes, sir. I learned they had been shot.

Q. That made 7 men that had been killed in Williamson County that day, didn’t it?  A. Something like that, yes.

Q. Now, did you discuss with Colonel Hunter this shooting out here by Carbondale or didn’t you say anything to him about that?

A. I think that was talked there in the presence of Colonel Hunter and all there.

Q. What did you say to Colonel Hunter about that?  A. We told him what we found there about the shooting?

Q. Told him that 5 men had been shot?  A. I believe it was 5.

Q. One man fatally shot?  A. Yes, sir.

Q. That three men were on trucks coming into this county?  A. Yes, sir.

Q. And had got into the county destined to go to the Strip Mine here about 4 miles from this city to be employed?  A. That was where they were starting for.

Q. Did you ascertain whether or not these men that were shot were armed at the time they were shot?  A. Not exactly, no I did not learn that.

Q. Did you make any inquiry?  A. Yes, sir.

Q. You did not learn it that they were armed?  A. No, sir.

Q. Didn’t know anything about their arms?  No, sir.

Q. Did you find out how many men were on the truck?
A. I believe that they say there were 9 or 11.

Q. 5 or 9 or 11 were shot off of the truck? A large number of shots were fired into the truck?
A. Yes, sir.

Q. You told Hunter all about that?
A. I think we talked the matter over.

Q. You know you did? A. I think so.

Q. And then you told Hunter that two men had been shot out here at the Strip Line?
A. I think he told me that.

Q. At any rate that subject was discussed between you so that you knew at least 7 men had been shot in the county that day?
A. Yes, sir.

Q. Did you hear Colonel Hunter make his report to the Adjutant General over the telephone? A. I think so.

Q. Hear all he said? A. Yes, sir, I think I did.

Q. What did Hunter report in your presence to the Adjutant General as to the situation, what he had learned?
A. My present recollection is he reported that everything was quiet and no further trouble expected.

Q. You heard him say that much?
A. That is my recollection.

Q. Everything was quiet, no trouble expected? A. Yes, sir.

Q. What did you say to Colonel Hunter when you heard him make that report?
A. I do not know that I made any report. He was talking over the telephone.

Q. You knew that his report was not true, didn't you?
A. No, I did not know it.

Q. You knew that everything was not quiet down here, didn't you?
A. No, sir.

Q. And that no further trouble was expected?
A. That was the report - no further trouble expected.

Q. Well, now, if they shot 5 men on a truck, non-union men, strike-breakers coming into your county and shot two that were
As Sheriff, didn’t you think it might be danger of more trouble if they would shoot that many people in one day?

A. I do not know. I thought just that.

Q. You did not find out who did shooting? A. No.

Q. You did not find out those people, who they were?
A. No, I did not.

Q. You did not have any reason to believe everything was quiet?
A. Yes, sir.

Q. And that it would continue to be quiet? A. Yes, sir.

Q. Although you did not know who armed bandits were that were approaching the trucks loaded with men in your county and shooting 5 out of 9 or 11, you thought that was an indication of quietness in your county? A. That was over.

Q. Certainly, that was over. You did not know where men that would do that thing were and that they were men following up to make assault on the balance of these men, did you?
A. I did not.

Q. What did you think? A. I do not know.

Q. You did not think very much about it?
A. Yes, I think so.

Q. When he called up and told Adjutant General everything was quiet and no necessity for troops. Why did you not call Adjutant General and tell him Colonel Hunter was making a false report?
A. I did not want to.

Q. He did not tell the Adjutant General there were five men shot off of trucks? A. I do not remember.

Q. You did not hear him? He did not tell Adjutant General that two men had been shot at the Strip mine? A. No, sir.

Q. You did not hear him. You knew he did not give Adjutant General the situation here, didn’t you, when he told him everything was quiet? You knew he was not disclosing facts as they were to Adjutant General? At that time he reported everything peaceable and
Q. Yes, certainly everything was peaceable and quiet when you swore in 20 or 30 deputies the next day. After everybody had been killed when you told the Governor peace had been restored, there was not any necessity for swearing in deputies if that was done, was it?

A. There might have been.

Q. If you did not swear in deputies after 7 were shot the day before, why did you swear in deputies the next day after a few more men were shot?

A. Swore those in to take care of the situation then.

Q. It was all taken care of. You did not swear in any men to have it done when you saw men with weapons on that might do the killing, did you?

A. No, sir.

Q. You were demanded to do it by the owner of the mine. The Governor asked you to do it, didn't he? A. I do not remember.

Q. Do you not know he did send telegram asking you to swear in deputies and protect the situation? A. I think so.

Q. Why didn't you do it?

A. I thought I had enough.

Q. Did you swear in enough deputies? A. I think so.

Q. Who did you swear in after that killing and before the next killing? A. I think I had 5 or 6.

Q. Did you swear in a deputy on the 21st of June in this county?

A. I do not remember whether I did or not.

Q. Won't your records show whether you did or not?

A. I do not know, I might of.

Q. I am asking you what you might of, did you?

A. I do not think so.

Q. Then you did not swear in a deputy on request of the Governor until after the second killing, did you? Then you swore in 30.

A. I do not know whether it was 30.

Q. Whether it was 30 or 60. It was all peaceable then?
Q. You made intelligent inquiry to find out who did the shooting? A. Yes, sir.

Q. Didn't find any body? A. No.

Q. Mr. Sheriff, you knew most of the men you saw out there didn't you? A. I knew a lot.

Q. Knew them by their first name? A. Yes, sir.

Q. Is it not quite strange that men could come in here a few days later that you did not know a single one? that you could get? A. I do not know about that.

Q. Didn't that ever occur to you as being strange? A. I do not know that it did.

Q. If a man was killed out here at the edge of the city or out at Herrin tonight, a telephone or telegram should come into you that a certain man had been shot down, you would go out to see about it? A. Probably would.

Q. Probably would if you were Sheriff? A. Yes, sir.

Q. Why didn't you go out the night you heard these two men were shot four miles out? A. I just did not go.

Q. You do not think you did your duty do you? A. I think so.

Q. Is that the way you think you performed the functions imposed on you by law as Sheriff of Williamson County? A. Yes, sir.

Q. Did you have the feeling you could take care of the situation and did not require any troops? A. I felt we could take care of the situation.

Q. And you were taking care of the situation? A. Yes, sir.

Q. You have told us all you did, and all you did was to check further killing, you have told us all that? A. I have told you some.

Q. And then you told us about after all the killing was done when there was no necessity for deputies? A. I suppose so.

Q. And you figure that is discharging an answer you gave to the people of Williamson County in respect to the oath you took
MR. IGGEN: Just one question, Mr. Thaxton. Did you ever discuss with State's Attorney the question of having troops brought in here?

A. Well, I might of. I do not remember.

Q. Did you ever talk with Mr. Duty concerning the question of bringing troops in here in the presence of Colonel Hunter?

A. In the presence of Colonel Hunter?

Q. Yes?

A. I do not recollect.

Q. There was something said about troops coming in and you said you thought you could handle the situation. Did any one tell you you should not get troops in here? A. No, sir.

Q. Did you ever talk with Mr. Duty?

A. About getting troops? I do not remember whether I did or not.

Q. Didn't Duty tell you troops were not necessary here?

A. I do not remember.

Q. Didn't Duty tell you he would advise you, as State's Attorney of this county that you should not have troops in here?

A. No, sir.

CHAIRMAN MCCARTHY: Now, Mr. Thaxton, after this truck had been shot into over between Carbondale and the Lester mine, you went to Carbondale, did you not? A. Yes, sir.

Q. And when you got to Carbondale, did you ask anybody where the Sheriff of that county was, Mr. Gibson? A. I think so.

Q. Who did you ask?

A. I do not remember his name.

Q. Did you get hold of the Sheriff over there? A. Yes, sir.

Q. What did you tell the Sheriff there?

A. The Sheriff came over. I do not remember.

Q. He had been out where the shooting had taken place?

A. I think he told me.

Q. What did he tell you?

A. I learned it was not in this county.

Q. In Williamson County? A. Yes, sir.
Q. Did he ask you if you had enough help to take care of the situation?

A. I am not positive about that.

Q. Did he say anything to you or offer you assistance that you needed?

A. I do not remember. He probably did.

Q. You think he did?

A. He might of.

Q. Who was it you asked to call up Sheriff Gibson for you?

A. I do not remember the man.

Q. Do you remember whether you knew him or not?

A. I do not think I did.

Q. Do you know quite a few people in Carbondale?

A. I do not know.

Q. Did you turn to a man there and say: We are just on the eve of the worst thing that ever happened in Illinois?

A. No, I did not.

Q. "The Sam T. Brush riot was not one, two, three to what is going to happen in the next few hours?"

A. I never did.

Q. Did you say anything to anybody there?

A. I might have said something.

Q. What was the Sam T. Brush riot?

A. It was a riot some years ago.

Q. Where did it take place?

A. Over at Carterville.

Q. You knew about that at the time?

A. I do not remember.

Q. What made you think something serious was going to happen in your county?

A. I do not remember.

Q. You did think that, didn't you? A. I might of.

Q. And you knew if something would happen it would be one of the worst and most serious things that ever happened in Illinois, didn't you?

A. No, I did not.

Q. You knew these men were armed and you knew the feeling
A. If I thought it might of, I do not remember.
Q. You just said you might have?
A. I might of.
Q. You did think it, didn't you?
A. I do not know I thought it that way.
Q. What did you think?
A. I do not know what I thought. I did not have such thoughts.
Q. When you were at Carbondale after this thing had happened, these men had been shot in ambush and all of these things were in your mind, you knew if anything would happen it would be one of the most serious things that Illinois had ever heard of?
A. No, sir. I did not.
Q. Or at least you knew it would be very serious?
A. I did not, no.
Q. Did you think the killing of a few men was a serious matter?
A. It probably was.
Q. And prompted you to make the statement to this man that possibly in the next few hours one of the most serious things would happen?
A. I never made such statement to no man.
Q. You never made such statement?
A. I am not positive.
Q. What time in the day was it you were in Carbondale?
A. It was in the afternoon some time.
Q. About 1:30, was it?
A. Later than that.
Q. And was it between 1:30 and 2?
A. It probably was.
Q. Now, during all this time, after this had happened over there, this shooting near Carbondale, did you call the Adjutant General or any other officer in the State of Illinois and tell him what the situation was?
Q. When did you talk with him?
A. Some few times. I do not know.

Q. Did you talk with him on the 21st day of June?
A. I do not remember whether I did or not.

Q. If you did where did you talk from?
A. If I talked, I talked from my office.

Q. Do you think you talked with him?
A. I do not think so.

Q. Did you talk with him at any time before the killing at Herrin on the 22d?
A. I might of. I do not remember when it was.

Q. How long before the killing actually took place do you think it was?
A. I have no idea.

Q. A week?
A. I do not think it had been that long.

Q. Do you think you talked with him? Did he call you or did you call him?
A. I do not remember.

Q. What did you talk with him about?
A. I do not know, I suppose about the situation down here.

Q. You are positive you talked with him before the 22d?
A. No, I am not positive.

Q. That is all. Any questions Mr. Backer:

MR. BACKER (Attorney for General Black): I do not remember hearing it brought out especially about that 11 o'clock conversation in Duty's office, whether he knew that Colonel Hunter talked with Adjutant General Black?

CHAIRMAN: In State's Attorney Duty's office you testified, did you not, that you heard Colonel Hunter call up General Black?
A. Yes, sir.

Q. You heard the conversation? A. Yes, sir.

Q. And it is just as you related it here?
A. Yes, sir, to the best of my recollection.

CHAIRMAN McCARTHY: That is all. You are excused.
TESTIMONY OF S. L. STORME
BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS.

April 26, 1923.
having been first duly sworn, was examined in chief by Mr. Igoe
and testified as follows:

Q. What is your name, please?
A. S. D. Storme.

Q. Where do you live?
A. I live in Marion, 1506 W. Main St.

Q. Do you occupy any official position in this community at
the present time?
A. County Clerk.

Q. When were you elected County Clerk?
A. Last fall.

Q. In June of 1922 what were you? A. What official position?
Q. Yes, sir?
A. Deputy Sheriff.

Q. Under Mr. Thaxton?
A. Yes, sir.

Q. Along about the middle of that month were you acquainted
with trouble at the Lester Strip mine?
A. I know about it.

Q. What do you know about it?
A. I know it happened.

Q. What happened?
A. Trouble.

Q. What trouble?
A. The trouble we all know about as the riot.

Q. When did you first learn about it? A. About the riot?
Q. Yes?
A. I learned there had been one the same morning it happened.

Q. Well, during the week preceding that, did you learn anything
about anything unusual at this mine?
A. Yes, sir.

Q. When did you first learn about it?
A. Well, I do not know if I grasp what you mean about
unusual. The unusual part I first learned was when they brought
down the gunmen. I learned that I guess a week before they arrived.

Q. You learned they brought down some gunmen about a week
before they arrived? Who told you that?
A. I do not know any particular person.

Q. Did you have official information in the Sheriff's office?
A. I knew about it.
Q. Do you know whether or not the Sheriff knew about it at that time?  
A. Yes, sir.

Q. That was well known all over the city was it?  
A. Yes, sir.

Q. Did you go out to the mine?  
A. I was out one time.

Q. When?  
A. It must have been a week before the riot, about 3 or 4 days.

Q. The riot was Thursday, June 22d?  
A. I think this must have been Friday or Saturday preceding that.

Q. Do you remember when Colonel Hunter first arrived here?  
A. No, I do not.

Q. He arrived on Sunday, June 18th. Did you see him on that day?  
A. I do not think so.

Q. Did you see him on Monday the day following?  
A. I do not recall.

Q. Did you spend most of your time in the office of the Sheriff?  
A. Yes, sir.

Q. The other deputies were out more than you?  
A. Yes, sir.

Q. And you were in charge frequently?  
A. Well I was known as an office deputy, did the book work.

Q. You were out at the mine before Hunter came down here?  
A. I rather think so. I am not positive whether I was out the first of the week or the last of the week previous.

Q. Did you go out alone or were you accompanied by somebody?  
A. I was accompanied by another fellow.

Q. By whom?  
A. By the Sheriff, Deputy Sheriff Schaffer and State's Attorney Duty.

Q. What happened at that time?  
A. Nothing that I know of.

Q. Why did you go out.  
A. There were rumors of some little disturbances, that is, I mean to say some complaints by people passing there.

Q. And the parties you mentioned then went out there? Who did you see when you got out there?  
A. I did not know any of their names of those people there.
except I remember Mr. McDowell.

Q. You saw him?

A. And a fellow that called himself Delany, the Captain of

the Guards, the man who was in charge.

Q. Did you folks go into the workings of the mine? A. No, sir.

Q. Did you stay in the road?

A. We drove up to the office.

Q. What conversation did you have there if any?

A. Well, when we drove up before we got to the office we were

halted by a guard and asked our business and we informed him we wanted
to see the manager, and we drove on to the office.

Q. Did you say anything to the manager when you got there?

A. They sent for him. It was McDowell. He was in the workings

some where.

Q. What, if anything was said to McDowell?

A. Well, I do not know. We got out of the car when we got

there and this Captain, I think his name is Delaney, he ordered us

back into the car. We told him what our business was and we wanted
to see McDowell and he found him for us. We talked to him about
reporting the difficulties about people passing.

Q. What were the difficulties that had been reported to your

office?

A. Well, some people had reported that they had been molested

in passing, held up and assaulted and men patrolling the highways

were armed.

Q. About how many complaints of that kind did your office receive?

A. I could not say.

Q. Were they few or many?

A. They were few, I guess.

Q. When you got there did you see many armed guards?

A. Yes, sir.

Q. How many?

A. There were 3 or 4 sitting around and when we drove up they

gathered around, about one dozen.

Q. Were they all armed?
A. I do not think they were.

Q. About how many were armed?

A. Well, I do not know. I could say about that. I know the State's attorney made some fellow take a pistol out of his pocket I did not know was armed and those who had rifles and long guns, I guess there must have been 6 or 7 or 8. The others came out of the office or buildings around.

Q. Did you understand there were other guards around the mine similarly armed?

A. I heard so.

Q. Was anything said to McDowell about that? A. Yes, sir.

Q. Did he say how many armed men he had there?

A. I do not think so.

Q. Did he tell you why he had them there?

A. I do not think so.

Q. Why were they there?

A. They were there to keep people from coming into the works there.

Q. And was not anything wrong in that was there?

A. That was a matter of speculation. I do not know whether there was anything wrong.

Q. Do you know anything wrong about a man keeping people from coming into his property?

A. That is not a matter of knowledge. I do not know whether there is anything wrong or not.

Q. Did you think you were justified in keeping people from coming into your property?

A. It depends on circumstances.

Q. Can you imagine any circumstances where you possess property and want to keep people out where you did not want them to come?

A. Very likely I would.

Q. Now, did you ever meet a man named Lester? A. Yes, sir.

Q. Where did you meet him? A. First, in the office.

Q. That was on Monday, June 19th?

A. I do not know about, maybe it was.

Q. Was that the time Duty was present?

A. We went over to Duty's office.
Q. Was Hunter there?  
A. I do not think so.

Q. Was Thaxton, the Sheriff there?  
A. Yes, sir.

Q. Was anything said about by Lester at that time in the way of making a request for protection of property and men employed out there?
A. Well, I could not say as to that. I do not know whether they were or not.

Q. Were you present during the whole conversation between Lester and the Sheriff?  
A. I think I was.

Q. Do you remember whether anything was said about protecting property and men?
A. If I remember correctly, that was the time he wanted the Sheriff to swear in a bunch of his men as deputy sheriffs.

Q. What did the Sheriff say?  
A. He said no.

Q. What did he say in way of promising protection, if anything?  
A. I do not know about that.

Q. Did he say he would swear in any extra deputies?  
A. No, sir. He said he would not swear those fellows in.

Q. Did he say he would not swear in any other fellows?  
A. No.

Q. Did you see a letter Lester wrote to him?  
A. Yes.

Q. He set forth the seriousness of the situation?  
A. I do not remember but I judge he did.

Q. Did you ever see that letter?  
A. I think so.

Q. Where was the letter?
A. In the Sheriff's office, if I saw it.

Q. And that letter was received after the Sheriff declined to comply with the request of Lester?  
A. I do not know.

Q. Do you remember the substance of that letter?
A. No, but I think possibly we got the thing in the files.

Q. You say it ought to be in the files?  
A. I think so.

Q. That is where it should be?
A. Yes, sir. That is where we left it.

Q. Where were you when the Sheriff showed it to you?
A. I do not know whether the Sheriff showed it to me or not.

That was part of my business to open the mail.

Q. Did you show it to anybody? A. Not that I know of.
Q. Did you show it to the Sheriff?
A. I suppose I did.

Q. Here is a letter from a man setting forth a very serious situation and you say now you do not know whether or not you ever showed that to the Sheriff?
A. I cannot say possibly I did, but I suppose so.

Q. What is that, just a routine matter in the office there?
A. What do you mean?
Q. Just exactly what you say you did with it.
A. Why certainly. When I was in the office and got the mail I would read it.

Q. Then what would you do with it? A. File it.
Q. Without showing it to the Sheriff?
A. No, the Sheriff usually gets the mail.
Q. Do you know whether the Sheriff saw this?
A. I cannot say that he did.
Q. Do you not think that is a matter you should have brought to his attention?
A. I do not know as I understand you or not.
Q. Let me read a paragraph to you.
A. I think I know the letter.
Q. (Reading paragraph of letter) "We have heard rumors that we may expect trouble and therefore request you to give us prompt and efficient protection to our property and to our men." Does that make any impression on your mind?
A. Well, certainly.
Q. Does that recall to your mind whether you ever showed that to the Sheriff?
A. "Well, I already answered that. I am positive I saw the letter.
Q. Did you show it to him?
A. I do not know that I did.
Q. What did you do with the letter before you filed it?
A. I guess I read it and laid it on the desk.

Q. Which desk?
A. The desk in the Sheriff's office.

Q. Is that his desk or your desk?
A. It belongs to all of us.

Q. Is that the desk he uses?
A. He does not use any desk.

Q. Where did he look at mail if you ever let him look at any? Where did he see any mail that you wanted him to see?
A. In the office.

Q. Whereabouts in the office?
A. He can see it any place in the office.

Q. Can you tell us where you put letters you want him to see?
A. He would see all of the mail.

Q. I thought you said you filed most of the mail. Now you say he sees all of the mail, which is correct? A. Both.

Q. Some of it you file away and then you file it after he saw it. Which is correct?
A. We do not file mail down there possibly like you file mail. I mean we hang the correspondence on a file. It is not filed away in some storage?

Q. What do you mean a file?
A. I mean a letter file you hang on a wall.

Q. That is the last place you saw that letter, is it?
A. I do not know.

Q. From that particular file where is correspondence taken if it is to be preserved? A. That is all.

Q. What happens when you leave it there?
A. It hangs there.

Q. When you get that full, what happens?
A. We never get one full.

Q. How long have you been using that file?
A. We do not hang all the correspondence on that.

Q. Did you ever talk with Hunter about having tramps sent down
A. No, sir.

Q. Did Hunter ever talk to you about having troops sent down here?

A. No, he never talked to me about it. I rather think I heard it talked.

Q. You heard it talked by whom?
A. Possibly by Hunter and the bunch of us.

Q. Where were you on June 21st?
A. In the office.

Q. All day long?
A. Yes, sir.

Q. What time did you get there in the morning?
A. About 8 o'clock.

Q. What time did you leave at night?
A. I did not leave at the usual time. It must have been nearly dark, it was dusk.

Q. Then where did you go?
A. I went to the State’s Attorney’s office.

Q. Who was at the State’s Attorney’s office that night?
A. There was the Sheriff, Mr. Schaffer, Judge Hartwell, State’s Attorney, Mr. Hunter and a man named Bond, a Mr. Davis, I think his name was, a man in uniform, and Hugh Willis, Bill Davis, a newspaper man from Boston City, I cannot think of his name now, and Drobeck.

Q. How large is that office, Mr. Duty.
A. I judge to be about 14 feet square.

Q. You had about ten people there?
A. Those I have named.

Q. How many of them were there at the time you arrived in the office? Were all those present you mentioned before you reached there?
A. No, I think the Sheriff, Schaffer, Mr. Duty and I went together. That is the way I remember it now.

Q. You say Duty went up there with you?
A. I do not know about that. He might have went ahead of us.

Q. Where did you meet the Sheriff and Mr. Schaffer?
A. Out on West Main Street.

Q. Where is that, close by?
A. It starts here at the building and goes west.
Q. On what part of West Main St. did you meet Schaffer
and Thaxton?
A. It must have been out about the 1000 block.
Q. What is about ten blocks from the court house?
A. I live in the 1500 block.
Q. How did you happen to meet there?
A. I was going east and they were going west and we met.
Q. Was Duty with them?
A. Yes, that is what I said.
Q. Why did you come back to the city again?
A. Because I wanted to, I reckon.
Q. Why?
A. Well, you already know, I guess from other witnesses where
they have been and, of course, I was interested in what had happened
out at the mines, too, and we all came back and went up in Mr. Duty's
office to talk the matter over and see what to do.

Q. Did you tell Duty and Thaxton and Schaffer what had happened
at the mines that day.
A. That there was trouble out there?
Q. What trouble was reported there? A. Shooting.
Q. What kind? A. Just shooting.
Q. Did you find out who was shot? A. No, sir.
Q. What time did you get the report?
A. It must have been 3 o'clock.
Q. And you met these folks you mentioned along about 9 o'clock
I presume?
A. Along about dark.
Q. That is about dark on the 21st of June, is it?
A. I do not think it was that late.
Q. About 7:30 then. And then you four people came on back down
town?
A. Yes, sir.
Q. Did you stop anywhere on the way back?
A. No, I think we drove to the jail.
Q. And what did you do at the jail?
A. We got out of the car and went to Mr. Duty's office.
Q. Did you stop at the court-house on the way over? A. No, sir.
Q. And when you four folks got to the office of Mr. Duty, I understand there were present at that time, some people at that office?
A. I do not think so. I think they came immediately after we got there and a little while after. I am not positive whether there was anybody there then.
Q. Why did you go to Mr. Duty's office?
A. To talk the matter over.
Q. That is the trouble that had occurred at the mine that day? A. Yes, sir.
Q. Had you heard of several shots being fired at the mine that day? A. Yes, sir.
Q. How many? A. Never heard anything about that.
Q. From whom did you get information about what occurred at the mine?
A. Well, I could not say.
Q. Didn't Colonel Hunter call you up that day?
A. They said he did. Somebody called from the Greater Marion Association office when I was in the postoffice and I went there and Colonel Hunter was there.
Q. What, if anything, did he say to you then? A. I do not think he said anything?
Q. What did anybody say to you? A. There was Mr. Painsley there talking over the telephone and trying to confirm a report for his newspaper that there had been some hardware stores broken into at Herrin.
Q. Did he confirm that? A. I do not know.
Q. Did you learn when you were at the Greater Marion Association that there was a rumor that some hardware stores had been broken into?
A. Yes, sir.
Q. Did you hear of any stores in this town being broken open? A. No, sir.
Q. What did you learn of stores in this town being broken open? A. Mr. Mosely called me and said there were some men there for guns.
When was that? A. The 21st.

Did you report that to the Sheriff when he got back in town?
A. I expect so.

What is the name of the store next to the State's Attorney's office over here that was raided that day? A. I do not know.

Do you know of any hardware store? A. Cox.

Did some folks come in that store that day?
A. Not that I know of.

But you did receive a report over the telephone about Moseley's store? A. Yes, sir.

And you did hear Paisley try to confirm that report about stores being raided in Herrin? A. Yes, sir.

Then you knew about the report from Herrin and you knew about Moseley's store in Marion and you knew about two men having been shot at the mine?
A. No, I did not know about that.

Did not know about that?
A. Yes, that night, but not at this time.

From whom did you hear about that? A. I don't know.

But you heard about that before you met the Sheriff coming in from Carbondale? A. Oh, yes.

Did you hear anything about the electricity having been cut or about the telephone communication? A. No, sir.

Was Hunter over at the Greater Marion Association?
A. Yes, sir.

Did he say anything to you about going out to the mine?
A. No, sir.

Didn't he request you to take deputies and go to the mine at that time? A. No, sir.

Was it not your duty to go out at that time?
A. I did not think so.

What was your duty when a man was shot in this county, as a deputy sheriff?
A. My duties are just duties of a deputy sheriff.

What are the duties?
Q. What are the duties?  
A. They are varied and many.

Q. Do you know any duty of a deputy sheriff that has anything to do with preserving peace?  
A. No, sir.

Q. Are those the duties of a deputy sheriff?  
A. As I understand it.

Q. Was it your duty to go out and attempt to find what occurred at the mine at that time?  
A. I do not think so.

Q. Why not?  
A. I was here in charge of the office and the other boys were all gone.

Q. They were killing men at the Lester mine and you did not move at all, did you?  
A. I did not go out.

Q. Suppose you learned they had killed two men, what would have been your duty?  
A. That is according to the conditions they killed them under.

Q. I see. There are some conditions in this county that call for one kind of action and other conditions that call for other kinds of action.

A. I did not say that. I understand the same law governs conditions in this county as it does in others.

Q. I do not think it does.  
A. I do not care what you think.

Q. What did they tell you as to men being shot at the mine on June 21st?  
A. I learned it from some fellow. Of one man being killed.

Q. What was his name? Was his name Henderson?  
A. I do not remember. I learned it afterwards.

Q. When did you hear about it?  
A. I heard somebody had been shot.

Q. Was there anything about the duty of your office, anything about killing of some one? What is your answer to that question?  
A. Well, I am here to answer any questions but I expect decent treatment.

Q. You are not going to bulldoze us for a minute. You are not going to frighten anybody and we are not afraid of anybody. If we
What was your duty in connection with this when you found out a man had been murdered down here?

A. We usually went to investigate.

Q. Why didn't you investigate this killing?

A. There might have been several reasons.

Q. Give me one of the reasons.

A. I can tell you the thing without getting rash about it.

Q. We are not getting rash about it. Give me one of the reasons.

A. The Sheriff and Deputy and State's Attorney was out there. I knew where they had went. I supposed they were out here and were on the job at this mine.

Q. What made you suppose that?

A. I could not locate them anywhere and they had went on the other side of Carbondale a piece to investigate the shooting of a truck and were gone all afternoon.

Q. Did you think they would learn of this shooting at Carterville or some place in that neighborhood?

A. I did not know why they should.

Q. Did you ever learn whether the Sheriff had found out?

A. I never learned that they had been in Carterville.

Q. You did not know that. Did you ever learn they had been at Carbondale?

A. After he got back.

Q. Did he tell you about going to Carterville to look up the truck?

A. I do not think so. I do not remember.

Q. You four people got up in the office of the State's Attorney for the purpose of discussing this situation, as I understand. What was done when you got up there?

A. Nothing done that I know of.

Q. Why were you up there?

A. We were up there to talk over this matter.
Q. Did you talk over the matter? What was said?  
A. I could not tell you. There was a lot of things said.

I do not know what all was said.

Q. Do you remember anything that was said?  
A. Oh, yes.
Q. Hat, if anything?  
A. Well, Colonel Hunter, Mr. Davis and these parties were there.
and Colonel Hunter reported that the trouble was all over. There had been a truce and there was no further trouble to be expected.

Q. Hunter reported that?  
A. Yes, sir.
Q. Did Hunter say he had been out at the mine?  
A. No, he had made arrangements.
Q. Do you know any officer of this county that had been out to the mine that day?  
A. No, sir.
Q. Was the Sheriff not out there in the morning?  
A. I do not know.
Q. But so far as you know, no one of the officers of this county had been in the mine that day?  
A. I cannot recollect.
Q. Was anything said about two men having been shot out there?  
A. I rather suppose there was.
Q. Two union miners having been shot at the mine that day?  
A. I do not suppose there was.
Q. Was anything said about going to the mine to see what the situation was at that mine?  
A. No.
Q. Was Hunter there out at the mine?  
A. I was not sure whether he was there or immediately after.
Q. You got there about 8 o'clock, I think?  
A. I presume.
Q. This is all in one room is it not?  
A. Yes, sir.
Q. As I understand, the office is one room?  
A. No, we were all in that room.
Q. Where was Mr. Duty?  
A. He was in there.
Q. Where was the telephone?  
A. In the same room.
Q. Is that the only telephone in that office?  
A. Yes, sir.
Q. Who sent for Hunter?
A. Nobody that I know of.

Q. Did you hear anybody send for him?
A. No, I told you twice Hunter might have been there when I got there.

Q. While you were there did you hear anybody send for Hunter?
A. No, sir.

Q. Did you hear anybody telephone for Hunter?
A. I do not think so.

Q. If Duty had telephoned for Hunter, would you have heard it?
A. I would have remembered, but I do not remember.

Q. On your way up to that office were you discussing the necessity of having Hunter present? A. No.

Q. Did you talk about Hunter at all up there before he came, if he was not there?
A. I am not sure but what Hunter was there already.

Q. How long did you stay there?
A. I think a little after 12.

Q. At night? A. Yes.

Q. Any one do any telephoning there that night? A. Yes, sir.

Q. Who?
A. I think, as I remember it now, the telephone rang. Mr. Duty answered it and handed it over to Hunter and he talked.

Q. Was that the first person you saw at the telephone, Duty?
A. That is the way I remember now. I think Duty answered the telephone.

Q. And then turned it over to Hunter?
A. Apparently they wanted to talk to Hunter.

Q. You are sure what Hunter said over the telephone?
A. Partly.

Q. You are pretty sure what he said? A. Yes.

Q. What did he say?
A. Apparently he was talking to Adjutant General Black. I take it Black was inquiring about conditions down here. Mr. Hunter talked and he said the trouble was all over, that an agreement
You remember that very distinctly, don't you? A. Yes, sir.

Give me some part of some conversation that occurred in that place that night?
A. Oh, we talked about the thing from several standpoints.

Give me some connected conversation about a single subject that night.
A. We talked about going out there.

Who talked about it? A. All of us.

Give me the name of one person who said some one thing up there.
A. I would not attempt to do that.

No, but you, like all the other witnesses, can distinctly remember everything Hunter said over the telephone. How can you account for that?
A. You heard what I said.

From the State's Attorney right on down to you, you come in here and distinctly remember that conversation but not another thing can you remember.
A. I have told you.

MR. IGOE: That is all.

MR. FERRE: Mr. Chairman, if this witness is not willing to talk, I move you that he be subpoenaed to appear before us at Springfield next Tuesday. We are going to get his testimony.

CHAIRMAN: This is not the only witness. I have practiced law for about eighteen years and I do not believe I have ever seen three witnesses who are absolutely forgetful and absolutely refuse to remember anything. It is not fair to the community or to the people here.

MR. FERRE: I insist on my motion.

WITNESS: I have given all I know.

CHAIRMAN: The proposition is this: That you give the information but you give it only after we cross-examine you on that special point.

MR. STORM: (Witness) If you will let me know I will be glad to
CHAIRMAN: You should be willing to tell us the facts.

Mr. ICOX: So far as I am concerned, Mr. Chairman, I am going
to ask that he and the other witnesses be subpoenaed for Springfield.
Five witnesses came in here that do not remember a single thing
except a telephone conversation.

JUDGE PIECE: And we came down here to accommodate these
people in Marion. If you do not want to give this evidence here,
we will take you where you can give it or we will no why.

WITNESS: You can know why here.

JUDGE PIECE: I will feel safer at Springfield than here myself.

Mr. RICE: I want to ask Mr. Storme a question or two.

FURTHER EXAMINATION BY MR. RICE.

Q. You say that after you got back to Marion that evening
with these gentlemen you met on West Main Street, you went to
Mr. Duty's office to discuss the trouble that had been had that
day.

A. We met there, I suppose so.

Q. Then did you tell Mr. Duty or did you go upstairs with him
to his office?

A. I cannot remember whether I went up with Mr. Duty or not.

Q. When you got up there, did you discuss this trouble?

A. Yes, sir.

Q. With whom did you talk about it?

A. Among ourselves.

Q. Did you talk with Mr. Duty about it?

A. We all talked about it.

Q. Did Duty pay attention to you? Discussed with you the
matter?

A. Yes, we all talked.

Q. Who, Mr. Duty with the rest of you? A. Yes.

Q. And did you tell him what you had learned about this
trouble out there that day, somebody being shot?

A. I suppose I did.

Q. It is not a question you supposed you did.

A. I take it for granted we talked about all the affairs,
the shooting of the truck at Carbondale and all about it.

Q. Is that what you went up there for? A. Yes.

Q. And you are sure that Mr. Duty discussed that and you reported to Mr. Duty that evening about what had happened at the Lester mine?

A. What little I knew about it I told him.

Q. What was Duty doing there that evening?

A. The same as the rest of us were.

Q. Did any of you work?

A. None of us worked. There were no lights on.

Q. In Duty's office? A. Yes, sir.

Q. How long were you there when there were no lights on?

A. I do not know. We were in the dark a considerable time.

Q. Were there any lights when you first went there?

A. I think there were.

Q. What was Mr. Duty doing then when the lights went out?

A. I do not know but there was nobody working.

Q. You say he was not engaged in office work but was giving you folks his attention, is that correct?

A. We were together.

Q. And were listening to discussion about what ought to be done the next day? A. Any time.

Q. How many times was the telephone used that evening while you were there?

A. That is the only time I know of.

Q. Were you there all the time you went up with the Sheriff?

A. Yes, sir.

Q. Never were away? A. Yes, sir.

Q. Were you there all the time until Colonel Hunter came after you went up?

A. Yes, I am not sure whether he was there when I went or whether he came afterwards.

Q. How long was it when you were up there until Mr. Hunter came?

A. I just said I do not remember whether he was there or came afterwards.

Q. About what time do you think it was when you went there?
A. It was around 8 o'clock, I judge.

Q. According to your best judgment, how long were you there until Colonel Hunter came?
A. I do not know what you want me to say. That is three times I answered that. I am not sure whether Hunter was there or came afterwards.

Q. When did you adjourn that evening?
A. Something after 12.

Q. Did everybody stay there until you finally adjourned? Everyone that had come in in the evening?
A. I do not know, Mr. Duty was there when we left. I do not know what time he left.

Q. How long had the lights been out?
A. I am not positive about that. It appears to me there were lights when we went and they were off while we were there. I know we were sitting in the dark.

Q. After they once were off they did not light up any more during the meeting?
A. No, I think not.

Q. Do you remember how long the lights were burning when you went up there?
A. I am not sure.

Q. But you are satisfied there was nobody giving attention to any other matter than this?
A. No, I do not think anything was talked about.

Q. Was anybody doing any work?
A. Not that I know of.

Q. Was Mr. Duty engaged in any other work, writing, looking after his affairs?
A. I do not think so. He could have been when we went. I am not sure about that.

FURTHER EXAMINATION BY CHAIRMAN MCCARTHY:

Q. Where did you go when you left the office there?
A. When.

Q. When you left State's Attorney's office?
A. I went home.

Q. Did anybody go with you   A. No, sir.

Q. What time did you report for work the next morning?
A. 7:30 or 8.

Q. Was anybody in the office when you arrived there?
A. No, sir.

Q. When did the Sheriff report at the office that morning?
A. I think the Sheriff went to the mine from the jail. That is my recollection.

Q. What he at the office at 7:30 when you came there?
A. I do not know. They had arrangements to meet early.

Q. When was the first time you saw the Sheriff on the 22d?
A. I think I came by the jail that morning. Anyway, it was early that morning before he went to the mine.

Q. You saw him before he went to the mine?
A. Yes, sir.

Q. Did you see Schaffer before he went to the mine?
A. I think I saw them leave.

Q. From jail?
A. I think it was from jail.

Q. You did not see him at the office?
A. I do not know about that.

Q. You do not know whether they had been at the office?
A. I do not know.

Q. What time was it you saw them?
A. It was early that morning. I think 7:30 when I saw them.

Q. And they were then starting for the mine?
A. I think I saw them leave.

Q. Was that before you came over to this office or afterwards?
A. No, I had been to the office.

Q. Did you open the office that morning?
A. I usually do. I don't remember. I am usually the first one in the office.

Q. This was the morning of the killing?
A. I do not remember if I opened the office or not. We all
had keys but I was usually the first one there.

Q. You do not believe there was anybody there when you went there?
A. I could not say about that.

Q. Who can say?
A. I do not know, whoever was there.

Q. You are the man that knows.
A. No, I do not know. If I did I would tell you.

Q. You do not want to know.
A. Who said so?

Q. I did.
A. You are mistaken.

Q. But I am not mistaken. That is a simple plain question.
Here is one of the biggest mistakes you had in this county and you cannot remember anything that happened on that day?
A. Yes, I can remember things that happened.

Q. But you cannot remember some of the things that we want to know that are very simple. What did the Sheriff say to you before he left that day?
A. Well, man, I do not know.

Q. Did he give you any orders at all?
A. Not that I know of.

Q. Did he tell you where he was going?
A. I knew where he was going already.

Q. Did he give you any specific instructions when he left?
A. I don't think so. He was not in the habit of doing that.

Q. Did you talk with him concerning the rumors that had come in that there had been trouble that morning?
A. No, sir.

Q. The happenings of that morning of the 22d?
A. I did not know anything about that.

Q. He did.
A. No, you are mistaken.

Q. If he said he did he is not telling the truth?
A. Before he went out there? I do not know how he found it out.

Q. Hadn't you heard any rumors before the Sheriff left here?
A. No, sir. Not that morning.

I did not hear for some time afterwards.

Q. Any other questions? We are adjourned until 9 o'clock tomorrow morning.
TESTIMONY ON RE-EXAMINATION OF KELVIN THAXTON
BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE
OF THE
HOUSE OF REPRESENTATIVES
IN
MARION, ILLINOIS.

On
April 27, 1923.
Melvin Thaxton, Sheriff was recalled to the stand after having testified Thursday afternoon.

MELVIN THAXTON

having been first duly sworn, was recalled to the stand for further testimony, examined in chief by Chairman McCarthy and testified as follows:

Q. Now, Mr. Thaxton, how long was Mr. Richardson in your employ as a deputy sheriff?
A. I think something like two years in that neighborhood.
Q. When these men are sworn in as deputies do you instruct them as to what their duties are?
A. Yes, sir, to some extent.
Q. You met Mr. Richardson at Herrin on the morning of the 22d?
A. Yes, sir.
Q. What time of the day did you meet him, what time did you get to Herrin that morning?
A. Well, I could not say just what time it was. It was later than 10 o'clock, I think.
Q. It was after 10 o'clock?  A. Yes, sir.
Q. When you met him what did he tell you with reference to what had occurred?
A. I do not remember what he told me. We were talking about what had occurred. We were talking about what had occurred out there.
Q. How long did you meet him after you arriving at Herrin? How long after you got to Herrin was it before you met Mr. Richardson?
A. I don't know. It might have been right after I got there or might have been one-half hour.
Q. Then what did you and he do?
A. Well we looked after those bodies around there that was in the morgue and assisted some in the hospital.
Q. Was he with you during this time?
A. There were several with me. I am not positive whether he was with me all the time or not.
Q. You took care of the bodies, went up to the hospital to see
What could be done for the wounded. How long did that take you?

A. I don't remember. It seems to me maybe like we were at the hospital maybe one hour. I am not positive. We might not have been that long or longer.

Q. Then it was probably about 12 o'clock when you got through with that work.

A. Probably was.

Q. What did you do then?

A. I was down at the morgue until late in the evening.

Q. Where did you stay during the afternoon?

A. Around the morgue there.

Q. Why did you stay at the morgue?

A. To assist there and do anything I could do to keep the crowd away.

Q. Did you see Mr. Richardson there during that time?

A. I think so.

Q. Do you know.

A. I think I did. I saw him there that evening.

Q. What specific work did you delegate to him on that day?

A. I think we got some rope there and I told him to rope it off and keep crowds away from the bodies.

Q. During the afternoon of June 22d, what did you do?

A. June 22d, that same evening?

Q. That same afternoon.

A. I was busy around there helping about there, that is what I done.

Q. Who was with you.

A. There was Schaffer, Richardson a number others.

Q. Mr. Schaffer was out with you at Herrin? A. Yes, sir.

Q. You kind of kept together, didn't you?

A. We might have been separated several times.

Q. For how long a period at any time would you separate?

A. I do not know.

Q. What is your best recollection?

A. I couldn't recollect. I couldn't say about how long.
Q. He was with you there practically all of the afternoon. He might have left 15 or 20 minutes, but he would report back to you?
A. Yes, sir.

Q. Where did you spend most of your time at Herrin on Thursday afternoon, June 22d?
A. Well, from the hospital and back to the morgue.

Q. When you would go from the hospital to the morgue—
A. I was at the city hall, also.

Q. When you would go from the city hall, hospital or morgue, which went with one of the deputies with you?
A. I cannot remember.

Q. Did you take one? A. Probably one.

Q. You generally keep one with you?
A. I am not positive they were with me all the time.

Q. You knew where they were and so if you needed them you could have gotten them any time during the afternoon? A. I think so.

Q. How did you go to Herrin that day?
A. In an automobile?

Q. In your automobile?
A. Yes, sir.

Q. And who went with you?
A. Mr. Schaffer.

Q. Anybody else?
A. I don't believe anybody else went with me. I believe maybe there was, I forgot who it was.

Q. Where had you been just previous to arriving at Herrin?
A. Just left the place there where the bodies was killed.

Q. The graveyard?
A. No, at the woods, back of the power house.

Q. What time did you arrive at the power house that forenoon?
A. Well, it must have been between 8 and 9 o'clock. That is my best recollection.

Q. You stayed there 15 or 20 minutes?
A. No, we were there longer than that.

Q. How long did you say?
A. I think it took longer than that to get those bodies.

Q. You got the bodies out and then went to Herrin? That is about 3 or 4 miles?
A. I think so.
Q. You get to Herrin around 10 o'clock?
A. I think it was later than that.
Q. Then you met Mr. Richardson there at Herrin?
A. Yes, sir, I met him at Herrin.
Q. Then there was Messrs. Schafer and Richardson together?
A. Yes, sir.
Q. Did Schafer help you fix these bodies and rope them off?
A. I could not say positive whether he did or not.
Q. Your best recollection is that he assisted you?
A. I am not positive about that.
Q. But he was in Herrin?
A. Yes, sir.
Q. Do you remember who knew you had lunch with that day at noon?
A. I do not.
Q. Did you and Schafer have lunch?
A. I don't remember eating anything then.
Q. A lot of excitement and probably you could not remember?
A. I don't remember.
Q. Then in the afternoon you stayed in the city of Herrin and took care of the wounded and bodies of those who had been killed?
A. Yes, sir.
Q. How late did you stay in Herrin?
A. I am not positive about that. It must have been pretty late in the evening.
Q. Was it dark when you left?
A. No, sir.
Q. How late did you say, 6 o'clock.
A. Well, probably between 5 and 6. It might have been.

It seems to me it must have been somewhere along that time.
It was between 5 and 6 then that you left Herrin on the night of June 22d?

A. That is my best recollection. It could have been later or earlier.

Q. How much earlier or later could it have been? Could it have been 4:30?

A. It could have been. I am not sure.

Q. Could it have been 4 o'clock?

A. I do not know about that.

Q. Would you state positively that it was between, say 5 and 6 o'clock that you left Herrin?

A. I am not positive.

Q. What would you say positive?

A. I would not say anything positive. I do not remember.

Q. Was it dark when you got to Marion?

A. No, sir.

Q. What time was it when you got to Marion?

A. I do not remember that.

Q. Where did you go when you got to Marion?

A. Come here to Marion.

Q. When you left Herrin, how did you get to Marion?

A. Drove through in a car.

Q. Over what road did you go?

A. Over dirty road west and north.

Q. How does that road lead out of Herrin that you took on June 22d coming from Herrin to Marion?

A. It leads out a couple of blocks east, out of Herrin, then go east for a couple of miles, come south from Herrin and east all the way from Herrin to Marion.

Q. South and east from Herrin to Marion. What road is that known as?

A. Dirt road or Bainbridge road. There is a little station called Bainbridge?
Q. **Who was with you?**

A. Mr. Schaffer and one of the cooks that worked out at the camp of the mine.

Q. **What mine?**

A. Lester mine.

Q. **Was he one of those who had been shot at?**

A. I do not know whether he had been shot at or not.

Q. **Was he one that had come out with the men that had surrendered?**

A. I do not think so. He might have been.

Q. **When did you last see that cook?**

A. That evening when we took him down to get on the train to go out.

Q. **Where did he go?**

A. I don't know where he went. He said he was going to Mt. Vernon, I think.

Q. **Is he a person that lives in this vicinity?**

A. I don't think so.

Q. **Had you known him before?**

A. No, I never knew him.

Q. **How did it happen he rode back?**

A. We picked him up on the streets in Herrin. Somebody told him who I was and he came to me and I took him in the car and brought him here and brought him to the train.

Q. **Did you then come direct from Herrin to Marion?**

A. Yes, sir.

Q. **Then what did you do?**

A. I went to the county jail.

Q. **Then what did you do there?**

A. I took 2 other fellows that they had put there in jail to Hudgens here and let them get on the train.

Q. **Who were they?**

A. They were foreigners.

Q. **What had they been doing, why did you have them in jail?**

A. To protect them.
Q. They hadn't committed any crime?
   A. Not that I know of.

Q. They belonged to the Leiter mine trouble?
   A. They had been out there.

Q. They had been out of the mine?
   A. Yes, sir.

Q. Did they come to you for protection?
   A. No, I think somebody brought them into the jail.

Q. When did they put them in jail? On the 21st?
   A. I don't remember just when it was.

Q. Had they been there more than a day?
   A. I think they were put in while I was at Herrin.

Q. That same day?
   A. Yes, sir.

Q. Didn't you have any men in there on the night of the 21st that had been working at this mine?
   A. I don't think so.

Q. Didn't you have some men there that had been scabbing at that mine?
   A. I don't remember that I did.

Q. Do you keep a record of all people that came into the jail?
   A. Yes, sir.

Q. Have you an official record?
   A. I think so.

Q. That would include people that might come for protection?
   A. I don't think so, no sir.

Q. How do you keep a record of the meals or expense of keeping these people?
   A. A fellow that is put in? I keep a record for nothing like that.

Q. If two men had been put in there on the night of the 21st, or during the day of the 21st, there would be a record of it?
A. I do not think a record was kept of those two fellows.
Q. If they had stayed over night would you have kept a record?
A. I should have but I don't think I did.
Q. You are not positive whether they were there on the night of the 21st?
A. No, sir, I am not.
Q. Is it not a fact that you did have two of the men who worked at the Lester mine there that the mob formed at the square here, undertook to go over there and take those men out?
A. No, sir.
Q. Did you ever hear about such thing?
A. No sir, I never heard of such a thing.
Q. Never heard it since?
A. No, sir.
CHAIRMAN: That is all.

FURTHER EXAMINATION BY MR. IGGE

Q. Mr. Sheriff, did you question that cook at all? Did you ask any questions of the cook that you found on the streets in Herrin?
A. No, I don't think I asked him.
Q. Do you know whether you did or not?
A. Ask him any questions?
Q. Yes, sir.
A. If I did, I do not remember what I asked him.
Q. Have you a record of his name?
A. No, sir.
Q. You do not know anything about him?
A. No, sir.
Q. Did you ask him how he happened to be in Herrin?
A. I don't think I asked him, I think he walked into Herrin.
Q. He was one of the men who escaped from the mine?
A. I don't know.
Q. Did you ask him about it?
A. No, sir.
Q. Did he tell you when he walked into Herrin?
A. No, sir.
Q. You do not know whether or not he was present when they took the men out of the mine?
A. No, sir.

Q. You did not bring him over to the State's Attorney so that he might be questioned as to his knowledge of the crime?
A. No, sir.

Q. Why didn't you?
A. I did not.

Q. These men that were in jail, you did not submit to the State's Attorney for examination, did you?
A. No, sir.

Q. Did you question the wounded men in the hospital at Herrin?
A. Well, I don't know. I think I heard some other fellows talked to them.

Q. What other fellows?
A. I don't remember, I heard somebody talked in there.

Q. You didn't take any statements from them?
A. No, sir.

Q. Why not?
A. The State's Attorney was doing that.

Q. Was he there?
A. I am not positive whether he was there when I was or not.

Q. Was there a guard there?
A. At the jail?
Q. Yes?
A. I think there were.

Q. Do you remember you had to place a guard there, didn't you?
A. There was a guard yes, sir.

Q. Who was the guard?
A. Probably Bill Burton.

Q. Who is he?
A. A resident of Herrin.

Q. Did you put him there as a guard?
A. I did not put him there as a guard.
to Marion?
A. No, sir. I did not take that way.
Q. On a different road?
A. Yes, sir.
Q. There was not any reason why you could not make an investigation there that day, was there?
A. I recollect not.
Q. But you did not make any?
A. No, sir.
Q. The road you took east out of Herrin, you say that does not run by the graveyard?
A. South. I took the road south.
Q. Is the graveyard east?
A. Yes, sir.
Q. Did you take the south road?
A. Yes, sir.
Q. There is just one more question I want to ask you, Mr. Sheriff. That is about your meeting in the office of the State's Attorney on the night of June 21st. What time do you say that telephone conversation took place when Hunter talked with Black at Springfield?
A. I am not positive about the time. It seems to me it must have been around 10:30 or 11 o'clock. That is my recollection.
Q. You are positive it was around 10:30 or 11 o'clock at night on June 21st?
A. I am not positive.
Q. Might it have been as late as 12?
A. I did not think it was that late.
Q. You don't think it was earlier than 10?
A. No, sir.
Q. Some where between 10 and 11?
A. To my best recollection, yes, sir.
CHAIRMAN: Where is that stone road that we take from Herrin to Marion?

A. That is north. (Points out on map)

Q. The evening that you left Herrin you came into Marion on the road that leads straight out west three miles and one-half? That is the road that leads from Marion?

A. This road goes out west 3 1/2 miles to Bainbridge and then turns north.

CHAIRMAN: That is all.
TESTIMONY ON RE-EXAMINATION OF LOLOS DUTY,

BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE

HOUSE OF REPRESENTATIVES

AT

MARION, ILLINOIS.

April 27, 1923.
Friday, April 27, 1923. P.M.

Delos Duty, State's Attorney, was recalled to the stand, after having testified Thursday afternoon.

Delos Duty, State's Attorney, was recalled to the stand for further testimony, examined in chief by Chairman McCarthy and testified as follows:

CHAIRMAN: Gentlemen, the Committee will come to order and State's Attorney Duty is here and we want him to clear up a little situation in regard to lights. Mr. Duty, will take the stand and we will be glad to hear him.

Mr. Duty, you were on the stand yesterday?

A. Yes, sir.

Q. And something was said and has been said during the course of the hearings, in regard to the lights going out.

A. Yes, sir.

Q. Will you tell the Committee what you know with reference to that?

A. I will. The best of my judgment, it was about 9 or 9:30, I should place it nearer 9:30, that the electric lights went out in that section in town and my office at that time was fitted with both electric and gas lights. Right immediately above my working desk was a three-mantle gas chandelier with a pull chain and right over in the west wall, just coming out of the wall was a one-mantle gas jet, upright, with a frosted globe around it. That was near the typewriter desk. When the lights went out, I think these gentlemen I have named were all there and we sat there about, I don't think, for three minutes. It could possibly have been five. As I have had the experience of having lights go out and go back in a little while I did not turn on the gas lights. After the lights had been out for some five minutes, I just pulled the chain, stood up and pulled the chain of lights, this three-mantle gas light. Went over to the typewriter desk on the west wall and pulled the chain and turned on the gas lights and while I have not been in my old office for some little time; in fact, not since I moved from there, I think if the tenants of the committee want to go over, they can see.
the same arrangement now. The electric light that was my desk light had a green shade. Electric wire came out of the ceiling and coiled around the gas chandelier and then and then stretched across to the north side of the big jet and the electric lights were screwed in that. That time of the year especially, a big gas light heats an office almost like a heater and that night I remember distinctly when lights went out, and I turned on the gas lights as I told you.

Q. Anybody wish to ask any questions?

FURTHER EXAMINATION BY MR. IGOE

Q. Did you hear any explosions that night, Mr. Duty?
A. No, sir, I never heard any.

Q. Didn't hear any loud noises of any kind?
A. Not in the nature of an explosion. Of course, the heavy trucks driving around the square might have heard several of those, but nothing in the nature of an explosion.

Q. Was the square not crowded with people?
A. Not at that time.

Q. Was it later on?
A. No, sir, not up to the time I left the office.

Q. When you left the office, it was not crowded?
A. No, sir.

Q. Did you ever learn about two men being in jail?
A. Not until I heard it today.

Q. The first time?
A. Yes, sir.

Q. Did you ever hear about the Sheriff having picked up a cook at Herrin?
A. No sir.

Q. Did he ever report that to you?
A. No, sir.
Q. Did you question the men in the hospital at Herrin?
A. Yes, sir.
Q. All of them?
A. Well, all that I saw, yes. I questioned the men before they were taken to the hospital. I was there in the woods of the power house and took statements of the men, which I have now.
Q. The Sheriff was not with you at that time?
A. The Sheriff was in the woods?
Q. With you?
A. I couldn't say, he was with me. He was in the woods at the time some wounded men were still in the woods.
Q. And the bodies of those that were killed, were there?
A. Yes, sir.
Q. And were you present at the corner of the graveyard where more men were killed?
A. No, I didn't go to the graveyard. I made arrangements with the present Sheriff and Superintendent of the Power House to call undertakers and get hearses out there to take the dead and wounded, and went to the hospital and saw the Doctor and nurses, and made arrangements to take the men to the hospital.
Q. From where did you make those arrangements?
A. From the power house.
Q. A telephone there?
A. Yes, sir.
Q. Did you ever learn the wires from the Lester Strip Mine had been cut?
A. I did during the course of the trial.
Q. Never before that?
A. I had heard it before that, yes.
Q. Did you ever find out what created the interruption of your lights on the night of June 21st?
A. Never did.
Q. You do not know just how long they were out that night?
A. Yes, I can give you, I think an accurate judgment.

I think they were out anywhere from 20 to 40 minutes. I will tell you the reason why my judgment is that way. When I pulled the chain switch on my desk lamp and the lights did not come on when they were out, then I left that on and we waited there, perhaps, five minutes, maybe a little longer.

Q. Was there anything unusual in the lights staying out for half an hour?
A. Oh, no. I have known that to happen frequently before.

Q. Was there anything unusual in the lights on the square going out at the same time?
A. No, except knowing the situation, the electric situation here like I do, I know that certain transformers furnish the lighting for certain buildings in town and streets. The area or territory furnished by one transformer goes out when others do not. I did not notice particularly except in this part of the square that they were out.

Q. They were out on this part of the square adjacent to the office?
A. Yes, sir.

Q. You say you never heard until former Sheriff mentioned it this morning that he had two of Lester Strip mine men in jail on June 21st?
A. No.

Q. And you never heard of his having picked up another man and brought him over on the 22d?
A. No.

Q. And you never heard of his having shipped the men out of town?
A. No.

Q. It would have been rather important getting statements from those three men?
A. If they had told me the truth about it, Yes, I think so.
Q. Was there anything about the situation that caused you wouldn't think they didn't tell you the truth?
A. No, sir. If they would tell me the truth.
Q. Of course, you could not tell whether they knew if you did not question them?
A. No.
Q. And you couldn't tell whether they were informing you truthfully unless you checked up?
A. No.
Q. Do you not think it was highly important to get statements?
A. Yes, I would think so.
Q. Were three men in your town?
A. Yes.
Q. You say the reason you did not get those statements is because the Sheriff did not apprise you of the fact that they were here?
A. No.
Q. Until he testified this morning you did not know he had picked up a cook and brought him back?
A. No, I did not.
Q. I think that is all.
CHAIRMAN: Any other questions?
I want to say to the other gentlemen that they have the privilege of handing me the names of any witnesses they want called representing any of the other parties if you want to clear up the situation. If they want any of the other witnesses called, all they have to do is to hand me the names and I will see they are subpoenaed. I see Judge Hartwell is here. We will be glad to call you now, Judge.
TESTIMONY ON THE RE-EXAMINATION OF

JOHN SCHAFER

BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE

HOUSE OF REPRESENTATIVES

AT

MARION, ILLINOIS.

April 27, 1923.
Friday morning, April 27, 1923.

John Schaffer, was recalled to the stand after having testified Thursday afternoon.

JOHN SCHAEFFER

having been first duly sworn, was recalled to the stand for further testimony, examined in chief by Chairman McCarthy and testified as follows:

q. You remember Mr. Richardson who was your colleague and deputy with you under Sheriff Thaxton?
   A. Yes, sir.

q. Did you see Richardson on June 22d, the day of the killings?
   A. Well, I suppose in the evening some time. He was not with us in the morning. We gathered up the men out there that were killed and I don't think he was with us out there at that time.

q. Where was he?
   A. I cannot say where. I saw him Herrin though.

q. When did you see him before the 22d? Where did you see him on the 21st, the day before the killing occurred?
   A. I couldn't say. I don't know whether he was over Herrin here or not. He didn't come over every day.

q. Did you see him the day before on Tuesday?
   A. I don't know.

q. Do you remember that you saw him on the night of the 22d, the day the killing occurred over at Herrin?
   A. That evening?

q. What time, just approximately, 5, 6 or 7?
   A. It was earlier than that. It must have been between 12 and 3. It must have been that time.

q. When did you go to Herrin on the day of the 22d?
   A. I went in when they were taking the bodies in.

q. What time of the day was it you arrived at Herrin?
   A. I judge between 10 and 12. I don't remember exactly, as soon as we could gather the fellows up.

q. Between 10 or 10:30, 11:30?
   A. I couldn't say. My judgment is between 12 and 10.
Where did you go when you got to Herrin. Did you have the bodies with you when you went to Herrin. Where did you go?

A. They were taken to the building in Herrin. I don’t know what street it is on. I know where it is.

Q. What did you do after you took the bodies to this temporary morgue?

A. Well, we went to the hospital where the wounded men were.

Q. Was that before lunch or after?

A. It must have been after.

Q. How many times did you go to the hospital?

A. Well that day I will say about, I believe, two times.

Q. Who was with you?

A. I don’t call to mind. It seems to me that Mr. Calligan was with us one time.

Q. Were you not with the Sheriff practically all of the time that day?

A. Yes, sir.

Q. Stayed with him?

A. Yes.

Q. Came back in the evening?

A. Yes, sir.

Q. Do you remember any time during the afternoon while you were in Herrin that the Sheriff was not with you?

A. No, I cannot say I do. He could have been with me.

Q. You knew where each other was all the time?

A. I rather think so. I don’t think we were separated any distance.

Q. Well, then, you came back from Herrin. When you went to the morgue did you see Richardson there?

A. I couldn’t say where I saw him. I don’t remember.

Q. Where did you see him?

A. My judgment is on the street there near the morgue.

Q. And what was he doing?

A. I couldn’t say more than he was on the street.

Q. On the day this killing occurred, what instructions did
the Sheriff give you as to your duties or what you were to do?

A. I don't know that he gave me any more than I was to assist.

Just to do what I could do.

Q. What did he do at Herrin on the afternoon of June 22d after you put the bodies in the morgue?

A. After the bodies were put in the morgue, as well as I remember, we had dinner and then went to the hospital.

Q. Then what did you do?

A. We made two or three trips to the hospital.

Q. What did the Sheriff do after that?

A. Well, we came home some time in the afternoon.

Q. Came home in the evening?

A. I don't know, some time. Say around evening. We were around on the streets in Herrin practically all the afternoon.

Q. And you were around where the dead bodies were?

A. I was not inside.

Q. Did you have anything to do with keeping crowds away from the dead bodies?

A. No, sir, I never.

Q. Who was doing that?

A. I couldn't say.

Q. Was Richardson doing that?

A. I couldn't say. I didn't go inside.

Q. You spent the afternoon around Herrin. What time did you get back to Marion? Was it dark?

A. Really I couldn't say. I don't know what time it was in the afternoon. I couldn't tell you when it was.

Q. Was it in the evening?

A. In the evening but I could say when.

Q. Was it after 7 o'clock?

A. I couldn't tell you, between 4 and 7 I judge. I couldn't tell you what time.

Q. You are sure it was not between 4 and 8?

A. It could have been.
Q. What is your best judgment?
A. I couldn't say. I couldn't tell you. There was a
great deal of excitement, you know. I was pretty well worried.

Q. Did you have your automobile in Herrin?
A. No, we were in Thaxton's car.

Q. Who went over with you?
A. Mr. Thaxton went over with me. We started from here
and drove to the mine. We had Colonel Hunter and Major Davis with
us and after we went to the mine we drove him back to the car line
Then we let Colonel Hunter and Mr. Davis get out and get in another
man's car there and we turned and went back to the power house.

Q. You and Thaxton alone?
A. Yes, alone.

Q. Then you went over to Herrin alone?
A. I couldn't say. When we picked up bodies we drove away from
there.

Q. Anybody with you in that car?
A. I couldn't say whether there was or not. There might
have been.

Q. You ought to know.
A. I ought to know but that has been some time ago and I can't
remember.

Q. What is your best judgment?
A. I couldn't say I am sure there could have been somebody with
us there and there could not have been.

Q. You couldn't say or don't want to say.
A. If I could say I would tell you.

Q. What did you do when you got to Herrin after you disposed
of the bodies and after you had visited the hospital, what did you do?
A. We walked around on the streets.

Q. Did you talk with any people?
A. We talked with people but I have no recollection who they
were.

Q. What did you talk with them about?
A. About the trouble there and tried to keep things quiet and not have any more excitement, stuff like that.

Q. Did you know quite a few of people in Herrin that morning?
A. I guess I knew lots of them but I couldn't call to mind.

Q. Most of them?
A. Of course, I didn't know most of them but lots of people.

Q. What time did you come back to Marion? What time did you leave Herrin?
A. I couldn't tell you.

Q. You can give us approximately?
A. In the afternoon but I would not say.

Q. In the afternoon or in the evening? By afternoon I mean up to 6 o'clock, by evening I mean 6 o'clock on?
A. It just occurred to me that it was some where after 4 o'clock. I would not be positive about that. It occurs to me it was after 4 o'clock.

Q. You don't know whether it was before 6 or after 6?
A. I wouldn't say.

Q. Who came back with you?
A. I don't think any one came back but Mr. Thaxton.

Q. You and Mr. Thaxton?
A. Yes, sir.

Q. Did you come in Mr. Thaxton's car?
A. Yes, sir.

Q. Where did you go when you got back to Marion?
A. I am not positive whether we went to the jail. We usually drove to the jail.

Q. Did you get supper before you left or afterwards?
A. I think here.

Q. Where did you get supper at a restaurant?
A. I don't know.

Q. Who was in the car when you left Herrin?
A. Who was in the car?

Q. Yes, with you?
A. My recollection, no one but Mr. Thaxton.

Q. What road did you take coming back to Marion?
A. We come out south to Herrin towards Energy.
Q. Towards Energy or Bainbridge?
A. Yes, sir, we come by Bainbridge.
Q. How long does it take you to drive from Marion to Herrin?
A. As a rule from 30 to 40 minutes, maybe 40 minutes.
Q. Did you come directly to Marion from Herrin?
A. My judgement is we came from the power house.
Q. I am speaking of the evening.
A. Oh, yes, we came direct.
Q. Did you talk with anybody on the road except Sheriff Thaxton, stop at any farm houses?
A. No, sir.
Q. Did you talk with anybody on the road? Did you meet many people?
A. We met people and passed people, a few walking. Some in cars. As a rule they were in cars.
Q. Do you remember stopping and talking to anybody?
A. I don't know that I do.
Q. You don't remember talking?
A. We might have but I don't call to mind.
Q. Who was it if you did?
A. I couldn't say.
Q. You don't know of anybody?
A. No, I don't remember.
Q. You had been out at the Lester mine before, had you not?
A. A number of times.
Q. Did you know anybody out there?
A. I knew Mr. McDowell. I had met him since going out.
Q. Anybody else?
A. Mr. Delaney and some young fellow who drove the large truck
Q. He was the chauffer?
A. Yes, sir.
Q. Did you ever talk with anybody else that worked out at the Lester mine?
A. Yes, sir. I talked with them but don't know who.
A. Well, no, the fellows I got acquainted with were the Superintendent. I knew Mr. Shumaker casually and other fellows I was acquainted with there some were guards.

Q. Did you meet anybody at Herrin that you have ever seen at the Lester mine?
A. You mean worked there?
Q. Yes?
A. No, sir, nothing only fellows that were wounded.
Q. If you had met anybody connected with the Lester mine who had worked there and talked with him, you are pretty positive you would have remembered, are you not?
A. Yes, sir.
Q. Then you can say positively that you didn't talk with anybody on the 22d that came from the Lester mine nor that had worked there?
A. No, I did not say that I did on the 22d.
Q. Did you see those men?
A. I talked to some afterwards but it seems to me it was next day that we had to of them there.
Q. Did you meet anybody at Herrin that had worked there at the Lester mine or was connected with it that you had ever seen out there?
A. We picked up a fellow there either that day or next day that said he worked there.
Q. Who was he?
A. A fellow from Chicago he said.
Q. What did you do with him?
A. We brought him down here and let him out on this side of Herrin.
Q. On the 22d or day following?
A. I was thinking the day following. I am not sure.
Q. Can't you remember?
A. No, I don't. We made a trip over every day. It was either that day or the day following.
Q. Were you around jail day before the killing on the 21st?
A. Around the county jail.
A. Around the jail?

A. Well before the 21st?

A. You remember 2 men that you had in jail there who worked at the Lester mine.

A. I didn't see them until after they were turned out.

A. When were they brought in about?

A. I don't know whether they came in the night of the 21st. It seems to me they came in the night of the 21st. I didn't see them.

I don't know.

Q. They came for protection, didn't they?

A. I judge so.

Q. They stayed over night?

A. Stayed until the 23rd.

Q. Those men came in there for protection, who would they go to see, you or Storms or who?

A. Really I don't know. I don't know which one of us was around. I was not around.

Q. Do you keep a record of who they are?

A. I don't know whether he would or not.

Q. Was it customary to keep such a record.

A. Well it was of fellows we locked up on charges but I don't know of fellows like that whether we keep a record or not.

MR. IGG:  

FURTHER EXAMINATION BY MR. IGG.

Q. Did you hear any loud noises the night of the 21st?

A. Yes, sir.

Q. Did you hear a big explosion?

A. Yes, sir.

Q. What time of the night was that?

A. After 9 o'clock.

Q. What then when you were in Duty's office?

A. Yes, sir.

Q. And were the lights out there at that time?

A. Well, I couldn't say. By judgment is they were.
Q. How long did they remain out?
A. I couldn't say whether they were out all the time or not. They were off part of the time.

Q. Did any one up there try to find out why the lights were out?
A. I don't know. My judgment is they were out on the square, too.

Q. Was there any comment made when you heard noises of big explosion?
A. Somebody spoke about it.

Q. That was the time they blew up the steam shovel at the mine wasn't it?
A. I couldn't say.

Q. Did you find out afterwards what caused the noise?
A. Learned afterwards there was an explosion.

Q. How many explosions did you hear that night?
A. My judgment is we heard two.

Q. While you and State's Attorney and Sheriff were talking in State's Attorney's office you heard those explosions?
A. Yes, sir.

Q. Was there any comment as to what caused that loud noise or noises you heard there?
A. Something was said about it.

Q. What was said if you remember?
A. Some one just spoke they heard an explosion.

Q. Did you ever hear an explosion like that before?
A. Yes, I have heard them before.

Q. How frequently?
A. Not often.

Q. And there was not anything about that noise that indicated to your mind of the possible trouble at the mines, was there?
A. Yes, it could have been. Sometimes we have a powder blast explosion like that out there.

A. And then the lights went out, didn't they?
A. No, the lights were out before.
Q. And the lights on the square were out, weren't they?
A. My judgment is they were.
Q. Did any one up there inquire as to why the lights were out?
A. There were some inquiries made there.
Q. Nothing was done about it so far as you know?
A. I don't know of anything could have been done.
Q. That was about 9 o'clock at night was it?
A. It was after 9.
Q. Did explosions occur before lights went out or afterwards?
A. My judgment is the lights were out when we went up there.
Q. Now, you folks stayed up there two or three hours after that, didn't you?
A. Yes, sir.
Q. And then you went home?
A. Yes, sir.
Q. What work was Mr. Duty doing up there when the lights were out?
A. I couldn't say.
Q. What was anybody doing up there outside of talking while the lights were out?
A. Nothing that I know of.
Q. Did you afterwards learn why those lights went out?
A. I didn't.
Q. Did lights go on while you were up in that office?
A. I don't know if they did or not.
Q. From where do the lights receive their current in this town?
A. From Harrisburg.
Q. That is that same place that furnished power at the Lester Strip mine, was it?
A. Yes, sir, but they go out in sections here.
Q. And didn't you find out that lights in Marion and Herrin, Illinois were out because they had cut the power line over at the mine at Lester?

A. No, I did not.

Q. Did you ever find that out?

A. No, sir.

Q. Did you ever inquire about that?

A. I don't know whether I ever inquired about it. They occasionally go out.

Q. They occasionally go out in an office and on the square at the same time?

A. Yes, sir.

Q. And that is not unusual?

A. No, sir.

Q. You knew the telephone wires were cut at the mine, didn't you?

A. No, I did not.

Q. When did you find that out?

A. I learned it afterwards.

Q. That was not discussed that night at all, was it?

A. I don't know that had been discussed or not but we did try to talk to the mine.

Q. No one was talking to the mine from that office, were they? Did you try to talk to the mine that night?

A. I didn't.

Q. And you heard no one say that the telephonic communication to the mine had been severed?

A. I don't know if I did or not.

Q. This telephone conversation you heard Hunter have occurred in the dark, too, didn't it?

A. In my judgment, I am not sure.

FURTHER EXAMINATION BY JUDGE PIERCE

Q. Were those explosions you heard usual occurrences around here at that time of the night?

A. Not common. Occasionally we have an explosion over at the mine.
Q. Was the explosion of such nature as to shake the buildings or disturb things in the office?
A. No, sir.
Q. Would you call it a heavy explosion or moderate?
A. Well a moderate explosion. A heavy explosion would shake the town here. That is really a heavy explosion.
Q. Then after the first one you heard a second one?
A. My judgment is I heard a second one.
Q. Was the second one as severe as the first one?
A. My recollection is about the same.
Q. Could you tell in which direction those explosions came from?
A. I don't know if I could.
Q. Did you talk about the possibility of their coming from the mine at that time, the Strip mine?
A. It might have been spoken of.
Q. Did you make any inquiries over the phone to find out from anybody where they came or where it was going on?
A. I didn't inquire.
Q. That was all before this telephone communication between Colonel Hunter and General Black, wasn't it?
A. I couldn't say whether before or just afterwards.
Q. Well, the telephone communication was not until 11 o'clock or after, was it?
A. My judgment is about 11 o'clock.
Q. Weren't these explosions before that?
A. I couldn't say just before that or just afterwards.
Q. If they were before that and you heard Colonel Hunter tell General Black that everything was quiet here and peaceable and no necessity for troops, did it not occur to you that things might not be so quiet as he was telling the General?
A. I don't think I heard him tell him that everything was perfectly quiet. I think I remember hearing him say that troops would not be needed, that there had been some kind of an arrangement made and troops would not be needed.
Q. Was the explosion of such nature as to shake the buildings or disturb things in the office?
A. No, sir.
Q. Would you call it a heavy explosion or moderate?
A. Well a moderate explosion. A heavy explosion would shake the town here. That is really a heavy explosion.
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A. I couldn't say just before that or just afterwards.
Q. If they were before that and you heard Colonel Hunter tell General Black that everything was quiet here and peaceable and no necessity for troops, did it not occur to you that things might not be so quiet as he was telling the General?
A. I don't think I heard him tell him that everything was perfectly quiet. I think I remember hearing him say that troops would not be needed, that there had been some kind of an arrangement made and troops would not be needed.
Q. You heard all he said on the phone, did you?
A. I don’t know whether I did or not.
Q. Were you not in the room?
A. I was in the room.
Q. I know, but Colonel Hunter talks pretty loud, especially over the phone to Springfield?
A. Yes, sir.
Q. Has a good, husky voice, military voice, commanding voice?
A. Yes, sir.
Q. You couldn’t help but hear it?
A. I don’t know.
Q. Didn’t you hear him say that everything was quiet, that they had made terms at the mine by which they had suspended hostilities and that he did not think troops would be necessary?
A. By judgment is he told him that they had made arrangements to come out of the mine next morning. They were going to put up a flag, were coming out and did not think troops would be needed. Something to that effect.

MR. PIERCE: That is all.

CHAIRMAN McCARTHY: Did you ever talk with anybody who was present at the time they undertook to surrender and come out of the mine, Mr. Schafer?
A. Nothing, only the evidence I heard on this stand.
Q. Do you know of any person who was present?
A. Yes, I did, too. In the hospital some of them talked about it.
Q. Are any of those people in Williamson County today that you talked with?
A. Not that I know of.
Q. Can you give us any of the names of any persons who were present at the time the non-union miners surrendered and undertook to come out of the mine? Do you know the name of any person who was there at that time?
A. No, I do not.
CHAIRMAN: Pardon me, Mr. Stone, do you know the name of any person who was present when the miners surrendered to come out of the mine. Did they have such a witness during the trial that you remember of?

M. STONE: (Attorney) No. They had some immediately after, and picked up some ammunition and put in as exhibits.

Q. But you do not know the name of any person who was there at the time?

A. No. If you really want to know I can furnish you the proof as to lights going off. The division office of the C. I. P. S. Company is in Marion but the record shows, as I remember it, that Carrier Mills there was trouble at Carrier Mills. I think they were off from 9 until 10, as I remember it.

Q. Who is that party?

A. Mr. Fred L. Shimer and Jimmie Maxton his assistant. Johnnie Musgrove is line foreman and they will have a record of it.

Q. Who has the record?

A. I think the record is here. I am attorney for the Company and I was advised at the time that the trouble was at Carrier Mills.

CHAIRMAN: That is all. The witness is excused.
having been first duly sworn, was called as a witness, examined in chief by Chairman McCarthy, and testified as follows:

Q. Your name is?
A. Hosea Borum.

Q. And where do you live?
A. Four miles south from the courthouse.

Q. In Williamson County?
A. Yes, sir.

Q. What is your business?
A. Farmer and dairyman.

Q. How long have you lived in Williamson County?
A. I was born and raised in Williamson County.

Q. Were you here during the trouble at the Lester mine the week of June 21st?
A. Yes, sir.

Q. Were you in the city of Marion on the evening preceding the riots?
A. Yes, sir.

Q. Now, just tell us, as near as you can, what you saw and what took place, so far as you know.

A. Well, I was at my home when I got a call - I am about the only one in the neighborhood that has a telephone connected with the office at Marion - and Mrs. Bassinger at Marion called my home and asked me to tell her two sons - one lives on either side of me - that their cousin Guy Hudgins had been shot at the mine and if they wanted to see him to come at once. I got in my car and went up to tell them what she said. The oldest boy was anxious to come in town and I brought them into town.

Q. What time did you arrive?
A. We arrived about 8 o'clock and we parked by the Greater Marion Association and the mob was so congested we failed to get the car out until 10:30. During that time I
Q. Where did this take place?
A. Right around the court house, on the public square. The square was so congested that automobiles couldn't get through.

Q. Did you have occasion to go by or near the sheriff's office that evening?
A. Yes, sir, I was near it. Come along the walk.

Q. Anybody there?
A. No, there was no lights.

Q. Was it common repute that nobody was in the sheriff's office and none of the deputies could be found any place?
A. Yes, sir. There seemed to be nobody there.

FURTHER EXAMINATION BY MR. IGGBE.

Q. That was on what day?
A. That was on the evening of Wednesday, 31st of June.

Q. About what time?
A. About 8 o'clock. From 8 o'clock to 10:30 the condition was the same.

Q. What did you see? Tell us in your own way.
A. I saw men and boys about 15 years old carrying guns across the square. I had a man come up and ask me if I had a gun. They had no guns and in order to pacify those fellows I said it would be nice to let you have my gun and go around without one myself. Then they said Let's get McLaren. One went to a Ford car which was parked near and asked a woman - I suppose it was his wife - to give him a gun and she gave it to him - got it from the back seat and he went to the court house and then on down close to McLaren's home.

Q. Is it customary for everybody to carry a gun?
Q. Is it customary to have guns in automobiles under the seats?
A. I don't think so. I never carried one.

Q. These people must have known something was going to happen. You say you found a mob forming across the court house square?
A. Yes, sir. To go to McLaren's.

Q. Then what did you see?
A. That mob went to McLaren's home and part of the mob went to East Allen Avenue, leading west from McLaren's home. Another bunch went on to the east end of Allen Avenue while some went to the McLaren home. There were a number of men in Judge Hartwell's yard - about 50. I don't know why they were there. That was right near the Coul boys home.

Q. They were mine owners, were they?
A. Yes, sir.

Q. All, right, what then?
A. Well, as to what happened at McLaren's home, I don't know. I didn't go any nearer than the street.

Q. Who was with you then Mr. Borum?
A. Mr. Lee Bassinger and W. R. Delanaus and my youngest son.

Q. Where did you go from there?
A. We were going home at that time.

Q. That was about 10:30?
A. About 10:30, yes, sir.

Q. Did you meet Mr. Jackson that evening?
A. I did.

Q. Tell about what you and he saw.
A. I was talking with Mr. Earl Jackson and his assistant cashier, B. Glenn Coolidge. We were standing in front of their
of fellows, about 8 or 10, and he says, "You got two damn scabs in jail. Now is your time." and the men went toward the county jail and myself and Mr. Jackson walked down West street to the undertaking parlors to see if they were out of the jail. Nothing transpired and they soon left the jail.

Q. Did those men have guns?
A. Quite a number, yes.

Q. These people that made up these groups carrying guns in these mobs, from their faces could you say whether the greater part of them were local people or strangers?
A. They belonged right here in Marion. I knew their faces but not their names. There was no great bunch from outside.

Q. Your opinion is that these mobs were formed from local people?
A. Yes, I don't believe there were 25 men outside of this mining district.

Q. You say that some city official said something to the night watchman or policeman?
A. The night chief of police. Said they had a couple of scabs in jail and "now is your time". I don't know whether he meant it was time to leave them alone or to do something else. I don't know whether they just went down to visit those fellows, but Jackson and I thought they went for another purpose.

Q. You went home about 10:30. What more did you hear next morning about this?
A. Well, I didn't hear a great deal next morning because at that time I came into town very early with my milk and was back home by 7 o'clock and I worked at that time for the Lumber Company.
Q. Where is your farm located with reference to Marion?
A. My farm is four and one-half mile direct south.
Q. Where is that with reference to Herrin Strip Mine.
A. The strip mine is - I don't know exactly - but it is northwest, I would judge, 10 or 12 miles.
Q. Where is your farm situated with reference to the city of Herrin?
A. Well, Herrin is that far northwest from my farm. My farm is in Creal Springs Township.
Q. Was there any trouble in your neighborhood other than that time.
A. About the only excitement we had known was when a man got kicked by a mule once.
Q. Were there any strikers causing any trouble in the neighborhood?
A. No, sir.
Q. How far were you from the seat of this trouble?
A. Must have been 12 or 15 miles. I have never been to this mine, but I believe it is 12 or 15 miles.
Q. And the same distance to Herrin?
A. Yes, sir.
Q. Now, what happened during that day of the 22d?
A. Well, coming in from work that day we met the sheriff and his first deputy out in a lane near my place. John Schaffer and Mr. Thaxton. We met them they were not speeding. The road is the cut-off to the main road. The men working with me drove with me. We met them and passed them when we came back.
Q. Were they on the main thorofare?
A. No, sir.
Q. Is that road used frequently?
A. No, only by the farmers who live around there.
Q. What time was that?
A. 3:30 in the afternoon.

Q. How long have you known the sheriff, Sheriff Thaxton?
A. Ever since he made his first race for sheriff in this county.

Q. About 8 years ago?
A. Yes.

Q. Have you had occasion to see him quite often since?
A. I voted with him in his campaign when he made that race - went to see a few Republicans in my voting precinct, about 20 of them. Thaxton was not acquainted with these men and he came to my place and talked to me. I have always voted the Republican ticket and I went to the other Republican voters and afterwards served on grand jury while he was sheriff, and I served as jurymen on a couple of murder trials.

Q. You knew the sheriff well?
A. Yes, sir.

Q. No question about your being able to identify him?
A. No, sir. Some of the business men tried to get me to say I didn't see him, that I didn't know the sheriff, but I think I do.

Q. Did you pass Judge Hartwell's house on the night of June 41?
A. Yes, sir.

Q. Was there anything unusual there?
A. About 50 or 75 men there which was unusual, as I pass his home on the same way to my farm and never saw anything like that before.

CHAIRMAN: Did those men make up groups in the square, which you call mobs?
A. Groups started that way when we went home.

CHAIRMAN: That was the time they made the threat to get McLaren?
A. Yes, sir.
TESTIMONY OF A. F. RICHARDSON
BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS

April 27, 1923.

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The Committee reconvened with all members present and the
Attorneys for different witnesses as stated in first session of
the Committee on Thursday.

CHAIRMAN: The Committee will come to order. Our first witness
is Mr. Richardson. Mr. Richardson, will you please take the stand.

A. F. RICHARDSON,

having been first duly sworn, was examined in chief by Chairman
McCarthy and testified as follows:

Q. What is your name? A. A. F. Richardson.
Q. Where do you live, Mr. Richardson? A. Herrin, Illinois.
Q. How long have you lived in Herrin? A. 23 or 24 years.
Q. What is your business?
A. I am policeman there now.
Q. Whereabouts? A. In Herrin.
Q. You are Night Police? A. Yes, sir.
Q. How long have you held that position?
A. The last time I was on since January.
Q. What were you doing previous to that?
A. I was a carpenter.
Q. How long did you work at that business previous to January?
A. I did not work at it more than a month.
Q. About a month? What did you do before that?
A. Deputy Sheriff.
Q. Of Williamson County? A. Yes, sir.
Q. Who was your superior officer? A. Melvin Thaxton.
Q. He was duly elected Sheriff at that time? A. Yes, sir.
Q. And you were sworn in and acting as Deputy? A. Yes, sir.
Q. What were your duties as a deputy about the office? Were
you office Deputy? A. I was field deputy.
Q. How long did you work for Sheriff Thaxton?
A. I went to work for him the 14th day of July, 1921.
Q. You worked up until his term expired in December, 1922?
Q. And you were in the service then as a regular deputy during the month of June, 1922?  
A. Yes, sir.

Q. You remember trouble more about that time over at the Lester mine?  
A. Yes, sir.

Q. When was the first that you heard of any trouble or anything out of the ordinary with reference to that mine?  
A. Well, it was on the 19th the first that I knewed anything about any trouble there.

Q. That was on a Monday?  
A. Monday, the 19th. I heard they were working there, that is all I knew.

Q. Had you heard there were armed guards there?  
A. Yes, sir.

Q. That was pretty generally known in the community?  
A. Yes, sir.

Q. The people here did not exactly like the fact they were attempting to operate a non-union mine in a strong union mining district that was generally known?  
A. Yes, sir.

Q. How did you happen to know what was going on there?  
A. I passed along by there and they stopped me on the road.

Q. This was on Monday?  
A. Yes, sir.

Q. Who stopped you?  
A. The guards.

Q. Did they carry arms?  
A. Yes, sir.

Q. What kind of arms?  
A. They had a Winchester rifle and a pistol buttoned on each side.

Q. How many men stopped you?  
A. Two.

Q. What time in the day was that?  
A. It was in the evening, something like 2:30 or 3 o'clock.

Q. Had you been out there before at the mine?  
A. No, sir.

Q. You had not visited the mine any time?  
A. No, sir.

Q. What did they say to you?  
A. Well, I had a blow-out in one of my tires and I stopped to fix it.

Q. Where was this with reference to the Lester mine?  
A. West of the office and east about 30 or 40 yards.

Q. Was that on the public highway?  
A. Yes, sir, and they were in the road west of me.
Q. How many?
A. Two, and I got out of the car and started to jack up my wheel and fix it and they come up and told me to move up the road, and I had my coat off, and when I raised up they asked me who I was. I had a star pinned on my shirt and I told them and one spoke up and said: "I do not give a damn if you are the President of the United States, move up the road." And that was all they said.

Q. Did you move?
A. No, I fixed my car.

Q. Did they say anything further? A. No, sir.

Q. What did you do after that time?
A. I went on home.

Q. Did you report at the office?
A. I did not go back any more until the 23rd or 24th.

Q. Did you report this occurrence to the office? A. No, sir.

Q. Did you tell anybody what happened? A. No, sir.

Q. You did not report it to your Chief of Police here? A. No, sir.

I did not see the Chief here.

Q. Your home is at Herrin? A. Yes, sir.

Q. What did you do on Tuesday?
A. I was on the farm.

Q. Whereabouts?
A. It is about 12 miles southwest of here.

Q. Were you not working as a deputy then?
A. I got off as I had some work to do at the farm.

Q. When did you get off?
A. I was off on Tuesday morning.

Q. Did you take a leave of absence?
A. Whenever I wanted to go down there the Sheriff told me to go ahead.

Q. Did you tell the Sheriff you were going there for two or three days?
A. I do not know whether I did or not. I have been there several times.

Q. Did you tell any of the other men in the office where you were? A. No, sir.
Q. Did they know where you were?
A. I do not think they did.

Q. Have you a telephone there?
A. No, sir.

Q. How far is that from Herrin?
A. About 14 miles.

Q. How far is it from Marion?
A. Something like 10 or 11 miles.

Q. How far is it from the Strip mine where the trouble was?
A. I do not know. I guess it is about as close to the Strip mine as it is to here.

Q. Then you were not here on Tuesday?
A. No, sir, I was not here on Tuesday at all.

Q. You were not in the office at all during that day?
A. No, sir. I had not been in the office for 3 or 4 days.

Q. You were not here on Wednesday?
A. No, sir.

Q. Where were you on Wednesday?
A. I was at the farm.

Q. When these guards held you up out there, did you feel that they were doing what they ought to do?
A. I did not think they was.

Q. Did you think they had a right to hold you up on the highways?
A. I did not think so.

Q. They did it to you, did you not feel that they might be doing it to some one else?
A. They had been. That is what I had heard.

Q. You heard they held up other people?
A. Yes, sir.

Q. Do you remember who they held up?
A. They held up a taxi driver, I did not hear who it was.

Q. Who did you hear?
A. I just heard they held him up.

Q. It was generally known they were making people go around detour instead of over the regular road?
A. Yes, sir.

Q. But you did not report this to anybody?
A. No, sir.

Q. You did not feel that was your duty to report a matter of
Q. You did not feel that this was anything that you should report to the Sheriff?
A. I never seed him.

Q. You did not think it was right to hold you up there, did you?
A. Why, no, I do not want to be stopped on a public highway. I was already stopped and when they told me to move on I did not move.

Q. When did you next see the Sheriff?
A. I believe it was on Thursday.

Q. Now on Monday, Sunday and Monday, you heard the general rumors around here about the dissention of this mine being operated, didn't you?
A. Yes, I had heard it talked.

Q. In fact, it was talked every place.
A. I think it was.

Q. You did not figure there was going to be any trouble though, did you?
A. No, sir, I did not.

Q. And you did not see the Sheriff then until Thursday?
A. I think it was Thursday.

Q. What made you think it was Thursday. Thursday was the day the killing took place over at the mine there near Herrin?
A. That was when I seed him.

Q. How did you happen to see him that day?
A. He was in Herrin.

Q. What time in the day was it?
A. It was in the morning. I never noticed the time.

Q. What time, as near as you can give it?
A. I would guess it was 9 or 10 o'clock.

Q. Where did you see him there?
A. I first seed him on Monroe and between 13th and 14th.

Q. How did you happen to be in Herrin on that morning?
A. I generally go to town every morning.

Q. Take milk to town, do you?
A. I am no milk paddlar.

Q. What kind of a farm do you run, a grain farm? A. Yes, sir.

Q. How did you happen to be in Herrin on Thursday morning?
A. Because I live at Herrin.

Q. You live right in Herrin?
A. I live right within 6 or 7 blocks of the town.

Q. Then you run a farm outside of Herrin, 10 or 12 miles.
A. Yes, sir. I have a farm outside of Herrin.

Q. Do you run that yourself? A. No, sir.

Q. Do you have a tenant on it? A. Sometimes.

Q. What did you have then? A. A tenant.

Q. Renting for cash or on shares? A. On shares.

Q. How often had you been down to that farm?
A. Pretty nearly every week.

Q. How much time do you spend there every week?
A. I do not keep my own time at all.

Q. Approximately?
A. I could not say, sometimes three or four days at a time.

Q. What is the name of the tenant on your farm?
A. There is none there at all.

Q. What was the name of the tenant during that time?
A. Jack?

Q. What is his first name? A. Bill Jack.

Q. Where does he live now?
A. He lives down there somewhere. He has a farm. I just rented it to him.

Q. Does he live near here now? A. I think so.

Q. Do you know? A. No, I do not know.

Q. Have you seen him since?
A. No, sir. I have not seen him in two months or longer.

Q. Where was he when you saw him then?
A. He was here in the courthouse.

Q. Did you talk with him? A. I spoke to him.

Q. Was he then living on a farm near you?
A. I never asked him.

Q. Do you know whether he was? A. I do not.

Q. Did you think he was?
A. I never had no thoughts about nothing like that.

Q. Now, Mr. Witness, I want you to give us some information. We are here to help you people and not to hurt you. You know whether that man is there or not.

A. I do not know whether he is there or not. I have not been down there.

Q. How far does he live from Herrin?
A. Well, it is about 12 or 14 miles.

Q. Did he own the farm there? A. His father does.

Q. What is his father's name? A. Mun.

Q. Mun Jack? A. Yes, sir.

Q. All right, now you met the Sheriff at Herrin. What did you do after that?
A. We were around over town there.

Q. What did you do?
A. We went down to where those bodies were taken to.

Q. You tell the Committee what you did the rest of that day.
A. I was around over town.

Q. What did you do? A. I do not know.

Q. Where did you go?
A. I was in Herrin.

Q. You tell the Committee where you went and what you did.

Unless we can get some answers out of you we are going to take you right with us and going to Springfield.

A. I am ready to go.

Q. I want you to answer these questions. What time of the day did you meet the Sheriff at Herrin on Thursday, June 22d?
A. I told you about 9 or 10 o'clock.

Q. Where did you go when you first met the Sheriff?
A. We went down to the Undertaker there.

Q. Then what did you do? Tell the committee all that you did.
Q. Tell just what you did and what did the Sheriff do?
A. I could not do it for I do not know.

Q. Tell gentlemen, I do not know what to do with this witness. Now we come down here and try to be fair. We try to get these people to answer these questions and tell us what they know. They absolutely refuse to do it. We have the power to put this man in jail or fine him for contempt or anything we wish. I have just about exhausted my patience. Some of you people did yours before I did. What has occurred here is a tragedy. It is not a joke. It is one of the worst things that has ever happened in Illinois. It has cast a blot upon Williamson County and unless we can get the facts, unless we can give to the public the real facts concerning this happening, Williamson County is going to stay under the blot. We are here to clear the name of Williamson County. We are here to give the respectable, law-abiding citizens a fair chance.

And these men who were officials at that time, who had within their jurisdiction and their duty the enforcement of the law, absolutely refuse to answer questions.

A. I have answered all I know.

Q. I think our patience is just about exhausted. I am going to say this, Mr. Witness. Of all the committee, I should be the last one to lose my temper and I have tried to be that way, but after going through what we did here yesterday, it is about at an end with me. I am going to give you a chance. I am going to give you one chance to tell this committee what you did on Thursday and if you are not going to tell it, you are going to answer the consequences.

A. I have told you all I did.

Q. I want to know everything and everything you did on Thursday, June 22d after you met the Sheriff at Herrin. I simply want you to tell me everything you did.

A. I could not tell you.

MR. RICE: May I ask the witness a question? You say that you
FURTHER EXAMINATION BY MR. RICE

Q. Did he come to see you officially about trouble?
A. No, sir. I saw him in town.

Q. Did he detail to you what he had learned that morning?
A. Yes, sir.

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

Q. What did you go with him for? A. He asked me.

Q. Did he ask you to go with him? A. Yes, sir.

Q. Did he want you to go as one of his deputy sheriffs?
A. Yes, sir.

Q. Were you both public officials? A. Yes, sir.

Q. Had there been a lot of men killed recently? A. Yes, sir.

Q. Did you think and and the Sheriff had any duty to perform in trying to look this matter up at that time? A. Yes, sir.

Q. Did you try to do that? A. Yes, sir.

Q. Can you now tell this committee what you did, if you were a public official?
A. We went out where these bodies were at.

Q. All right. Tell the Chairman.
A. And there was a crowd in the building where they were at.

We got a rope and stretched through the building and got the crowd back out.

Q. All right, go on. Tell what you and he did that day.
A. Then I stayed around there and kept the crowd back that day. Right around that building there. I stayed there all day.

Q. What was there in this building at that time? 
A. There was not anything.

Q. What was the crowd there for?
A. Only these dead bodies. They were in there.

Q. How many?
A. 17 or 18. I do not remember.

Q. Where were they?
A. They were on the side of the building on the floor.

Q. What kind of a building was it?
A. A tile block building.
Q. Was it a vacant building?  A. Yes, sir.

Q. Was it a store building?  A. Yes.

Q. What place in Herrin was it?  A. On 14th & Monroe.

Q. Near the public part of the city?  A. Yes, sir.

Q. Were you around there when any of these bodies were brought in?  A. Yes, sir.

Q. Who brought them in?  A. Well, there was some undertakers from here and some from Herrin.

Q. Did you see the Sheriff bring any in?  A. No, sir.

Q. Were they already in there when you and the Sheriff got there?  A. There was some of them in there. I do not know how many when I got down in town.

Q. What was the crowd trying to do?  A. They were standing around looking.

Q. As you say, the Sheriff left you there in charge?  A. Yes, sir.  

Q. What became of the Sheriff?  A. I do not know.

Q. Go ahead and detail what else you did.  

A. That is all I did. Stay around that building that day.

I went home and ate my dinner.

Q. Was any other deputy sheriff there?  A. I believe Mr. Schaffer was there.

CHAIRMAN: What time of the day did you get into Herrin?  

A. Who, me?

Q. Yes, on Thursday, June 22d?  A. About 8 o'clock.

Q. What was going on when you got there?  

A. I never went up in town. I came in home. I live out on southwest part of town.

Q. How long did you stay at home?  A. Probably an hour.

Q. You got up town about 9 o'clock?  

A. I never noticed just the time it was something like 9 or 9:30.

Q. Where is your home with reference to the graveyard?  

A. It is west, due west.

Q. About how far is it from the graveyard?  

A. It is a mile.

Q. Is it in that part of town nearest to the graveyard?
A. No, sir. I am in the west part and the graveyard is in
the east.

Q. When you went down town what did you see, anything unusual
or out of the ordinary?
A. I just saw lots of people in town.
Q. Who were there?
A. I could not tell.
Q. Did you know any of them that you saw there?
A. Why, yes, I know people.
Q. What were they doing?
A. Some of them were in their business places and some on the
street just walking around.
Q. That is all they were doing? A. Yes, sir.
Q. Did you see any people with arms there? A. No, sir, I did not.
Q. Were there more people there that morning than customary?
A. Why, yes.
Q. What was the reason for it?
A. I could not tell you. I did not know what they were there
for.
Q. You did not know what they were there for?
A. I do not know what a man goes to town for.
Q. Did you know why there were so many people on the streets of
Herrin in the morning when you came down on June 22d?
A. No, sir. I do not.
Q. Have you found out since?
A. No, I have not asked them what they were doing.
Q. You do not know why the extraordinary crowds were in
the streets that morning?
A. No, sir. I do not. A fellow goes to town for different
things. I do not ask a man what he is in town for.
Q. I did not ask that question.
A. That is the reason — I do not know.
Q. And you do not know since why there was a large crowd of
people in town in Herrin that morning? A. No, sir, I do not.
Q. You do not know?
A. No, sir.
Q. Did you ever hear there were 24 or 25 people killed on
June 22d?
A. Yes, sir.
Q. When did you first hear that?
A. I heard it on Thursday morning.

Q. Who told you?
A. I heard it around in town. I went down there, I do not remember who told it.

Q. When you were on your way to your home?
A. Yes, sir. No, when I went to town. I never heard a thing about it until I got into town.

Q. Who did you go into to see about it?
A. Go into where to see?

Q. What had happened that you had heard?
A. I went into where they were at, me and the Sheriff.

Q. Didn't you know this had happened until you saw the Sheriff?
A. Why, yes, I knew it had happened before I saw him.

Q. Did you know this had happened before you saw the Sheriff?
A. Yes, sir.

Q. When you heard this thing happened, what did you to?
A. I just told you we went down.

Q. Before you found the Sheriff, what did you do.
A. I asked around there and several fellows said it happened.

Q. Did they tell you?
A. Some of them told me some things and some another.

Q. You knew there had been some people killed, didn't you?
A. Why, yes.

Q. And that there had been a riot?
A. Not until I got back to town.

Q. You knew that before you met the Sheriff? A. Yes, sir.

Q. What did you do after you found out this thing had happened?
A. I just stated to you everything I done and everything I knewed. I just told you a few minutes ago.

Q. What time was it you met the Sheriff?
A. I just told you 9:30 or 10.

Q. You knew this about an hour before you saw the Sheriff?
A. I did not say that.

Q. Was it one half hour.
A. Probably one-half hour.

Q. What did you do during the one-half hour after you found this thing had happened and before you saw the Sheriff?

A. I went down in the place where they were at.

Q. Where was that?

A. Where the bodies were.

Q. What time did the bodies get there? Were they there when you got down town?

A. There were some of them. I would not be sure of that. I was in town I guess thirty minutes before I was down there.

Q. When you got there around 9 o'clock or a little after, the bodies were there?

A. There were some of them and they brought some in after I was there.

Q. After you were there and before the Sheriff came.

A. I do not know what time the Sheriff came over there.

Q. Then after you heard it you went down where these bodies were?

A. Yes, sir.

Q. And then what did you do before you saw the Sheriff?

A. I just walked around and asked where it happened at.

Q. Did you find out who had done it? A. No, sir.

Q. Did you try to find out who had done it?

A. Not right then.

Q. You did not try to find out who had committed the murder?

A. No, sir, I did not then.

Q. Where did you?

A. I do not know, I cannot tell you.

Q. What was that?

A. I do not know.

Q. Did you ever try to find out who committed these murders?

A. They had a grand jury here finding out.

Q. Answer my question: Did you ever try to find out who committed these murders?

A. Yes, sir. I was out there.

Q. What did you do?

A. I just asked around.
Q. Who did you ask?
A. I could not tell you that, I do not know.

Q. Business men?
A. It was talked. Yes, I heard it talked and we just inquired around. That is all I can tell you.

Q. What kind did you inquire around about? Did you ever make any effort in any way shape or form to find out who committed these murders that they might be punished?
A. I did not know what to do.

Q. You do not know of a single act that you did that you can tell this committee that the man who committed these murders might be brought to justice?

(no answer)

Q. Do you know of a single thing you did that you can tell this committee to bring the people responsible for these murders to justice?
A. No, sir.

Q. You do not know of a single thing you did? A. No, sir.

Q. There is not a single thing you can tell this committee?
(Shakes head no)

Q. Before you met the Sheriff and after you heard these murders had been committed, why didn't you call up the sheriff and get in touch with him?
A. He was in town.

Q. How did you know he was in town?
A. I heard them say he was.

Q. Who told you he was? A. Joe Golden told me he had seen him there.

Q. He had seen him there? A. Yes.

Q. How long was that before you saw the Sheriff?
A. 20 or 30 minutes.

Q. What did you tell the Sheriff when you met him?
A. I do not remember.

Q. Did he and you talk over these murders or what had happened? A. No. He says: We will go down here and keep the people back and then you stay here with them.

Q. How long was the Sheriff with you on that day?
A. Probably an hour and one-half or two hours.

Q. Then he must have left you there? A. I think so.

Q. Where did he go then? A. I do not know.

Q. Did you see him again that day? A. I don't think I did.

Q. Was he in Herrin after that? A. I don't know whether he was back that day or not. I do not know.

Q. You did not see him? A. If I did I do not recollect.

Q. Any questions?

FURTHER EXAMINATION BY MR. IGOE.

Q. What is your position now, Mr. Witness? A. Night police.

Q. How many night police have you in Herrin? A. Three.

Q. Are you chief or one of the officers? A. One of the officers.

Q. How long were you deputy Sheriff? A. 15 or 16 months.

Q. What were your duties as Deputy Sheriff? A. You are a lawyer and know what the duties are.

Q. You do not need to tell me what I am asking you a question.

A. I have told you all that.

Q. What were your duties as Deputy Sheriff? A. I could not say.

Q. You could not tell, and you did not know when you held that position what your duties were? A. I done my duty.

Q. Did you, at the time you held the position as Deputy Sheriff, know what the duties were? A. I might have known some of them.

Q. What did you know about? A. I knowed how to serve papers and such as that.

Q. Outside of such as that and serving papers, did you know any other duty a deputy sheriff ought to perform under the law of this state? What is your answer? A. I haven't any for I don't know.