Herrin Massacre Investigation Proceedings, 1002-1101

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Mr. BRENHALL: Your office, some time ago, furnished a statement to Colonel Hunter, a statement of the different calls and in that statement you, also, have on the date of June 22d a call shown and the hour placed at 11 A.M. on the 22d, and talked to at 11:15 probably your judgement.

A. M. Is that not incorrect in the record of that call?

A. It is possible.

MR. BACHER: Any call that would be sent by General Black from Springfield to Colonel Hunter here in Marion would you have any record of such call?

A. No, sir.

FURTHER EXAMINATION BY JUDGE FIERCE

Q. Is this record you have that has been introduced here as Exhibit A of this date, show, as I understand you to say, this shows the calls of Colonel Hunter to General Black on the 21st and 22d of June, 1922?

A. Yes, sir.

Q. This is a record of all those calls?

A. Yes, sir.

Q. Does this record show a call at 11 or 11:05 P.M. on the 22d?

A. No, this does not, no, sir.

Q. It is evident then that this is a mistake. This ticket. This ticket shows, does it not, that the call was made on 11:05 P.M. on the 22d?

A. Yes, sir.

Q. Well, then, if this record does not show that there is a conflicting of your records, is there?

A. There certainly is.

Q. There is a mistake somewhere, is it not?

A. I suppose that is correct.
Yes, I see that.

This might relate to any other call at some other time because it is apparent it does not relate to any calls on there.

A. It is a copy of the ticket and that should be on there.

Q. The call, if it was from Hunter to Black here at Marion at 11:05 P.M. on the 22d you would have a record of it?

A. Yes, sir.

Q. And it would be there?

A. It should be.

Q. Now, the fact that it is not there, would that indicate anything?

A. It might be a mistaken.

Q. This ticket, you cannot account for?

A. I can go back and see the original ticket.

MR. RICE: Apparently it appears there may be a mistake between the record as shown by these two records or exhibits, and if this exhibit A be changed so as to be the record of a message on June 22d, so as to make it appear to be a record of a message of June 21st, then you would have to have some other record showing this message as reported here on the 22d. If you change this Exhibit B to be not of June 22d, but of June 21st, then you would not have any record showing the message of June 22d?

A. Yes.

Q. So that if this is changed you would have to have another some place else?

A. Yes.

CHAIRMAN: Let me ask one question: I would like to adjourn until 11:30. I will ask you this: The records show that Exhibit 4 of April 12th before this committee that on June 22d that there was a call at 11 o'clock from Colonel to General Black in Springfield. Can you use what information you have at hand and explain, or do you know whether or not that should show on the 22d. This
must be of your own knowledge.

A. I could not remember anything without the records.

Q. Then we will get the witness that would know of their own knowledge.

MR. BRENNAN: Did you have a record?

A. We would have the original tickets.

Q. Will you produce those tickets?

A. Yes, sir.

CHAIRMAN: We will be glad to have those tickets with respect to 11 o'clock call on either the 21st or 22d. I believe those are the only ones in question.

We stand adjourned until 1:30 o'clock.
TESTIMONY OF ANDREW NOLD
BEFORE HERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS.

APRIL 30, 1923.
Having been first duly sworn, was examined in chief by Chairman McCarthy and testified as follows:

Q. Please state your name?
A. Andrew Hold.

Q. Where do you live, Mr. Hold?
A. Salem, Illinois.

Q. How long have you lived in Salem?
A. About eight years.

Q. Do you hold any position there in the National Guard?
A. Not at the present.

Q. Did you during June, 1922?
A. Yes, sir.

Q. What position?
A. First Lieutenant.

Q. You were in charge of what company?
A. Company I, 130th Infantry.

Q. And the members of that company are all located in that vicinity?
A. In Salem, yes, sir.

Q. How long had you been in charge of that company prior to June, 1922?
A. Since May 23, 1922.

Q. Had you belonged to that organization before that?
A. Yes, sir.

Q. How long?
A. About 1½ years.

Q. In what capacity?
A. First Lieutenant.

Q. On or about the 19th or 20th day of June, did you get a telephone message relative to the company in your charge?
A. Not on those dates. I did on the 31st.

Q. From whom was that message?
A. General Black.

Q. What was the nature of the message?
A. To get our lists ready so we could have telephone communication with our men and get the company organized at a minute's call.

Q. The time of that telephone message, did he state the reason or possible trouble?
A. No, sir.

Q. Did you know then of the locality where trouble was expected?
A. I had an idea.

Q. Where was that?
A. At Herrin.

Q. What further messages did you receive in your capacity there in charge of that company?
A. That was all.

Q. Did you ever do anything further?
A. The Company commander later got the telephone message to mobilize the company.

Q. What was the Company Commander's name?
A. Omar J. OCDakin.

Q. What did he do?
A. He immediately got in touch with officers and non-commissioned officers and got his company mobilized.

Q. Do you remember what day he got that message?
A. The 23rd day of June, 1922.

Q. How long was the company held in readiness there?
A. This message came June 23, 1922 at 11 P.M. They were mobilized and demobilized June 24, 1922 at 6 P.M.

Q. Do they receive pay during the time they are mobilized?
A. Yes, sir.
Q. Do you know whether or not they received their pay for that time?
A. Yes, sir. We received pay from the 23rd to the 24th inclusive.

Q. Do you know of any other messages received from General Black or any other persons in authority.
A. No, sir.

Q. Were the companies every called into actual service at that time?
A. No, sir.

Q. That is all, any other questions?

MR. BRENNAN: How did you receive that message from General Black?
A. By telephone.

Q. What time in the day?
A. About 4:30, the 23rd day of June, 1922.

Q. The first message?
A. June 21, 1922, at 4:30, that is the telephone message when he called me.

Q. That is all.
CAPT. LESLIE R. BROWN

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

Q. State your name. A. Leslie R. Brown.


Q. Do you hold a position in the National Guard? A. Yes, No, sir.

Q. Did you June 1922? A. Yes, sir.

Q. In what position? A. Captain.


Q. How long had you held that position prior to June 1922? A. About a year and a half.

Q. Did you receive any messages on or about the 21st day of June with reference to your Company? A. Yes, sir.

Q. What was the nature of the message? A. Wednesday afternoon, June 21st, I received a telephone call from General Black, about 4:30 or 5:00 o'clock in the afternoon, ordering me to get the records in shape and to plot out the town so that we could reach the men with the smallest possible delay, which we did immediately.

Q. After that did you receive any messages? A. The same day?

Q. No, later. A. About midnight the following night, Thursday night, I received a call from Col. Taylor, ordering me to organize my company immediately. He stated that I should make arrangements for an immediate transportation train. That is, he wanted me to load the ammunition and baggage and have it ready in case a call was made.

Q. What did you do with reference to this call? A. I immediately got in touch with the sergeants and they got in touch with the men designated as group leaders.

Q. And that was your first call? A. Yes.
In response to the first call, did you mobilize troops?  
A. No, that was the second call, midnight Thursday night. The first call was to notify me of the possibility of trouble. The import of the call was to get in touch with the men and get the rosters in order.

Q. Your answer stated what you did about organizing groups?  
A. Yes, sir.

Q. On Thursday you got another call to mobilize troops?  
A. Yes, sir.

Q. When did you mobilize?  
A. We reported back to the Adjutant General's office that we were ready to move out on a minutes notice.

Q. How long were you held there?  
A. Friday and Saturday, the 23rd and 24th.

Q. And during that time were the men fully equipped?  
A. Yes, sir. Provided with rifles and ammunition and regular army equipment.

Q. And they were held in readiness until what time?  
A. Until 12:00 o'clock Saturday evening. I had a telegram from Col. Taylor stating "The war is over."

FURTHER EXAMINATION BY MR. PIERCE:

Q. Where did the members of Co. L reside?  
A. In Mt. Vernon and immediate vicinity.

Q. They were occupied at various locations?  
A. Yes, sir.

Q. Had you received orders to march to Herrin, how long would it take to get the company together on the train and transported?  
A. That is, after we were mobilized?

Q. If a telegram had come to you, how long would it have taken to get to Herrin?  
A. It would take five hours to mobilize.

Q. And that would mean you would have been armed and equipped to come to Herrin or any place?  
A. Yes sir.

Q. The distance to Herrin from Mt. Vernon is how far?  
A. I should judge around 35 miles.
Q. In case of necessity, would you have transported troops on trucks? A. Yes, it could be done at that time of year.

Q. Could you expedite matters if your troops were required immediately over here? A. I don't think so. The train would start from Salem. Salem is a terminal point and they could get us here much quicker than trucks.

Q. If you had Thursday afternoon marched or transported your company to Marion, you could have been here sometime before 12 o'clock? A. Yes, sir.

EXAMINATION BY MR. BACKER REPRESENTING GEN. BLACK,

Q. How long did it take to get troops here? How long would be required before you could get them on the train, if you had gotten in touch with them at 4:30? A. Of course the delay is in getting in touch with the men. The men are scattered over the village and that is the whole difficulty, in getting in touch with the men.

Q. When did you get the order from headquarters to get your roster in shape so as to mobilize? You immediately got in touch with the men? A. Not necessarily, the roster is supposed to be in shape all the time, but it isn't always done. General Black's message was just a little pre-warning.

Q. You completed your roster on that day? A. Our roster was complete but we didn't group them because only about ten per cent had telephones and we had to group them around a telephone.

EXAMINATION BY MR. BRENNAN, REPRESENTING COL. HUNTER.

Q. The actual mobilization was not until after the battle was over? A. I don't know the dates of this trouble down here.

Q. The trouble, as I understand it, took place between 8:00 o'clock Thursday June 22nd and was all over by 9:00 o'clock Thursday night. A. No, we were not mobilized at that time.
June 21st?
A. Yes, sir.

Q. About what time?
A. 4:30 or 5:00 o'clock.

That is all.
TESTIMONY OF ARTHUR L. STEBER
BEFORE THE KERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS.

April 20, 1923.
Arthur L. Steber,

having been first duly sworn, was examined in chief by Mr. Backer, Attorney for General Black, and testified as follows:

Q. What is your name?
A. Arthur L. Stebor.

Q. What is your occupation?
A. Local Manager for the Murphysboro Telephone Company.

Q. Where is your home?
A. 109 W. College St., Marion.

Q. Have you charge of all records?
A. I have.

Q. Do you have a record of all calls made by Colonel Hunter to General Black during the month of June?
A. Yes, sir.

Q. Do you have with you the records of telephone conversation between Colonel Hunter and General Black?
A. Yes, sir, not a record of conversation.

Q. You have a record of calls?
A. Yes, sir.

Q. Have you the record with you of the calls between Colonel Hunter and General Black on the 21st day of June at 11 P.M.?
A. 21st? No, sir.

Q. Have you one that purports to be a record of a call at that time on the 22d?
A. Yes, sir.

Q. May we see the record?

(Looks at record Mr. Steber has)

Chairman: Is that an original ticket?
A. Yes, sir.

Q. This record you hand me, Mr. witness, is the original of the duplicate which is marked B of April 30th, is it not?
A. Yes, sir.
Mr. Flanagan: After a phone call, where is the stamp made as to exact time?

A. On back of ticket.

Q. Is there any possibility of that stamp being incorrect?

A. No, sir.

Q. You have a clock in the officer?

A. There may be a difference of a few minutes, a variation between standard time and calculagraph time.

Q. This being stamped at 11:10 P.M. would 11:10 P.M.

A. What I mean is there may be a variation of a few minutes.

Q. In the list that was prepared by your telephone company do you show any record of a conversation had on June 22d at 11 P.M.?

A. On the list of calls?

Q. Does this call appear on Exhibit A?

A. No, sir, it does not.

Q. Have you a record of the phone call as listed here on Exhibit A at 11 o'clock on June 22d, A.M.?

A. No, sir.

Q. Then there was no phone calls, as far as you have original records are concerned of any conversation had at 11 o'clock between Colonel Hunter and General Black on the 22d day of June?

A. No, sir, not at that time, no, sir.

Q. Well, then, any call that is marked on this Exhibit A as of 11 o'clock A.M. on the 22d would be incorrect according to your original records?

A. I have no original records showing any at A.M. on the 22d. It is P.M.

Mr. Brennan: Mr. Chairman, you have an exhibit of that which is a copy. You have the original as an exhibit. Would like to have the witness see that, too.

Mr. Backer: Do you have any original record of any call on the 22d at 11 o'clock A.M. as shown by Exhibit 4 of April 12th?
A: No, I only have five tickets on the 22d.

CHAIRMAN: One of those show a call at 11 o'clock, on the night of June 22d?

A: No, sir. Three of those to General Black on the 22d.

MR. BACKER: Are you familiar with all hand-writing of the different operators who make out these tickets?

A: No, sir.

Q: Do you have any record of any calls coming from General Black to Colonel Hunter?

A: We have a ticket showing call of Colonel Hunter but that is covered by a call of General Black.

Q: That is, you have a ticket there that shows that General Black was calling Colonel Hunter on what time?

A: That is on the 22d at 10:20. That does not show whether it is A.M. or P.M.

Q: But you have a record there of a ticket of General Black calling Colonel Hunter at 10:20?

A: You may call this a record of it. It just says: Calls from Hunter to Black was covered. That means there was a call put in by Black to Hunter prior to this being filed?

MR. BRENNAN: May I ask if you have the original records or tickets of all communications between General Black and Colonel Hunter. Yes covering dates of June 21st and June 22d?

A: Yes, sir.

Q: Will you refer to those records and tell the Committee how many calls were placed by General Black for Colonel Hunter on Wednesday, June 21st?

A: Three.

Q: Do those tickets give the times of the calls?

A: Yes, sir.
Q. Will you tell us when the first call was placed in?
A. 1:27 P. M., 3:11 P. M. and 6:35 P. M.

Q. Tell this committee whether your office records show of any other call being placed by Colonel Hunter to General Black on that date, namely, June 21, 1922?
A. No, I have no other record.

Q. You may state, if you have the records of the calls between those two parties on the 22d of June, 1922?
A. Three.

Q. Give the times of the different calls on the date of June, 1922?
A. 4:20 P. M., first one.

Q. The time they were called or answered?
A. The first call was at 4:35.

Q. The next one?
A. 5:55.

Q. The next one?
A. At 11:10 P. M.

Q. Are those records that you have correct?
A. Yes, sir.

Q. Have you any record of any call being made by Colonel Hunter to General Black on the 22d at or about 11 A. M.?
A. We have one that was covered by a call from General Black to Hunter at 10:20 on the 22d.

MR. RICE: That would make how many communications between Colonel Hunter and General Black on the 22d day of June?
A. Four.

MR. BACKER: Did you have any record of any calls from General Black to Colonel Hunter outside of this one which was covered?
A. No, sir.

CHAIRMAN: Where would the original tickets on those calls be?
A. At Springfield or wherever the calls come in.

Q. That is all.
TESTIMONY OF IVA H. PULLEY
BEFORE THE HERoin MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS.

April 30, 1923.
having been first duly sworn, was examined in chief by Mr. Backer, Attorney for General Jack, and testified as follows:

Q. What is your name?
A. Iva H. Pulley.

Q. Where do you live?
A. 501 E. Jefferson Street.

Q. What is your occupation?
A. Chief Operator, Murphysboro Telephone Company.

Q. What was your occupation on June 19, 1922 to June 22, 1922?
A. Chief Operator.

Q. Do you have charge of the records of the employees that act as operators under you?
A. Yes, sir.

Q. Referring to this original ticket on June 21st, stamped June 22d at 11 P.M., can you tell us who the operator was that put through this call, who is numbered 1 on that ticket?
A. This looks to be Elizabeth Herrin's writing, this bottom part.

Q. Does that bottom part indicate to you what operation was on duty at that time?
A. Elizabeth Herrin.

Q. According to the record that was shown there, what time was that call put through?
A. 11:00 P.M.

MR. BRENNAN: What date?
A. June 22d.

MR. BACKER: Do you know, from other records you have in your possession, what time Elizabeth Herrin worked on that date?
A. Yes, sir.

Q. Will you give us the time?
A. We went to work at 9 o'clock on June 21 and worked until 7 o'clock in the morning of June 22d.

Q. Referring to that ticket again, is the party that made out the top part of the ticket the same person that made out the lower part?

A. No, sir.

Q. By referring to that writing, can you tell who it was that made out the top part of that original ticket?

A. No, I cannot.

Q. Who do you suppose it might be, knowing the writing of the different operators?

A. I do not know. I would have to refer to the register book.

Q. Will you refer to the register book and give us your opinion as to who made out the top part of that ticket?

(Referring to book and comparing ticket)

A. It might be Ethel Coontz. That is the only writing that compares with this ticket.

Q. What time did Ethel Coontz work?

A. 7 to 12 and 4 to 7.

Q. 7 to 12 on the 21st and 4 to 7 on the afternoon of the 21st? Would she work the same hours on the 22d?

A. Yes, sir.

Q. She worked then from 7 o'clock in the morning on the 22d to 12 o'clock?

A. Yes, sir.

Q. By referring to that ticket, the party that had charge of the call did not make out the top part of this ticket?

A. No, sir.

Q. Then she did not stamp the date on it?

A. One of the operators stamped at the top.

Q. Who stamped the date on those tickets?

A. At that time the Chief Operator did.

Q. Do you remember stamping the date on that ticket?
would it be possible for her to pick up a ticket dated June 22d and use it the night of the 21st?
A. Not if she would use the ones that were put for her to use.
Q. Would it be possible for her to make that mistake if she were very busy?
A. She might.
MR. BRENNAN: Mrs. Fulley, you will not say she did make a mistake or do you think she made a mistake?
A. I did not say.
Q. And as far as you know from the records that are presented to you here, they are correct, so far as you know?
A. Yes, sir.
Q. And when that ticket that is dated as of 11 o'clock on June 22d, as shown to you, you have no reason to believe that that is/correct in every particular?
A. I have not.
Q. And that is your judgment now that it is correct?
A. Yes, sir.
Q. That is all.

CHAIRMAN: The Committee will stand adjourned to meet at Springfield at 2 o'clock on Thursday of next week.
having been first duly sworn, was called as a witness, examined in chief by Chairman McCarthy, and testified as follows:

Q. You have testified before this committee before, have you not?  A. Yes, sir.

Q. Will you give us again the full names of all deputies under your charge on June 21, 1922? This was on Wednesday before this happening.

A. S. E. Storme, John Shaffer, Al. Richardson. That was the men that worked out of the office. Now there was others -

MR. IGOE: They were special deputies? A. Yes, sir.

Q. How many of those did you have? A. There must have been 6 or 10, maybe more.

Q. And how long had they been acting as special deputies? A. Well, at different times. Some of them had been on a year and some not so long.

Q. They had been on two or three months before that time? A. I would think so. Some not so long and some maybe longer.

Q. On the afternoon of the 21st, if I remember correctly, you got back from the shooting near Carbondale about 7:30 or 8:00 o'clock? A. That is my best recollection.

Q. You came in from Carterville? A. I came through Carterville.

Q. We want to make certain, if possible, where you went and where you reported when you came back from that trip.

A. Well, I probably went home to the county jail after I come from Carbondale, and I might have went to the office. I am not positive about that.

Q. When you went to the county jail, who did you see? A. Don't know that I saw anyone but my family.

Q. Who had charge of the keys when you weren't there? A. My wife.
Q. Did she report anything out of the ordinary to you?
A. No, sir.

Q. Did she tell you that anybody had called the jail looking for you? A. I don't remember about that.

Q. If she did, you didn't figure it of enough consequence to follow up what she said? A. I don't remember about that. She might of told me there had been a call.

Q. Did you then go to the office in the county building?
A. I couldn't say that I went to the office. I either went to the office or over to the State's Attorney's office. I know I went to the State's Attorney's office and I might of went to my office.

Q. Where did you meet Mr. Storem? Didn't you meet him at your office?
A. I might of met him there. I think I met him out on West Streets Street.

Q. What did he report to you about anything unusual happening in Marion or anywhere else? A. He reported that there was trouble at Lester strip mine.

Q. Did he tell you what the trouble was? A. My best recollection is he said there were a couple of men shot.

Q. Did he tell you about the stores having been broken into at Marion? A. I don't remember if I did.

Q. Do you remember when you first heard that the stores had been broken into? A. I don't think I heard it until after the 22nd or on the 22nd. I am not positive about that.

Q. From any information you got on the 21st, there wasn't enough of substantial information for you to investigate about the stores being broken into? A. I don't think I heard about that for a day or so. That is my best recollection.

Q. Even though you heard something about it, there wasn't enough to warrant your investigating it? A. I don't remember.

Q. We want to clear up something more, Sheriff, about a so-called truce that was supposed to have been arranged. Tell us what you know about that truce. A. That truce was talked
Q. Mr. Willie was there at that time, was he?
A. Mr. Hugh Willie? I don't think so right at that time.

He was there later on. I don't remember whether he was there right at that time.

Q. Was he there at any time when the question of a truce was discussed? A. I think so.

Q. Do you remember the terms of that truce? A. What I remember was that a truce was already raised.

Q. That is a flag, you mean by truce? A. Yes, sir.

Q. Where did you get that information? A. It was talked there in the crowd at Mr. Duty's office.

Q. That was discussed all during the evening that a flag had been run up at the mine? A. Yes, sir.

Q. And it was understood that the men were to quit firing and were to be given safe passage?
A. That was the general talk.

Q. I believe at that conversation Mr. Hunter and Mr. Davis were present, or during the evening? A. They were there, yes, sir.

Q. Was Major Davis there? A. I don't know about Davis, but I think Mr. Hunter was there. That is my best recollection.

Q. I believe you stated that the next morning you went to the mine about 8:00 o'clock?
A. Something around that. It might have been later; I am not positive about the time.

Q. You are sure it was before 9:00 o'clock? A. Between 8:00 and 9:00, that is my best recollection.

Q. I believe you stated that Mr. Shaffer went with you?
A. Yes, Mr. Hunter and Mr. Davis, the four of us went out.

Q. Did you come back to Marion together? A. No, sir.

Q. Where did you go? A. After I went to the mine, I believe I brought Mr. Hunter and I believe Major Davis was with him. I believe I brought them a piece to the car line where he
Q. About what time did you get there?  A. I declare I couldn't say.

Q. Around 10:00 o'clock?  A. It might have been. Don't seem to me it was that late but it might have been.

Q. How long were you at the woods?  A. Some little bit; right smart little while.

Q. Was the coroner there while you were there?  A. I think I did see him. I am not positive.

Q. Was he the man taking the bodies in town or was it the undertaker?  A. All of us fellows helped the undertakers.

Q. What were the undertakers names?  A. Storms was one and Mr. Cash. Seems to me I saw two or three.

Q. You helped them to carry the bodies?  A. Yes, sir.

Q. You went on to Herrin?  A. Yes, sir.

Q. Did you go in with the bodies?  A. I went right along behind them. We got in the car and followed when the last of the bodies was loaded in the ambulance. We got in the car and all drove into Herrin.

Q. Do you know what time you got in Herrin?  A. Must have been around the noon hour.

Q. Then what did you do?  A. Arranged around there about the bodies at the morgue and at the hospital. Assisted around there in any way we could.

Q. And how long did that take you?  A. Practically all afternoon.

Q. During the afternoon did you go to the hospital?  A. I did.

Q. About what time?  A. I don't remember. I think I was there two or three times.

Q. Where else did you go in Herrin on the afternoon of the 22nd?  A. Thers and at the morgue and around. I was at the city hall.
A. No, I don't.
Q. Do you remember who you talked with at the city hall?
A. I am not positive that I talked to anybody.

(Chairman directed that Mr. Shaffer leave the room)

MR. STONE: May I make a statement here, Mr. Chairman?
CHAIRMAN: For what purpose?

MR. STONE: I would like the record to show that Messrs. Lewis, Neeley and Stone appeared for this witness as well as for Messrs. Shaffer, Williams and Hughes, and state further into the record that we object with reference to asking any repetitions of the testimony of the witnesses Shaffer and Thaxton. It was stated by two members of the committee, while at Marion, when these witnesses were on the stand, that they would be brought to Springfield and convicted for perjury, in all likelihood. If that is the object of the committee, the objection is to any questions of repetition, because it would be beyond the province of the committee to fix individual responsibility, and for that reason we are objecting.

CHAIRMAN: The objection is overruled and I will state for the gentlemen that the committee will pursue any course they see fit, so far as the scope of this investigation will permit and we shall endeavor to keep within the law.

MR. IGOE: In addition to that, I would like to ask Mr. Stone if the persons were attorneys for the defense for the two trials held at Marion?

MR. STONE: Yes, Mr. Neeley was appearing for Mr. Thaxton at that time.

MR. IGOE: Were you attorneys for the defense? A.

MR. STONE: Yes sir in the criminal cases.

MR. IGOE: And now you folks are appearing for the persons whose names you have given here?

MR. STONE: Yes, sir.
Q. I believe you stated you reported at the city hall that afternoon?  
A. I was down there.

Q. Do you remember who you talked to there?
A. No, sir, I don't remember.

Q. Did you see the Chief of Police?  
A. I think so.

Q. Did you talk to him?  
A. I think so.

Q. What time was that?  
A. I don't remember.

Q. Did you talk to any other police officers?  
A. I probably did. I don't remember.

Q. Do you know any of them personally?  
A. Yes, sir.

Q. Did you see one of them stationed around the morgue during the afternoon?
A. I don't remember whether I did or not.

Q. How many times did you go back to the morgue during the afternoon?
A. I don't remember how many times I went there.

Q. Was it ever reported to you during the day that certain persons or different persons had attempted to mutilate the bodies lying in the morgue?
A. No, sir.

Q. When did you first hear of it?
A. I never heard it.

Q. During this time who was with you?
A. Well, I couldn't say, I was just backwards and forwards and meeting first one fellow and then another one.

Q. Who do you mean by one fellow?
A. Probably any fellows around Herrin.

Q. Was any of your deputies with you at that time?
A. I don't know.

Q. Who was with you in Herrin?
A. Mr. Shaffer some and Mr. Richardson some.

Q. How much were you with Shaffer?
that evening. We would see one another every little while.

Q. What was he doing?
A. He was on duty.

Q. What did you delegate him to do?
A. I don't know as I delegated him to do anything in particular.

Q. Was he away from you fifteen minutes at any one time on June 22nd, until you started for Marion?
A. Well, I couldn't say about that. He might of been and he might not.

Q. What is your best recollection?
A. I don't remember.

Q. If he was away from you, where would he have been?
A. I would think he would have been there on the street.

Q. Where you could have seen him?
A. I couldn't have seen him all the time.

Q. If you had needed him could you have gotten hold of him?
A. I think so.

Q. Until how late in the afternoon were you there?
A. Well, I couldn't say just what time it was when we left.

Q. And you left Herrin with Mr. Shaffer and the cook and who else?
A. That was all that left with me at that time.

Q. And you and Shaffer and this cook drove on to Marion.
A. Yes, sir, but he didn't go all the way to Marion.

Q. Which road did you take going into Marion?
A. We took what we call the dirt road into Marion.

Q. Did you stop any other place than to let this cook out?
A. No, just let him out.

Q. Did you go any other place from Herrin to Marion?
A. No, sir, we didn't leave.

Q. Did Shaffer leave at any time during the afternoon?

A. If he did, I didn't know it.

Q. If he had gone you would have known it, would you not?

A. I think so.

Q. You say you left Herrin late in the evening. Could you state about what time that was, about what hour?

A. No, sir, I couldn't say what hour.

Q. Approximately?

A. It must have been along late in the evening.

Q. You would say around six o'clock?

A. Well, I couldn't say.

Q. Might it have been later?

A. I don't think it was later than that. I am not positive about the time.

Q. You then went to Marion?

A. Yes, sir.

Q. What did you do when you got to Marion?

A. I think I went to the county jail.

Q. That is where you live?

A. Yes, sir.

Q. Did you get your supper?

A. I don't remember.

Q. Or did Mr. Shaffer go with you?

A. I think so.

Q. Then what did you do?

A. The best I remember there was a couple of fellows there in jail which we took down to get on the train.

Q. Down to the depot?

A. No, down below Marion to a little place they call Hudgins.
Q. And where does that lead to?
A. From there into Chicago.
Q. What is the first town?
A. Out of Marion you mean?
Q. Johnston City?
MR. IGGE: You put them on the train south of Marion didn't you?
A. Yes, sir.
MR. IGGE: And Johnston City is north of Marion?
A. Yes, sir.
Q. How far out did you take them?
A. Don't know just how far. Four or five miles, though.
Q. At what stop or crossing did you let them off?
A. At a crossing just above the Hudgins depot. I suppose you would call it a depot but it isn't much more than a box car.
Q. What station?
A. The station was Hudgins where they were to get on at.
Q. You took them above the station?
A. Yes, sir.
Q. Was that after supper?
A. No, sir, I don't think I had any supper.
Q. Was it dark at that time?
A. No, sir, it wasn't quite dark.
Q. Just dusk?
A. I don't think it was. It wasn't dark.
Q. Who was with you when you took these men?
A. Mrs. Shaffer.
Q. Who were the men?
A. I couldn't say.
Q. Where did you get them?
A. I got them out of the jail.
Q. And what was your reason for taking them to the crossing?
A. I couldn't say. They were out at Lester mine. I don't know whether they were in the riot. I never talked to them but very little.

Q. Did they say they worked at Lester mine?
A. I don't remember whether they did or not.

Q. What time were they brought to jail?
A. I don't know.

Q. Were they locked in the jail when you came back?
A. I don't know.

Q. Did you inquire?
A. I don't remember that I did.

Q. Did you ever tell the State's Attorney about these two men?
A. I talked with him so much I don't remember whether I did or not.

Q. You didn't give him a chance to get their statements that day?
A. I don't know that I did. The State's Attorney was at Herrin with us right smart of the time.

Q. You didn't know they were in your jail when you were at Herrin?
A. No, sir, I did not.

Q. Hudgins Crossing?
A. Hudgins Station or Stop.

Q. Which direction is that from Marion?
A. It is south, almost due south.

Q. Which direction from Herrin?
A. South east from Herrin.

Q. And how far is Hudgins from Herrin?
A. I don't know, I suppose 15 or 16 miles.
A. I don't remember whether I did or not.

Q. Did you tell anybody before this time?

A. I thought I told this committee that I took those men out to Hudgins.

Q. Did you ever tell anybody before that?

A. I don't remember. Probably I did.

Q. Where is Hudgins Station with relation to the Shiloh Church?

A. Shiloh Church is way on south below there.

Q. Do you go anywhere near Shiloh Church to get to Hudgins Station?

A. No, sir.

Q. How far is Shiloh Church from Hudgins Station?

A. Five or six miles.

Q. In going to Hudgins Station, what road did you take?

A. We went out south of Marion what we call the Tie Plant road. That is, to the best of my recollection.

Q. Did you come back the same road?

A. I am not positive about that.

Q. Do you remember what time it was when you got back to town that evening?

A. No, sir, I don't remember.

Q. Have you any idea?

A. Not much, no, sir.

Q. You sent some telegrams that day, didn't you?

A. On the 22nd?

Q. Yes.

A. Well, probably there was some sent.

Q. Did you send any?

A. I don't know whether I sent any. I might of.
If there were any sent, to whom were they addressed?

A. I am not positive of that.

Q. You are the man who sent them. You ought to know.

A. I would think they were sent to the Adjutant General and there might have been one sent to the Governor.

Q. Are you positive you ever sent one to the Adjutant General or to the Governor?

A. That is my recollection.

Q. When did you send them?

A. I don't remember the exact date.

Q. Did you keep a copy of those telegrams?

A. I thought I had a copy but I couldn't find them.

Q. Do you remember the substance of those telegrams?

A. Not at present.

Q. You don't know what was in them at all?

A. I don't remember just now what was in them.

Q. What would it be about? The riots?

A. I would think so.

Q. On the question of troops, did you say anything about that in the telegrams?

A. I don't remember.

Q. What, if anything, did you ever say to the Adjutant General or Governor about sending troops?

A. I don't remember what I said to them.

Q. What is your best recollection?

A. I don't remember just what it was. I couldn't say just what I would send to the Adjutant General if I did send anything.

Q. Do you remember whether you sent words to him or to the Governor about troops being sent to Williamson County?

A. I don't remember exactly whether I said anything.
I think.

Did you think troops were necessary after this happened?

No, sir, I didn’t.

Did you so wire Governor or General Black that they weren’t necessary?

I think so. That is my best recollection.

What else did you wire them?

Well, I can’t call to mind just what I wired.

At that time you were a candidate for County Treasurer, Storme was a candidate for County Clerk and Shaffer was a candidate for Sheriff?

No, sir, he was a candidate in the primaries but was defeated.

Did you ever make a statement to anybody that it would hurt your campaign if troops were sent into your county?

No, sir, I did not.

Neither before or on Wednesday the 21st of June, 1922?

No, sir, I never made such remarks.

CHAIRMAN: If there is no objection, we shall adjourn now until 1:30. It is a quarter after 12:00 now.

(Committee adjourned)

1:30 P.M., May 7, 1923.

(Mr. Thaxton on the stand again)

Examination by Chairman.

Do you know where the Shiloh Church is, south of Marion?

Well, I guess I was mistaken about the church.

Shiloh Church is on one road and the church I had reference to is on another road.

Do you know where Shiloh Church is?

I think I do.

Where is Shiloh Church with reference to Hudgins Station?

The Shiloh Church from the Hudgins Station is southeast, I think.
A. Well, I couldn't say how far. I am not positive as to the distance.

Q. In going to Hudgins Station, how near do you come to Shiloh Church?
A. There are two roads to go. If you go the east road you would go pretty close to the church. If you go the west road it would be some distance from the church.

Q. When you went to Hudgins Station on June 22nd, which road did you take?
A. I think we took what is known as the Tie Plant Road.
Q. Don't you know which road you took?
A. Well, I am not positive. My recollection is I took the west road.

Q. How far from Shiloh Church is it?
A. I think those two roads is about a mile apart or a little better.

Q. Do you remember which road you went back on?
A. No, I am sure I don't remember which road we went back
Q. Which road do you think?
A. I am not positive.

Q. Why did you go any other road than the lower road?
A. Well, both roads are about the same. The Tie Plant road is a little the nearest.

Q. That is the road you think you took?
A. I think that is the road.

Q. What time of day did you say you were out at Hudgins Station?
A. I wouldn't be positive. It was late in the evening.

Q. Was it after 8:00 o'clock?
A. No, sir.

Q. Would you say before 8:00 o'clock?
A. I would.

Q. Would you say before 7:00 or after 7:00?
A. I wouldn't say about that. The days were pretty long and I don't remember just the time.
A. I don't remember just the time.

Q. Was it about sundown?

A. Well, it might have been.

Q. And who was with you?

A. Shaffer and those two gentlemen.

Q. Who was with you when you come back?

A. Nobody but Shaffer, I think.

Q. Where were you at 3:00 o'clock on the afternoon of June 22nd?

A. I think I was in Herrin.

Q. Where were you at 4:00 o'clock?

A. Well, I wouldn't be positive where I was at 4:00 o'clock.

Q. Were you out near Hudgins Station or Shiloh Church at 3:00 o'clock on June 22, 1922?

A. I don't think so.

Q. Were you, or were you not? at Shiloh Church at 3:00 o'clock in the afternoon or near there?

A. I wasn't there at that time at all, I don't think.

Q. Were you in the locality of Hosea Borum's farm at 3:00 o'clock on the afternoon of June 22, 1922?

A. Hosea who?

Q. Hosea Borum near the Shiloh Milk farm. You know where Hozie Borum's farm is?

A. Yes, sir.

Q. Were you near his farm on June 22nd?

A. I was not, unless in going along the road we went near there. As I understand where he lives, he lives one-half mile east off of this main road.

Q. Were you off of the main road on June 22, 1922?

A. I don't remember of being off. I know I wasn't by Mr. Borum's farm.

Q. Can you state positively you weren't off of the main road?

A. We might have gone across from one road to the other.
Q. Do you remember being in Carbondale on the afternoon of June 21st?
A. Yes, sir.
Q. I believe you testified that you talked with Sheriff Gibson, did you not?
A. At Carbondale, I think I did.
Q. You talked with him over the phone?
A. I think I talked with him at Carbondale.
Q. Did you call his office or ask anyone to call his office on the afternoon of June 21st?
A. I don't remember.
Q. Do you know the clerk of the City Court there, Mr. Brown?
A. At Carbondale?
Q. Yes.
A. I do not.
Q. Did you ever see him?
A. If I did I didn't know it.
Q. Do you know where the office of the City Clerk is?
A. I don't know unless it was at the city hall.
Q. Were you at his office in the city hall?
A. I was there in the city hall.
Q. Didn't you ask somebody there to call Sheriff Gibson?
A. I might of.
Q. That was W. J. Brown?
A. I don't know who it was.
Q. Could you describe the gentleman you asked to call Sheriff Gibson?
A. No, sir, I couldn't describe him.
Q. Do you remember having a conversation with anyone on the afternoon of June 31st?

A. No, sir, I do not.

Q. Did you remember having a conversation with anyone on the afternoon of June 31st?

A. Not particularly. There was possibly a few in there. I don't remember having a conversation with any certain men at all.

Q. Did you ask a gentleman there where Sheriff Gibson was and did he say, "Come into my office and I will call him up?"

A. I don't remember.

Q. Do you remember that you didn't say that to anybody there?

A. Well, I don't know, I might of said it, but I don't remember saying it.

Q. And did not this gentleman get Mr. Gibson, the sheriff, on the phone and then turned the phone over to you and you talked to Sheriff Gibson at that time?

A. It seems to me that Mr. Gibson was there in Carbondale at that time. I know he told me he had been to the scene where the truck was shot on.

Q. You didn't talk to him over the phone?

A. I might of. I am not positive.

Q. Did not Sheriff Gibson ask if you needed help?

A. I don't remember.

Q. Didn't you reply, "No, I think everything is in good shape as I have men on the ground and everything in hand."

A. I don't remember.

Q. Would you say you didn't say that to the Sheriff Gibson?

A. If I did, I don't remember.

Q. Then did you turn to the gentleman whom you had asked to call the sheriff's office for you and say to him, "The Sam T. Brush riot isn't 1, 2, 3 with what we are going to have within the next few hours"?

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

Q. Did anybody in Carbondale talk to you about the advisability of calling troops?

A. I don't think so.

Q. You would have remembered it if they had?

A. I think I would.

CHAIRMAN: That is all.

FURTHER EXAMINATION BY MR. IGGE:

Q. What kind of automobile have you got?

A. That kind have I got, I have got a Ford car and a Hudson car.

Q. What kind of automobile did you use June 22nd?

A. A Ford.

Q. What kind of Ford?

A. A touring car.

Q. And is that the car you used for the purpose of taking these men to Hudgins Station?

A. Yes, sir.

Q. And that is south of Marion?

A. Yes, sir.

Q. Why did you take them in that direction?

A. To protect them and take them to safety.

Q. Were they in danger around Marion?

A. Well, we didn't want them to be.

Q. Were they?

A. They might of been.

Q. Why take them out there if they were not in danger?

A. I thought it best to take them there.

Q. You put them on the train to come back through Marion?

A. Yes.
And it stops there every night, doesn't it?
A. I think so.

Q. You went several miles south of Marion to put these men on a train that would stop at Marion for fifteen minutes?
A. That is the place we took them.

Q. You don't know the names of these men?
A. No, I do not.

Q. Never asked them what their names were?
A. No, sir, I never asked them their names.

Q. Nobody in the jail knows their names?
A. No, sir, I don't remember that I heard them.

Q. You never told the State's Attorney their names?
A. I don't remember that I ever heard them.

Q. You never talked to the State's Attorney about these two men?
A. I don't remember if I did.

Q. Did you tell the State's Attorney that they were in the jail?
A. I don't know whether I did or not.

Q. If he said under oath that you never mentioned the fact that you had these two men in your jail, would you say the State's Attorney was mistaken because you never told him?
A. I don't remember whether I did or not.

(Thaxton testimony continued by Mrs. Daigh)
that are you now, the county treasurer?
A. Yes, sir.

Q. Is your memory concerning accounts in that county any better than it is when you act as a witness?
A. I try to attend to my business, yes, sir.

Q. Your business right now is testifying?
A. Yes, sir.

Q. Do you think you have any memory about any single thing that happened there?
A. I think I have. I am here for nothing except what I know.

Q. Do you know whether or not you told about these two men being in the jail?
A. I am not positive.

Q. Why didn't you tell them?
A. I guess I just forgot.

Q. You just forgot it?
A. Yes, sir.

Q. You knew these men were in jail and were from the mine?
A. They told me that.

Q. You had no reason to doubt it?
A. No, sir.

Q. And a horrible massacre had occurred out at that mine?
A. Yes, sir.

Q. That very day you had seen men cut there with their throats hacked and bodies riddled with bullets and you never told the prosecutor of your county they were there?
A. I don't think I saw the prosecuting attorney. He was over at Herrin when we took the men away.

Q. These men were in your jail the night before?
A. Maybe they was.
A. I don't remember.
Q. Will you say now whether they were or not?
A. I will not say.
Q. You do not know whether they were there before or not?
A. I don't know.
Q. You cannot say why they were in your jail "Wednesday night?"
A. No, I am not positive.
Q. You will not deny that they were there?
A. They were there all right.
Q. When?
A. The evening when I took them away.
Q. I am talking about "Wednesday?"
A. I am not positive.
Q. Did you inquire Thursday when you left the jail whether there were any prisoners there or not?
A. I don't remember whether I did or not.
Q. And you live right in the same building in which the jail is located?
A. I did.
Q. And either your wife or you had the keys to the jail?
A. Yes, sir.
Q. And still you sit there as a witness and say you do not know whether or not you had any prisoners in jail that night or not?
A. No, I don't remember.
Q. Have you any records that would refresh your memory?
A. There was no record kept.
Q. Why not?
A. They were put in unbeknownst to me.
Q. Why didn't you register them?
A. I did keep a register of everybody I put in.
Q. Why didn't you register these men?
A. I forgot it.
You know they were, didn't you?
A. I don't remember.
Q. Will you say now whether they were or not?
A. I will not say.
Q. You do not know whether they were there before or not?
A. I don't know.
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A. No, I am not positive.
Q. You will not deny that they were there?
A. They were there all right.
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A. There was no record kept.
Q. Why not?
A. They were put in unbeknownst to me.
Q. Why didn't you register them?
A. I did keep a register of everybody I put in.
Q. Why didn't you register these men?
A. I forgot it.
A. I forgot it.
Q. You did not want to remember it?
A. Why, of course.
Q. You wanted to get them cut out of the county as quickly as possible?
A. I thought it was best.
Q. And you did not even take their names?
A. I don't think so.
Q. Now, when you got over to the mine on Thursday, or down at the power house, did you see this man hero, Cairns?
A. Yes.
Q. What condition was he in?
A. Well, he had been shot.
Q. How many times?
A. I don’t remember.
Q. Where was he when you saw him?
A. He was sitting on the ground.
Q. Anyone around him?
A. Yes, sir.
Q. How many?
A. I couldn't say, several.
Q. What did you do about him?
A. Well, the State's attorney and myself had the crowd get back and we assisted the best we could.
Q. You did not tell the State's attorney at that time you had any men in the jail?
A. No, sir.
Q. You did not think of it?
A. No, I didn’t.
Q. You had slept at home the night before?
A. Yes, sir.
Q. You and your wife sleep in the same room?
A. I think so.
She has days at the jail when you were not there and
during the time you were out your wife knew the prisoners were
there and she did not mention the fact to you when you returned?

A. I don't remember.

Q. You saw this man Cairns laying in the power house woods,
any blood on him?

A. I think so.

Q. Was there any blood on this man? Don't think.

A. I think there was.

Q. Was there blood - never mind this thinking. Answer this
yes or no. We have got to the point where were are through with
thinking. This is Cairns, is it not?

(Points to Cairns)

A. Yes, sir.

Q. Did you see him in the power house woods?

A. In the woods, yes, sir.

Q. How did he look?

A. "Well, he looked like he was in pretty bad shape.

Q. What made you think he was in bad shape?

A. Because he had been mistreated.

Q. How did you know that?

A. From the looks of him.

Q. What was there about him to indicate he had been mistreated?

A. His looks.

Q. What were his looks?

A. He looked like he had been handled pretty rough.

Q. What was on him?

A. I don't know.

Q. What was on him that would indicate he had been handled
pretty rough?

A. Well, just judging from the looks of him.

Q. What were his looks?

A. I told you.
A. I told you judging from the looks.
Q. What caused you to judge? What did you see?
A. I saw him sitting there and he seemed to be in a serious condition.
Q. What was there about him that indicated he was in a serious condition?
A. He was shot.
Q. Where was he shot?
A. I don't remember the place.
Q. Did you see anything on him that would indicate he was shot?
A. I don't remember.
Q. You say he was shot, is that right?
A. He looked at him and probably he was shot.
Q. You say probably he was shot?
A. That is what I said.
Q. I understood what you said. You say now, probably he was shot?
A. I think he told me he was shot.
Q. You think he was shot?
A. Probably he told me he was shot.
Q. Probably he told you and probably you thought. What is the fact. As he or was he not shot?
A. That is my recollection that he was.
Q. What is the basis of your recollection?
A. I saw him in the hospital.
Q. Never mind the hospital. We are out at the power house woods with this fellow laying down, all tangled up in the wire. What was there about him that indicated he had been shot?
A. I might have saw some blood on him.
Q. You think you did?
A. I might of.
Q. You think that is possible?
A. Yes, sir.
Did you see anybody else around there that indicated they might have been a little bit mistreated?

A. Yes, sir.

Q. What was about those persons indicated probable rough handling?

A. There was one who had been shot through the thigh.

Q. Did you see anybody else lying around?

A. Yes, sir.

Q. What did you do about relieving them?

A. We got them all to the hospital.

Q. How did you get Cairns to the hospital?

A. I don't remember whether he was taken in an ambulance or not.

Q. Was Schaffer there?

A. I think he was.

Q. What did Schaffer say about Cairns?

A. I don't know.

Q. Think a little about it? What did Schaffer say about Cairns?

A. No, sir, I don't remember.

Q. Do you remember when they picked Cairns up and tried to put him in the ambulance?

A. I don't remember that.

Q. You did not see that happen?

A. If I did I forgot.

Q. Your record on forgetfulness is pretty good. That is one thing you are very consistent on. You did not hear Schaffer point this fellow out and say he was one of the guards?

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

Q. Sometimes you don't think and if you think you don't remember. You don't either think or don't remember whether Schaffer pointed this Cairns out and say: He is one of the guards?

A. No, sir, I don't remember.

Q. And didn't you hear some one object to his being put in the ambulance?
A. No, sir.
Q. Someone said: "Make him walk."
A. No, sir.
Q. You didn't hear that?
A. No, sir, I didn't.
Q. Did you ever have conversation with anybody about troops coming in there?
A. Probably I did.
Q. Never mind probably you did. Answer the question: Did you ever have a conversation with any person about troops coming into that county?
A. I think Colonel Hunter mentioned about troops to me.
Q. What did you tell him?
A. I told him I did not think we needed them.
Q. You told him you did not want troops because it would ruin your chances in the election for Country Treasurer?
A. I did not.
Q. You did not want troops in there because it would hurt your vote getting ability?
A. No, sir. I did not think of such a thing.
Q. Your deputy was running for county clerk?
A. Yes, sir.
Q. You were running for county treasurer?
A. Yes, sir.
Q. And your other deputy had been defeated in the primaries?
A. Yes, sir.
Q. Is that not the reason you did not call in troops because you were afraid you would be defeated?
A. That was not, no, sir. I never thought about such a thing.
Q. That was never in your mind?
A. No, sir.
Q. Not a single instance did you ever think about the possibility of anything affecting your vote-getting ability there?
A. No, sir.
Q. Did you see Cairns in the hospital at Herrin?
A. I did.
Q. Then?
A. I think I saw him a few times after the time we took him there.
Q. How soon afterwards?
A. The best I remember I was there the next day.
Q. Was that the day you suggested he ought to get out of there?
A. I don't know.
Q. What was the day you suggested about his leaving the hospital?
A. I don't remember.
Q. The massacre occurred on Thursday. Was it on Friday you made that suggestion to him?
A. I don't know whether I made that, I might of.
Q. Did you or didn't you?
A. I don't remember if I did.
Q. You do not remember Storme being with you, do you?
A. at the hospital?
Q. Yes, at the hospital?
A. I don't remember Storme being with me.
Q. Where is Storme now?
A. Marion, I suppose.
Q. Is he back from Kansas City yet?
A. I think so.
Q. Do you now?
A. Yes, sir.
Q. And he went to Kansas City the day after we examined him, didn't he?
A. They told me he did.
Q. Where is his office in relation to yours?
A. In the court house, same building.
Q. You don't know whether he left the state or not?
A. No, sir, I don't.
You don't know whether you and Storme visited this man Cairns in the hospital?

A. I don't remember Storme with me. He might of.

Q. And you don't remember about your suggestion to this man he ought to get out of the hospital and out of the county?

A. I don't remember.

Q. Do you remember whether or not you asked him if he wanted to get out?

A. I don't remember.

Q. Is it true that you and Storme planned to get this man Cairns out of the hospital?

A. I don't think so.

Q. And take him on a long drive over to Carbondale?

A. No, sir. It is not so.

Q. And is it, also, true that you did not take it up with the Doctor in charge of the hospital, is that not true?

A. I don't remember.

Q. Is it not, also, true that you and Storme and other people down there had planned to get this fellow on the road and kill him, too?

A. No, sir, it is not. I am not that kind of a man.

Q. It is all right for the people around there to do it and you stand by and let them do it, but you are not that kind of a man to do it yourself?

A. No, sir.

Q. What did you do to stop that?

A. I did everything I could.

Q. What did you do?

A. I was on the ground and around.

Q. Sure you were over to Carbondale and you were flitting all over the county, everywhere but where you should have been. Why didn't you send for troops?

A. I did not think we needed them.

Q. You were at the mine every day?
You saw Cairns in the mine?
A. Yes, sir.
Q. You knew about the fight?
A. Yes, sir.
Q. You knew it Wednesday night?
A. Yes, sir.
Q. You knew union miners had been killed at the mine Wednesday night?
A. Reported two had been shot.
Q. Did you believe that report?
A. I think I did.
Q. You knew there were explosions at the mine?
A. I did not hear that.
Q. You knew hardware stores had been raided?
A. No, sir, I did not.
Q. And you knew a mob was around the square in Marion?
A. No, sir, I did not know that.
Q. You did not see any mob around the square when you went up to Dutty's office?
A. No mob at all.
Q. And was no mob circulating around that square?
A. None, that I could see.
Q. And Judge Hartwell when he came up did not mention about the mobs being around the square?
A. If he did I did not hear it.
Q. All those things were apparently common to you?
A. I did not know it.
Q. And that is the reason you did not call for troops, that is the reason, is it not?
A. I did not think I needed them.
Q. You are only thinking about that too, are you?
A. That is my judgment.
CHAIRMAN: What time did this train get to Marion that these men were on after you took them to Herrin?

A. It is due at 6:14. It is due about 6 and leaves at 6:14.

Mr. STONE (Attorney): You say your impression is that you took the tie road to Hudgens Station?

A. That is my recollection.

Q. If you did take the west road, in order to get to this dirt road crossing north of Hudgens Station you would have been going east, wouldn't you? In other words, this west road is west of the C. & E. I.?

A. Yes, sir.

Q. Is that not the same road that would have carried you on over to the east road if you had taken the east road back to Marion?

A. Yes, sir.

Q. Is the east road that Horace Borum lives on?

A. Horace Borum lives a mile on back east of this east road.

Q. He is east of the east road?

A. On another road leading back.

Q. He does not live on the east road then?

A. No, he does not live on the main road. You turn on what they call the Bylow Bridge and go on back east three-quarters of a mile.

CHAIRMAN: That is all.

MR. IGOE: Just one question: Who was in charge of the jury down there at the time these men were tried?

A. Schaffer and Richard Odum.

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

Q. Mr. Schaffer, we wanted to clear up some things about
this so-called truce that was arranged in Mr. Duty's
office on the night of the 21st. Now you got back from Carbon-
dale after investigating the shooting of the truck there and
then you went to Mr. Duty's office and there you found several
other men -

A. I couldn't say whether they were there when we went
but they came shortly after.

Q. Now, just what was said about a truce at that time?
A. It was stated they had some kind of an agreement that
they were to raise a white flag out at the mine. As well as
I remember, there was to be one raised on the outside of
the property.

Q. They were to raise the white flag above the mine
and the trouble was to cease?
A. Yes, sir.
Q. Firing was to cease?
A. My understanding was they were to come out the next
morning.

Q. Who was to be out there when they came out?
A. I couldn't say whether anybody was to be out there
or not. We decided among ourselves to come out there next
morning.

Q. Wasn't it the understanding that the sheriff was to
be there?
A. No.

Q. What time were they to come out?
A. I don't know as there was any time.

Q. What time was it discussed they should come out?
A. Just in the morning. Don't know any special time.

Q. Did you ever hear it discussed about their coming
out at daybreak?
A. No, sir, I did not.
Q. What time did you get to the mine?
A. We left Marion about 8:00 o'clock.
Q. I believe you stated you hadn't been to the Sheriff's office that morning?
A. I am not sure whether I had been. We were to meet out there to meet Col. Hunter.
Q. What time did you meet Col. Hunter?
A. My recollection is it was 8:00 o'clock.
Q. When was that arrangement made?
A. The night of the 21st.
Q. Then you did meet Col. Hunter sometime between 8:00 and 9:00 o'clock and went out to the mine?
A. Yes, sir.
Q. Then where did you go?
A. We went to the mine and then Col. Hunter and Major Davis wanted to go back to Marion. We turned and drove them back about, I judge possibly a mile toward Marion, straight east, and when we got to the car line a fellow came by that I knew in a car and I asked him to take these two men into town.
Q. Did you know at that time anybody had been killed?
A. No.
Q. Then what did you do?
A. Went to the power house. Mr. Duty passed us and asked if we had been to the power house and said something else but his car was making so much fuss I didn't get what he said, but that was how we come to turn. We were near the car line, somethin' like 100 yards west of the car line.
Q. Did you pass Hope's Crossing?
A. No, we were going east when we went to the power house.
Q. How long did you stay at the power house?
A. I couldn’t say - anywhere from - we waited for the ambulances - I judge anywhere from - in the neighborhood of an hour, I judge. Could have been more, could have been less.

Q. What time did you get to Herrin?
A. I am not clear as to that time. It was up near noon. Between 10:00 o’clock and noon. I didn’t pay any attention to the time.

Q. Was it around 12:00 o’clock?
A. Possibly it was - might have been 12:00 o’clock.

Q. Who was with you all of this time?
A. Mr. Thaxton was with me.

Q. Anybody else?
A. I couldn’t say. Might have been.

Q. You knew there had been some trouble when you got to the power house?
A. Yes, sir.

Q. When you got to Herrin, what did you do?
A. I worked around on the streets among the people, passing back and forth along the crowd.

Q. Where was the sheriff during that time?
A. He was up near the morgue most of the time. Occasionally I would see him. Occasionally we were together. I just drifted around.

Q. You were with him most of the time?
A. No, not right with him, a block or two away.

Q. Just where did you go?
A. I went up on the street near the city hall and down to the morgue.

Q. You knew where each other was all afternoon?
A. Practically, yes, sir.

Q. Did you go to the hospital that afternoon?
A. Yes, sir.

Q. Did you talk to any men up there?
A. I don’t know whether I talked with them that evening.
Q. When did you first talk with them?
A. I was in there two or three times. I don't know whether I talked to them that evening.

Q. What time did you leave Herrin that afternoon?
A. I couldn't say. It was between -- in my judgment it was between 4:00 and 6:00 o'clock. Could have been a little later or a little earlier than that. My judgment it was between 4:00 and 6:00 o'clock.

Q. What did you do when you got to Marion?
A. I couldn't say. I don't remember.

Q. Did you go with the sheriff?
A. I went with him to Marion, yes.

Q. You don't know where you went when you arrived in town?
A. We were in the office. I wasn't out of town.

Q. How long did you stay with the Sheriff in town when you arrived?
A. I couldn't say, I was on duty all evening.

Q. What doing?
A. Just around there from place to place.

Q. In Marion?        A. Yes, sir.
Q. What were you doing going from place to place?
A. Just looking around.

Q. Looking for more trouble?        A. No.
Q. Any crowds on the streets?
A. Nothing to amount to anything.

Q. Were there any other reports when you got home that night?
A. I don't think so. Nothing that I remember.

Q. You went with the sheriff to the jail and had supper?
A. I don't know whether I went with him or not. I et first one place and then another. I have no wife and don't always go home and I don't know whether I ate at the jail or not.
Q. Would you say you didn't eat at the jail?
A. No, I wouldn't because I don't know. Occasionally I would drive in with him in the car and go in and eat supper.

Q. What further did you do? Did you ever talk with the two men who had been put in jail?
A. No, sir, I did not.

Q. Did you ever see them?
A. Just saw them as they were going away.

Q. When did you first see them?
A. When they were brought out to go away, on Friday.

Q. Was that on Thursday or Friday?
A. My recollection is it was Friday.

Q. What time of day was it?
A. I couldn't say.

Q. Where did they go?
A. Went south down near Hudgins.

Q. How do you know?
A. I went along.

Q. You don't remember the time of day?
A. No, I don't.

Q. What had you done previous to that? Your recollection is that it was Friday.
A. I may be mistaken but I am not able to tell you for sure whether it was Thursday or Friday.

Q. You would remember Thursday because you had been to Herrin that day.
A. I couldn't say if it was after we came from Herrin, and I am not clear as to whether we took them that evening or the next day.

Q. You remember you were at Herrin and you remember when you came back you took these men -
A. I couldn't say. I didn't get a record. I don't remember anything about them being in jail until I was told.

Q. Who told you?
A. I couldn't say.
Q. Was it Sheriff Thaxton?
A. I don't call to mind who told me. I just learned that they were at the jail and they had been working at the mine.

Q. Were they in there before the riots, or after the riots?
A. I don't know when they were put in.

Q. Did you ever try to find out?
A. I couldn't say that I did.

Q. You ought to know what was said about these men when you took them to Hudgins Station?
A. They wanted to get out of town.

Q. How did you know?
A. They said they did. They told us.

Q. Who do you mean by us?
A. Me and the sheriff. They said it to us.

Q. How did you know they wanted to be taken out there?
A. They wanted to be taken out of town.

Q. Did they tell you where they wanted to go?
A. Didn't tell us anything before they started.

Q. You didn't know where they were going until you started?
A. No, only to take them out of town.

Q. Did you talk to them before you took them out of the house?
A. No, sir, I did not.

Q. Did you know where you were going with them?
A. I don't know whether Thaxton and me talked about where we would go.

Q. How did you go to Hudgins Station?
A. We went X out west of the C & E I depot and went south by the Tie Plant road.

Q. Where did you leave the men?
A. We left them at the cross roads.

Q. Which way did you come back?
A. We came back the east road.
Q. What road is that?
A. That is due south of Marion.
Q. How do you get from the Tie Plant road to the Fast road?
A. By a cross road. These roads are about three-quarters of a mile apart.
Q. What time was it when you left these men out at Hudgins?
A. I couldn't say.
Q. Was it in the morning?
A. I wouldn't say whether it was morning or evening.
Q. You don't want to say?
A. You are mistaken, I do want to say because I would tell you if I could.
Q. You would remember if you took the men out there after you returned from Herrin? I
A. I don't remember that.
Q. Did you ever take any other men at any other time out there to take a train?
A. No.
Q. Did you ever take men to any other crossing, so that they could get out of town?
A. No, we brought a man from Herrin and let him out.
Q. Was that Thursday afternoon?
A. Either Thursday or the next day.
Q. Were you at Herrin on Friday? A. Yes, sir.
Q. What time did you go to Herrin on Friday?
A. I couldn't say, but I believe in the morning.
Q. In the morning?
A. I think so, I am not sure.
Q. What time did you get back?
A. Really I don't know.
Q. Now was it on Friday that you came back and took these men to Hudgins Station?
A. I am not positive. I wouldn't say whether it was Thursday or Friday.
Q. Would you say it was Thursday?
A. No, sir, I wouldn't say.
Q. Would you say it was Friday?
A. No, sir, I am not clear about it. I was rather under the weather and bothered about that time.
Q. And have been bothered ever since?
A. No, but I was under the weather at that time.
Q. Your ailment hasn't affected your memory, has it?
A. No, I had an attack of appendicitis.
Q. What was the names of the men you took to Hudgins Station?
A. Don't remember but I think they were foreigners.
Q. You knew they had worked at the Lester mine?
A. Either worked there or been there.
Q. You know they might have known something about this trouble?
A. Well, I don't know.
Q. Did you try to find out?
A. I couldn't talk with them myself, they were foreigners. I don't know if I asked them if they did or not. They didn't talk English very well.
Q. Do you know where Shiloh Church is?
A. Yes, sir.
Q. Do you know where Shiloh Dairy Farm is?
A. Yes, sir.
Q. Who runs that farm? Hosea Borum?
A. I think so, yes, sir.
Q. On the afternoon of June 22nd, were you in the vicinity of Shiloh Church at 3:00 o'clock?
A. That is the way we came back the day we went to Hudgins.
Q. I wish you would answer the question. Were you on Thursday June 22nd, in the vicinity of Shiloh Church at 3:00 o'clock?
A. No, sir, not unless that was the evening we took the prisoners down there.
Friday

A. I wasn't down there at all unless it was on our way back and we crossed into the big road near there. I wasn't over to the church.

Q. Thursday was the day you were at Herrin? That is the day the murders were committed?

A. Yes, sir.

Q. Were you in the vicinity of Shiloh Church or in the vicinity of Shiloh Dairy Farm on that day?

A. I was not.

(Schaffer testimony continued by Mrs. Daigh)
FURTHER EXAMINATION BY MR. LUCAS:

Q. Were you at the power house Thursday morning, June 22d?
A. Yes, sir.
Q. Do you know this man, Cairns?
A. Yes, sir.
Q. Did you see him there?
A. Yes, sir.
Q. You had seen him before, didn't you?
A. Yes, sir.
Q. Where did you see him?
A. The first time I remembered seeing him was when we drove out to the mine. He was guard at the entrance to the mine. He stopped me, Mr. Luty, Mr. Thaxton and Mr. Storme, that is the first time.
Q. How often after that did you see him before you saw him at the power house woods?
A. I could not say, some three, four or five times. I saw him most every time I went out to the mine.
Q. You were out at the mine most every day?
A. Out there practically every day.
Q. The morning you saw him at the power house woods, what was his appearance?
A. He was on the ground when I first saw him.
Q. Anything about him to indicate anything out of the ordinary?
A. He had been hurt.
Q. How did you know that?
A. He looked to be.
Q. What was the look?
A. There was blood on him.
Q. You saw blood on him? Where?
A. On his face, as well as I remember.
Q. You could see blood on Cairns' face at the power house woods?
A. That is my recollection.
A. They did.

Q. What did you say about Cairns when they were about to put him in the ambulance?

A. I could not say that I said anything. I do not think I helped pick him up.

Q. No, but you told the people he was one of the guards, didn't you?

A. I could not say I did. I knew he was.

Q. You will not deny you told them that, will you?

A. I did/say I did not say he was not one of the guards.

Q. Why did you tell people he was one of the guards?

A. I don't know I did.

Q. Why did you tell them that?

A. I could not say. I knew he was one of the guards.

Q. Who suggested that they make him walk into Herrin?

A. Nobody that I heard.

Q. You did not hear that?

A. No, sir.

Q. That is all.

CHAIRMAN: That is all.
TESTIMONY OF PATRICK JOSEPH O'ROURKE
BEFORE THE BERLIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES

AT
SPRINGFIELD, ILLINOIS.

May 7, 1923.
Patrick Joseph O'Rourke, having been first duly sworn, was examined in chief by Mr. Igoe, and testified as follows:

Q. Just state your name please.
A. Patrick Joseph O'Rourke.

Q. Where do you live?
A. Chicago, Illinois.

Q. Where were you born?
A. In Ireland.

Q. How long have you been in America?
A. Thirty-four years.

Q. Are you married or single?
A. Single.

Q. With whom do you live?
A. Mother.

Q. Where?
A. In Chicago.

Q. How long have you lived in Chicago?
A. Thirty-four years.

Q. Were you down in Williamson County in the month of June, 1922?
A. Yes, sir.

Q. Were you at a place they called the Lester Strip mine?
A. Yes, sir.

Q. When did you reach that place?
A. Saturday morning, the 17th of June, about 9:30.

Q. How long did you stay there?
A. Until Thursday morning, June 22, 1922.

Q. What were you doing there?
A. I was a guard.

Q. A guard at what place?
A. Over the pump house. I worked nights from 7 to 7.
call the Lister Strip Mine?
A. Yes, sir.
Q. And were you in that mine all the while you were in Williamson County?
A. Yes, sir.
Q. Until you were taken out on June 22nd?
A. Yes, sir.
Q. What, if anything occurred out of the ordinary on June 17th?
A. Nothing.
Q. On June 18th?
A. Nothing.
Q. On June 19th?
A. Nothing.
Q. On June 20th?
A. June 20th was Tuesday. They noticed a large body of men marching around there Tuesday morning.
Q. Did you work Tuesday at night?
A. Night.
Q. Did you know there was a large body of men walking around there?
A. Yes, sir.
Q. What do you mean by a large body?
A. About 25 or 30.
Q. Did you molest anybody around that county at all while you were there?
A. No, sir.
Q. Did you do anything to break peace or violate any law there?
A. No, sir.
Q. On Wednesday, what, if anything, happened on the 21st?
A. Between 1 or 2 o'clock in the afternoon. I sleep days you know. I was in the car asleep and I was awakened by a general firing all around and the engineer on the engine was blowing a whistle.
Of course, I got up to see what it was. There were shots striking the car, and there were whistles going on all around. We all got up and went over to the office. They were shooting all around.

Q. There were shots striking what car?
A. They were coming most from Crenshaw crossing.
Q. That is towards Herrin?
A. Yes, sir.
Q. Were striking the car, you mean the bunk car?
A. Yes, sir.
Q. That was where you all sleep?
A. Yes, sir.
Q. You went from there to the power house?
A. To the office.
Q. How long did the shots continue?
A. All the time until 12 o'clock that night.
Q. They started about 1 or 2 in the afternoon?
A. Yes, sir.
Q. What else, if anything, occurred that afternoon or that night?
A. I heard several explosions. One of the bunk cars was blown up by dynamite.
Q. Do you know how that happened?
A. I just heard the explosion. I was only three or four car lengths away.
Q. Who was in the mine at that time outside of your guards and employes?
A. Mr. McCowell.
Q. Outside of the employes of the mine and guards?
A. No one.
Q. How, if you know, was the car exploded?
A. Yes, sir.
Q. What caused that, do you know?
A. Ignorant. I can't be positive. It was an explosion.

Q. Do you know how it was placed there?
A. No, I don't know.

Q. Was there an airship over there?
A. There was an aeroplane overhead.

Q. When?
A. In the afternoon.

Q. Of Wednesday?
A. Yes, sir.

Q. And when was the bunk car exploded?
A. That was exploded Wednesday evening.

Q. Was any of the equipment blown up?
A. Well, I could not say but I heard explosions.

Q. How many explosions did you hear?
A. It was supposed to be the steam shove.

Q. About how many explosions?
A. Three.

Q. At that time where were the men in the mine congregated?
A. They were all in the cars, by the wheels of the cars.

Q. Were any of them off in the hills or up on the earth that had been thrown up there?
A. No, not at the time I talked about.

Q. They were all around the bunk cars?
A. There were underneath the coal cars. There were three tracks and bunk cars that faced the outer track towards Herrin and the other two tracks were coal cars.

Q. Now, that is up until midnight Wednesday?
A. Yes, sir.

Q. What did you do Wednesday night during the night?
A. We lay underneath the cars all night.
Was anything said about a truce of any kind?

A. Yes, sir.

Q. What was that on Wednesday night? Was anything said about a truce of any kind?

A. It was general talk among the men that there was a truce.

Q. Is that all you know about that?

A. Yes, sir.

Q. You stayed in the position you described until Thursday morning?

A. Yes, sir.

Q. At about what time Thursday morning did anything unusual occur?

A. I guess about 6 or 7 in the morning.

Q. What happened then?

A. When we were all ordered to march out with our hands up and surrender.

Q. Who ordered you to march out?

A. I was four or five cars down from the office and the word was passed along that we were promised to be taken out of the county safely.

Q. Who told you that?

A. I could not just say who it was. It was talk among all men.

Q. Did it come from somebody in authority in the mine?

A. Yes, sir. Mr. McDowell was supposed to be the one.

Q. Was there a white flag of any kind displayed at that time?

A. Yes, sir.

Q. Who displayed that, if you know?

A. I could not say for sure. I was about four car lengths away from the head when they surrendered.

Q. Anyhow, it was your understanding that they were to surrender?

A. Yes, sir.

Q. And you were promised safe conduct out of the county?

A. Yes, sir.

Q. And did you take your arms with you when you left the mine?
A. No, sir, we marched out with our hands up.
Q. All marched out with hands up?
A. Yes, sir.
Q. And you marched in the general direction of Herrin?
A. Yes, sir.
Q. That is what you call Crenshaw Crossing?
A. Yes, sir.
Q. Who was there to receive you when you marched out?
A. There was some man in charge and he had us all line up in double file.
Q. In charge of whom was he?
A. I did not know who he was. He was in charge of all the men.
Q. Were any persons with him or was he alone?
A. There were about 300 men with him.
Q. And you started to march out with your hands up?
A. Yes, sir.
Q. Who led the march?
A. Mr. Shumacker and Mr. McDowell.
Q. You marched for some time two abreast?
A. Yes, sir.
Q. About how many men marched out in that way?
A. Forty-eight men.
Q. How far did you march?
A. Up as far as Crenshaw Crossing. We were met by another crowd and stopped there and there was some man speaking.
Q. How many men in that crowd?
A. About 50.
Q. Do you know who was speaking?
A. No, sir.
Q. Have you since found out?
A. They said at the trial he was Clark.
Q. Otis Clark?
A. Yes, sir.
Q. Did you hear him speak?
A. I heard him talk but could not hear what he said.
Q. You do not know what he said?
A. No.
Q. To whom was he talking?
A. To his men.
Q. Up until the time this man Otis Clark started talking was anything done to you folks by way of violence?
A. No, sir.
Q. You were not molested in any fashion?
A. No, sir.
Q. And after Clark talked to the crowd, what, if anything, happened?
A. After we left Crenshaw Crossing we were assaulted all along the way.
Q. Was that soon after Clark talked to the people?
A. Yes, sir, after we left Crenshaw crossing.
Q. How were you assaulted?
A. We were kicked, struck over the head and face.
Q. Were men walking along side, in front and behind you?
A. Yes, sir.
Q. How many men in the crowd?
A. About 350 then.
Q. Did they appear to be armed?
A. All armed that I could see.
Q. Were they all men?
A. Yes, sir.
Q. How far did you walk then before anything happened?
A. We walked to what we call Moak Crossing.
Q. That is where the cars run?
A. Yes, sir.
Q. Not far from Mr. Nelson's house?
A. No, sir.
Q. What, if anything happened then?
A: There was a crowd there and some machine came from Marion and they had us get off to one side of the road to let the machine pass.

Q: A machine came from Marion and they made you folks get off the road to one side and let it pass?

A: Step over to one side.

Q: About what time in the morning was that?

A: About 8.

Q: About what time did you leave the mine?

A: Between 6 and 7.

Q: What, if anything, happened when this machine came along? What was said?

A: I could not hear what was said. They were way up ahead of the line. I was back of the line.

Q: Did the machine pass you?

A: Yes, sir.

Q: Did you know who was in the machine?

A: No, sir.

Q: Have you since found out who was in the machine?

A: Just what anybody at the trial said.

Q: What did they say at the trial?

A: I do not know myself personally but Willis they say was in it.

Q: Who is Willis?

A: A union official.

Q: Hugh Willis?

A: Yes, sir.

Q: What did they say he was?

A: They said there was a union official coming.

Q: Did they say union official or president?

A: I could not hear that.

Q: Anyhow, that machine with this man in, that afterwards at the trial they said was Willis, came along and you folks were all shoved off of the road to let the machine by. What is the
next thing?

A. When we left there they took us to the woods.

Q. Before you got to the woods something happened, didn’t it?

A. When we were over at Moak Crossing. That was where they were stopped and supposed to take McDowell out of line.

Q. Did you see McDowell taken out of line?

A. No, sir.

Q. Did you know he was taken out?

A. Just from hearsay.

Q. Did you hear it then or later on?

A. I heard it then.

Q. Did you hear anything after they took him down the road?

A. No, sir.

Q. Were there any shots?

A. No, sir.

Q. Did you hear anything said what happened to McDowell after they took him out of line?

A. No, I did not.

Q. Then they marched you fellows on up the road to the power house woods. What happened there?

A. They took us in the woods and the men gave orders. They said all men that have not got guns, stay out and all those that have, come in.

Q. Who gave that order?

A. I don’t know who it was. It was some leader, and when we got into the woods and got up by the fence, he said: "Single file out against the fence." He said: "All men with guns to the right." As soon as we got to the fence they fired a volley and I was not hit so I got through the fence and ran down the woods.

Q. In which direction did you run?

A. Towards Herrin.

Q. You ran to the left?

A. Yes, sir.

Q. What happened after you ran, if anything?
A. I was shot twice in the side and head.

Q. Did you fall?

A. No, sir.

Q. Did you continue to run?

A. No, I walked after I was shot.

Q. How far did you walk until anything occurred?

A. I walked to a road leading to Herrin and just as I turned up the road a machine came around the bend and four men got out and came towards me. I ran towards a house with an open foundation and ran into this foundation. They came and asked the lady if I seen where I went. They then saw where I was and posed their guns under and ordered me out, and as I came out one of them struck me over the head. Then they stuck their guns in my side and marched me up to the corner at the bend of the road. There were three machines there with about 20 people all told and they were deciding what to do with me there.

Q. Were they talking about what to do with you?

A. Yes, sir.

Q. What did they say?

A. They did not know whether to hang me or shoot me or what. They finally made up their minds and made me take off my shoes and put a rope around my neck and hang me behind a Ford machine. Before this happened another machine came up towards Herrin and said: We have five men down at the school house. So he took the rope off of my neck then and marched me to the school house where the five were. And when they got to where these five were they had them take their shoes off and had one take his army shirt off.

Q. By the school house you mean the brick school house just as you enter the city of Herrin?

A. Yes.

Q. As you go in the school house is on your left, a brick building?

A. Yes.
About how many people were at that corner as you came out there?

A. There must have been 100.

Q. Surrounding you? I mean in the territory adjacent to that corner, on the sidewalk and in the street around there. I mean, women, children and everybody?

A. They were standing all along the curb stone.

Q. Looking like they knew you were coming?

A. Yes, sir.

Q. There were women and children in the crowd?

A. Yes, sir.

Q. And at that corner was it they made you get down on your hands and knees?

A. After we reached the school house, we had not walked very much. They had us get on our hands and knees.

Q. You turned to your right after leaving the school house, up towards the cemetery?

A. No.

Q. You are coming into Herrin, you are facing me. I am Herrin. The school house is on your left?

A. It would be anyhow three or four blocks from where we turned at the cemetery.

Q. It might be two blocks?

A. Yes, sir. After we left the school house we walked maybe twenty or thirty feet and they made us crawl on our hands and knees about twenty or thirty feet. You get to a road and turn to your right and go over a block, and the cemetery is there.

Q. Now, after they made you get down on your hands and knees how far did they make you get along that way?

A. About twenty or thirty feet.

Q. Then what happened?

A. Then we got up and we marched maybe forty or fifty feet more and they stopped us and tied a rope around our necks.

Q. Around the six of you?
A. They tied a rope around our neck.

Q. What kind of a rope?

A. About an inch thick.

Q. And they tied you altogether? Did they leave space in between?

A. Yes, sir.

Q. People live around there?

A. Yes, sir.

Q. People coming and going all the time?

A. Yes, sir.

Q. And in broad daylight in the city of Herrin they did this?

A. Yes, sir.

Q. Who went ahead of you to lead you?

A. There were a couple of leaders in front of us.

Q. Were you the first or last man?

A. They had us lined three abreast. I was in the three behind.

Q. How far did you go along in that fashion?

A. We just got to the corner, maybe about one-half block and somebody came from Herrin. He said the Sheriffs were coming, or something like that.

Q. That did not make any impression on the people down there?

A. No.

Q. They did not seem to be afraid then or cause them to be alarmed?

A. No, sir.

Q. They just went about their work even after they got word the Sheriffs were coming.

A. Yes, sir.

Q. How far did they march in that fashion after they told you the Sheriff was coming?

A. They turned over a street and just as we got around, I got shot in the ankle.

Q. Did they tell you to run or anything before they shot you?

A. Oh, no, we were all tied together.
In other words, just as they got you about opposite the cemetery they started to shoot?

A. I was shot in the right ankle and as I fell I pulled the other five down with me.

Q. You mean the rope around your necks pulled down the other men because they had a rope around their necks?

A. Yes, sir.

Q. And you were in line and they shot you and caused you to fall?

A. Yes, sir.

Q. And when you fell your weight pulled the other men down by the neck?

A. Yes, sir.

Q. And this was after some one in the crowd said the Sheriff was coming?

A. Yes, sir.

Q. That did not interfere with operations at all, did it?

A. No, sir.

Q. They went right ahead with the killing?

A. Yes, sir.

Q. They got you as far as the cemetery?

A. Yes, sir.

Q. What happened after they shot you.

A. As soon as we all fell down the firing was general.

I was shot four times more as I was on the ground.

Q. You were shot twice in the power house woods?

A. Yes, sir.

Q. You were shot once in the ankle?

A. Yes, sir.

Q. After you fell how many more times were you shot?

A. Four.

Q. This was all after they said the Sheriff was coming?

A. Yes, sir.

Q. Were you on the ground?

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And had the rope around your neck?
A. Yes, sir.

Q. And the people down in that county were standing up shooting you while you were on the ground in that fashion?
A. Yes, sir.

Q. What else did they do?
A. I was cut on the neck.

Q. How do you mean cut?
A. Yes, sir.

Q. Your neck was cut by somebody else down there?
A. Yes, sir.

Q. How long did they let you lay there?
A. I suppose about one-half hour or more.

Q. While they were waiting for the Sheriff?
A. Yes, sir.

Q. What happened to those other men who were tired up with you?
A. They got the same as me.

Q. Were they all killed?
A. I heard them say "three of them are dead now."

Q. Who said that?
A. The crowd.

Q. Did they kill any more after that?
A. They said: "Three are still alive. I don't think they will live."

Q. You were one of the three?
A. Yes, sir.

Q. Do you know how many of the six survived?
A. There is not any.

Q. Were the other five buried in the potter's field in the graveyard?
A. Yes, sir.

Q. One of them was taking to his home in Huntington, Indiana, did he die over there?
A. Yes, sir.
Q. Did you know anybody in that crowd?
A. You know when we marched along they made us keep our heads down and if we would look up we would get smashed.
Q. Did they take you to the hospital at Herrin?
A. Yes, sir.
Q. How long were you there?
A. Eighteen days.
Q. Did you see any officers of that county around the hospital?
A. Yes, sir.
Q. Did you ever see this man, Sheriff Thaxton? (Indicating)
A. I am not sure.
Q. Did you ever see this man, Schaffer around there? (Indicating)
A. I could not swear to that. The only man I remember seeing was Adjutant General Black and Senator Sneed.
Q. When did you see Sneed in there?
A. I don't know. I was in there 18 days.
Q. Was Sneed in to see you?
A. Yes, sir.
Q. What did he say?
A. He came around and told us not to be worried. We would not be bothered any more. The first couple of days we were in the hospital we thought they were going to come in and take us.
Q. What time did Sneed get into the hospital, a couple of days after they took you there?
A. A week after.
Q. And at that time he told you they would not bother you any more?
A. He said we need not worry. We would not be bothered.
Q. Did he say that they would not bother you any more?
A. I could not say the exact words.
Q. How frequently did Sneed visit you in the hospital?
A. He was in several times.

Q. Did any officers of the city of Herrin come into the hospital?
A. Well, there was people come in most all of the time. Twelve hours during the day they would come in and see us.

Q. Were you molested any time you were in the hospital?
A. No, sir.

Q. Do you know a guard of any kind was placed about you while you were in the hospital?
A. I think four or five days after there were guards around the hospital.

Q. They abolished them four or five days afterwards?
A. I could not say.

Q. That is as soon as you knew about it?
A. Yes, sir.

Q. Until that time you were fearful some more harm might come to you?
A. Yes, sir.

MR. IGOF: I think that is all Mr. Chairman.

FURTHER EXAMINATION BY THE CHAIRMAN:

Q. Mr. O'Rourke, you said something about an airship over the mine there on the afternoon of the 21st?
A. Yes, sir.

Q. How long a time did that airship stay around the mine?
A. It flew over the mine twice.

Q. Do you know whether they dropped any explosives from that airship or not?
A. They dropped something when they went over, something exploded.

Q. Every time they went over?
A. Yes, sir.

Q. And did you see them drop something?
A. No, after he went over once I heard an explosion.

Q. Did you hear an airship around again during the night?
A. It was about 2 I seen it.

Q. Now, at the time they took you out of the mine, were the men armed that gave you the escort from the mine?
A. Yes, sir
Q. And you say about 100 of them?
A. About 300.
Q. What were they armed with?
A. All sorts of things, rifles, revolvers, shot guns.

Q. Now, when you were there on the ground and your throat was cut, did you see them cut the throats of the other men at that time?
A. When I was on the ground I closed my eyes and made out I was dead because if they would see you breathe or make a move it was a signal for more shots. The time the man with the knife got down he rested on my ankle that was shot and the pain made me open my eyes.

Q. Did he say anything when he cut your throat?
A. No.
Q. Did you hear him say anything about cutting the throats of others?
A. No, I did not hear him say anything about that.

FURTHER EXAMINATION BY MR. IGOE:

Q. When did you first see Senator Sneed?
A. It was in the hospital.
Q. Do you know how soon after?
A. About a week after.
Q. How did you know his name as Sneed?
A. I was introduced to him.
Q. By whom?
A. Doctor Black.
Who came with Sneed, if anybody?
A. I think he was alone.
Q. No one else with him?
A. There was a man in the hospital named Burton.
Q. Who was he?
A. He seemed to be around the hospital a good deal.
Q. Do you know what his business is?
A. I heard afterwards he was some officer of the union or something. He is an agent that handles dynamite or something like that. A powder salesman.
Q. He was around the hospital?
A. Yes, sir.
Q. Is that the first man you saw in the hospital?
A. Yes, sir.
Q. It was he you think was with Sneed at the time you were introduced to Sneed?
A. I believe it was.
Q. I think that is all.

FURTHER EXAMINATION BY MR. FLAGG:

Q. I will ask the witness this one question: As one of the guards, were you authorized by people who employed you to get on the public highway?
A. No, sir.
Q. Were you ever on the public highway as a guard?
A. No, sir. I was over at the pump house.
Q. Do you know any of those armed guards who patrolled the highways?
A. No, sir. I just slept in the mine days and I was driven in a machine over to the pump house every evening and brought back in the morning.
CHAIRMAN: Did you have occasion to shoot at anybody while you were on duty there?
A. No, sir.
Q. Were you attacked from your side at any time while you were on duty?
A. No, sir.
Q. That is all.

MR. IGOE: Do you know whether or not your lights were shut off Wednesday night?
A. Yes, sir.
Q. Do you know whether or not the telephone was shut off?
A. Through hearsay. They went over to the office and tried to telephone. They couldn't get anybody.
Q. From where did you get your water supply for drinking purposes?
A. From the power house.
Q. And was the water supply cut off?
A. Wednesday night.
Q. How was that cut off?
A. It was blown up.
MR. IGOE: That is all.
having been first duly sworn, was called as a witness, examined in chief by Dr. Igoe, and testified as follows:

Q. What is your name?
A. Robert Tracy.

Q. Where do you live?  
A. Chicago.

Q. Where were you born?  
A. Kentucky.

Q. How long have you lived in Chicago?  
A. About five years.

Q. What is your business?  
A. Locomotive fireman at the present time, and a member of the Brotherhood.

Q. And you are a member of that organization?
A. Yes, sir.

Q. How long have you been a member of the Locomotive Firemen's organization?
A. The last time I got reinstated was for six months; previous to that about six years.

Q. When did you leave it?  
A. During the outlaw trouble in 1920.

Q. How long have you been in about six months?  
A. Yes, sir.

Q. Did you go to the Lester Mine on June 1922?  
A. Yes, sir.

Q. When did you go down there?  
A. The morning of the 14th of June.

Q. What did you do at the mine?  
A. Was an all around engineer.

Q. Just what did you do?  
A. Run the steam shovel or -

Q. You were not a guard?  
A. No, sir, I did engineering work.

Q. How old are you?  
A. Thirty-two.

Q. Are you married or single?  
A. Married.

Q. Any children?  
A. Yes, sir.

Q. You live with your family in Chicago?  
A. Yes, sir.

Q. Was there anything unusual occurred in the mine up to June 21st?
A. Nothing unusual except a group of men would congregate around the mine. June 21st they increased in numbers, and there were more than when I first went there.

Q. They would congregate around the mine?
A. Yes, they would follow me when I took a cut of cars out and they would congregate around the strip mine and there was a bunch of machines going around the west side of the shaft.

Q. You would take a cut of cars out with a dinky engine?
A. Yes, sir.
Q. With coal?
A. Yes, sir.
Q. You delivered it to the railroad?
A. No, not every time; just shove several of them around by the office and when we had a number we -

Q. You went out around the mine? A. Yes, I went out and delivered the empties.
Q. On June 21st, which is Wednesday, did you work that day?
A. Yes, sir.
Q. What were you doing that day? A. Running the dinky engine and loading cars with the steam shovel.
Q. Did anything unusual occur? A. Around 1:00 o'clock the firing started.
Q. Firing where? A. Shooting at me on the dinky. Bullets began to hit the cab and I opened up and ran in to the office and began blowing the whistle when we got into the mine office.

Q. Were there shots coming from outside of the mine property?
A. Yes, sir.
Q. Did general shooting occur on both sides?
A. Afterwards, yes, sir.
Q. On Wednesday night, what, if anything, happened?
A. There was general firing that afternoon up until well all through the night until the next morning. Not so rapid but pretty lively that afternoon.
Q. Do you know anything about a truce being arranged on Wednesday night?

A. On Wednesday afternoon about sundown McDowell and Shumacher said that a truce had been arranged between the mine officials and for us fellows to cease firing. Jones gave me a white sheet which Finley gave to him and I threw it over a telegraph wire on top of the dump just west of the office. They said for us to quit firing and there would be an automobile come with a white flag also and to let them come into the mine.

Q. That was about sundown Wednesday? A. Yes, sir, June 21st.

Q. Where did you put that sheet? A. I put it up over the electric wire just on top of the west dump, so as it could be seen a distance away.

Q. Could people coming from Crenshaw crossing see that? A. Yes, sir.

Q. How long did the white sheet stay there? A. Until next morning when we marched west, the sheet was still on the wire.

Q. Was it placed there a considerable time before dark? A. It was placed there about sundown and maybe a little before.

Q. You spent Wednesday night in the mine? A. Yes sir.

Q. In what fashion? A. Under cars. I was under some empties that we placed there by orders of McDowell and Shumacher.

Q. On Thursday morning what happened, if anything? A. About daylight Shumacher and McDowell held a conversation and then told us it was no use for us to run any longer and to come out with our hands up. We were to surrender and be escorted out of the county safely and McDowell and Shumacher were with us when we went. There were five or six hundred men out there and it was no use for us fellows to try to hold out any longer.

(Finished by Mrs. Daigh (Robt. Tracy)
Q. Who is Shumaker?
A. He is assistant to McDowell. Assistant Superintendent of the mine.

Q. And McDowell was Superintendent?
A. Yes, sir.

Q. And about what time in the morning was that?
A. It was about 6 o'clock, to my judgment.

Q. After they made that decision what did you folks do?
A. A fellow named McClelland went out ahead of the line and he said: "Come on down, fellows are going to surrender providing they give us safe conduct out of the county." And some fellow, leader of the mob, came out and said: "If you fellows lay down your arms and not fire we will guaranty you safe conduct out of the county." And McClelland said: "All right we will do that." And word was passed that we march out.

Q. And you did that?
A. Yes, sir.

Q. You marched out towards Crenshaw Crossing?
A. West of the mine. It would be in that direction.

Q. And how far did you march before you met this aggregation of persons who were waiting for you?
A. I judge about 100 yards.

Q. What, if anything, was done when you met them?
A. They searched us. They swarmed down from the hills. I guess between 300 and 500 people with arms. They all had guns. They marched down there and made us hold our hands up and searched us and lined us up, two abreast.

Q. Then what happened?
A. They made us march west until we came to a highway.

Q. Where were you in line?
A. I was second up from the front.
Who were the first two?

A. A fellow by the name of Rogers and I am not sure but think a fellow by the name of Davis.

Q. Where was McDowell?

A. He was a little past the center of the line.

Q. How far did you march before anything happened?

A. We marched to Crenshaw Crossing before the other mob joined us and a halt came.

Q. What happened then when they stopped you?

A. They stopped us at Crenshaw Crossing and the leader of the mob that had promised us safe conduct out of the county, he gets up and tells us he is going to call up the president of the local here and see what he says to do with the men. He goes into a little store or office. He goes in and comes back out and starts to tell the mob of 500 or 600 people. They treated us fellows very rough and he says he called up the president, and about then a fellow walked up, by the name of Clark, and he made this fellow shut up. He says: "I have been up five days and nights trying to get these scabs. We have them up here now where we want them and I am in favor of killing all of these people and stop the breeding of these people."

Q. Who is Clark?

A. Otis Clark made the speech.

Q. Is that the man that made the speech - Otis Clark.

A. Yes, sir. He had his moustache shaved off during the trial. When he made the speech he had a heavy moustache.

Q. After Clark made that speech, what, if anything, happened?

A. He got up and made the speech and then they marched us west of Crenshaw Crossing, turned us to the left. There is a four corner crossing there and they marched us west about one mile and then a halt came in the line when Clark took McDowell out of line.

Q. Did you see Clark take McDowell out of line?

A. Yes, sir.
Clark goes back and gets McDowell and he abused him and called him all kinds of names and takes a big automatic pistol, and hits him on the head and he fell back in my arms and I held him with one arm and kept the blows off with the other.

Q. How did you get back where McDowell was?
A. Clark brought him up to the front.

Q. And he hit him on the head?
A. He hit him in the forepart of the head.

Q. Was McDowell crippled in any fashion?
A. He was a one-legged man. Had a wooden leg.

Q. Where was his leg off?
A. His left leg was off. I could not say where.

Q. Could he walk as well as you folks could?
A. Oh, no.

Q. How far had you walked up to this time?
A. From the mine to Loak's Crossing.

Q. About one mile?
A. To my judgment it would be further than 2½ miles.

Q. And after he hit McDowell in the head with his gun and McDowell fell back into your arms, what, if anything, did they do to you?
A. As I held him up, a fellow, who was a wap or an Italian—

Q. What is his name?
A. Felix Forrestner.

Q. That is the man who was, also, on trial at Marion?
A. Yes, sir.

Q. What did he do to you?
A. He had a rifle and he started hitting me on the head. I held McDowell with one hand and knocked him off with the other. They led McDowell off to the left side of the road and that is the last I saw of McDowell. There was a bunch of people, women, children and men between me and McDowell and I couldn't see.
We marched next to a group of cars that was burning. Then I heard shots fired and they said: "There goes your god damned Superintendent. That is what we are going to do to you fellows, too."

Who went with McConnell when they took him out of line?

A. There was some other fellow.

Did Clark go with him?

A. Yes and there was another fellow but I don't know who.

How soon did they take McConnell out of line before you heard shots?

A. We marched maybe 50 or 100 yards before I heard shots fired.

You were then marching towards the power house woods?

A. We were marching due west.

Did anything occur before you got to the power house woods?

A. Yes, they stopped us where the cars were burning there and they said: "We will throw you in that car of coal there and see how you like the heat." They abused us and struck us several times with revolvers.

At the Maak Crossing did anybody come up?

A. Not at Marak Crossing but just before we marched north at the power house woods.

What happened there?

A. There was a halt in the line and the leader of the mob said: "We will take four scabs down the road, kill them and come back and get four more and kill them." About then some one said: "Never mind, the President is coming. Hugh Willis is coming. He will tell us what to do with these men." So there was an automobile drove up on the south side of the road.

Were you near the power house then?

A. We were just south of the power house. He said: "All of you fellows stand up on the north side of the road." So they shoved us on the side and a machine drove up within 20 feet of me and a fellow got out and he came up there and they wanted him
to get up on a pile of tins and tell them fellows what to do with
us fellows, but he would not get up and make a talk so he stands
in the road and about ten feet from me. So he says: "Listen,
fellows, don't you fellows go to killing these fellows on a public
highway. There are too many women and children around to do that.
Take them over in the woods and give it to them. Kill all you can."

Q. Who was that?
A. Hugh Willis.

Q. Do you know Hugh Willis?
A. Yes, sir. I know him. At the trail I went down there and
he was sitting at the end of the table and I recognized him.

Q. And he told them not to kill those fellows in the public
road in the presence of women and children?
A. Take them in the woods, off of the public highway and kill
them. Kill all. Don't let any get away.

Q. And after this man, Hugh Willis told them to do that, what
happened?
A. They led us into the woods and north of the power house
against barbed wire fence.

Q. And then you got to the barbed wire fence, what happened?
A. I was at the extreme east end of the column and they
lined us up there and all of the non-union men lined up were at
my left and I was near the leader of them and he said: "All you
fellows with guns come up front and those fellows without guns
stay back there and you fellows with high-powered rifles wait until
the fellows with guns and rifles shoot." He said: "All you
fellows get ready"and whenever he stepped back I made a break
before any of the other fellows made a break and crawled under
the fence and I was 50 or 100 yards away before the main volley
started.

Q. Who was that man that gave that order?
A. I have never seen him since then. I would know him if I did.
A. Hugh Willis gave me instructions: "Take them in the woods and kill them."

Q. Who was the leader of the crowd?
A. He took us over north into the woods.

Q. This is the man Hugh Willis was talking to out in the road before they took you in there?
A. Yes, sir.

Q. When they started shooting, what did you do?
A. I made a break and went under the fence and got, I think 50 or 100 yards away from the main body of men, from the fellows that were lined up before the main shooting started. There were several fellows shooting at me but I ran in a zig-zag way so they couldn't hit me.

Q. You ran through the woods?
A. Yes, sir.

Q. And you ran towards that lake?
A. I ran into the lake. The lake comes into a V shape and ran into the lake and I seen a man coming in from the edge of the water. So I swam the lake.

Q. Where did you come up?
A. I come up on the far side of the lake. There was some man there about 45 years old with a wife or a woman with him. She had a kid in her arms and another about 5 or 6 years old at her side and he commenced shooting at me, and I got his wife between me and him but that did not stop him shooting a bit.

Q. He didn't hit you, did he?
A. No, sir.

Q. Then where did you go?
A. I turned to the right and went back towards Crenshaw crossing.

Q. Did you meet some people there?
A. Yes, I met people on the highway.
Q. Then, how did you finally get out of that place?
A. I got out of there through my lodge that I belonged to before I went there.

Q. Through the Railroad trainmen?
A. Yes, sir.

Q. You met some of those folks and they got you out of the county?
A. Yes.

Q. You were max at that time, what night?
A. No, sir.

Q. Were you in jail at Herrin that night?
A. No, sir. I was under the cars all night, me and this red-headed fellow sitting there. (Indicating)

Q. Aren't you the two fellows that were locked up in Herrin the night before?
A. No, sir, I don't know where the Herrin jail is.

Q. Didn't some policeman testify you two folks were in jail that night?
A. I don't know whether they did or not. Of course, that would not surprise me. They would testify to most anything.

Q. You don't know whether the jail is in Herrin?
A. No, sir.

Q. Never were in jail?
A. Never was in jail in my life. Never was locked up in my life.

Q. This fellow must have been a little bit mistaken when he said you and Lawrence were in jail that night?
A. Absolutely he was mistaken. In my opinion he just told a lie about it.

Q. You never had any dealings with any officers down there did you, the Sheriff or anybody like that?
A. No, sir.

Q. You don't know any of those folks at all?
A. Of course, I seen them when I come over but so far as
knowing who they was. I could not say. They were over at the mine, some fellow in uniform that said it was Senator Sneed and the Sheriff of Williamson County to look for a machine gun. That was before the trouble commenced.

Q. There was a man in uniform there?
A. Yes, sir.

Q. That was Colonel Hunter, wasn't it?
A. I could not say positively.

Q. Was Senator Sneed with him?
A. They said it was Senator Sneed.

FURTHER EXAMINATION BY CHAIRMAN:

Q. Was that the gentleman in uniform?

(Has Colonel Hunter stand up to be identified)

A. I could not say positively. You take a fellow in uniform looks different than in civil clothes. That fellow over there had the appearance of this fellow.

Q. I think that is all.

MR. FLagg: Did you give this same testimony at the trial at Marion?

A. Yes, sir.

Q. First trial or second?
A. I guess it was the last trial. I just went down and gave the testimony as I have here.

Q. You mentioned the same names and same incidents, same testimony so far as you can tell it?
A. Yes, sir, to the best of my knowledge. I gave the same there as I did here.

FURTHER EXAMINATION BY THE CHAIRMAN:

Q. You say while you were being marched along the road near Moak Crossing they stopped in a house and telephoned. Who did that telephoning?
A. He was the fellow we surrendered to that morning, that
had promised us safe conduct out of that county. He was the
leader of the mob, looked like he weighed about 165 pounds, had
a dark suit of clothes on and a cap and dressed better than the
average man in the mob.

Q. You say he stopped in a house and telephoned?
A. I said he did.

Q. What did he say he was going to do?
A. He said he was going to call up the President of the
local and see what to do with these men.

Q. How long after that did this automobile drive up?
A. We marched west then and they had taken McDowell out of
line and then we marched north to the power house woods and they
said: "We will take four scabs and five union men down the road
and kill them and come back and get that many more." And we
started to march and marched about 10 feet, us four in front, and
they said: "Never mind. Here comes the President. Here comes
Hugh Willis. He will tell us what to do with this men." So they
shoved us back.

Q. How long after that, after the man said he was going into
the house to telephone before the automobile came up?
A. I don't know exactly. We had time to march down to the
power house woods. About one-half hour, to the best of my judgment.

Q. And about what time of the day did you say this was?
A. About 8 o'clock to the best of my judgment. They had taken
my watch away from me at Mack's crossing, some women, men and boys.

Q. Then, after this automobile came up you say this man got
told out and made them to take you over in the woods and you swam across
the lake. About what time was it when you actually got away from
the mob?
A. To the best of my judgment it would be between 8 and 9
o'clock, I think.

Q. Did you then go back to the mine?
A. No, sir. I went in the direction but did not go back.

Q. From where did you go?

A. I went to Carbondale.

Q. And you got out of town from Carbondale?

A. I caught a freight out of Carbondale. There was a freight pulling in. I gave the fireman enough to let him know I was in trouble and he gave me permission to ride his engine and I rode about 6 miles and the engineer gets contrary and told me I would have to get out of the cab, and I finally go back and get on the tank and he said: That will be all right with me.

Q. Had you ever worked as a fireman?

A. I worked 18 months.

Q. Were you a member of the union at that time?

A. Yes, sir.

Q. Did you still carry a card?

A. I had a withdrawal card with me. I could be recognized just the same.

Q. You kept yourself in good standing? and back receipts.

A. Oh, yes, I have the card in my pocket now. I can show you my union card, if you want to see it?

Q. All right, let us see it.

(Examines union card of witness)

Q. These receipts you refer to are receipts from the Brotherhood of Locomotive Firemen and Engine men?

A. I am in for $1500 insurance.

Q. Is that insurance still in effect so that you are an inactive member, but not an active member?

A. I have been reinstated since this came on. Here is my reinstatement receipt here. I will show it to you.

(Examines receipt)

Q. Were you firing or anything when you were reinstated?

You had complied with local union regulations?

A. Yes, sir.

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Carbondale, did you again appear in Marion or Herrin?

A. Not until in March, this last March, 1923.

Q. That was the first time you had been there?

A. Yes, sir. Mr. Middlekauff had me go down and testify to that effect.

Q. I guess that is all.

Mr. SHONE (Attorney): Mr. Tracy, this man that phoned at Crenshaw crossing, was that the apparent leader at that time?

A. Yes, sir. He was leader of the mob that had us in charge. The fellow went in and called up the store.

Q. He said he was going to call up Willis, or did he say?

A. He never mentioned any name personally. The best I recollect he said he would call up the President of the local.

Q. After he came out of the building he commenced talking about what he would do with the men?

A. Yes, he came out and told them not to abuse them, that these men were human beings and to treat them as prisoners of war.

Q. And that is when you say this man, you say is Clark, commenced to talk?

A. He walked up and made this fellow shut up.

Q. He was talking to the man that came out from telephoning?

A. Yes, sir.

Q. Where was it you say with reference to where they were talking about taking four of you men down the road and killing you, was it beyond Moak Crossing?

A. That was just before they led us to the power house woods. That was after this happened.

Q. When that remark was made somebody said: "wait a minute, the President is coming and he will tell us what to do?"

A. Yes.

Q. That is about a mile west of Crenshaw Crossing?

A. About a mile.
When you testified at Marion at the last trial, did you tell about that conversation with Mr. Tracy?

A. Yes, sir.

Q. And did, you, also, testify at Marion that Mr. Willis said: Do not kill the men here in front of the women and children but taken them over in the woods and kill them all. Do not let any get away? Did you testify to that at Marion, you are positive about that?

A. Yes, sir, I know I testified to that at Marion.

Q. Do you know what became, Mr. Tracy, of the first leader that led you up to Crenshaw Crossing? Did you see him any more?

A. Never seen him after we left Crenshaw Crossing at all.

Q. That is all.
having been first duly sworn, was called as a witness, examined in chief by Mr. Igoe, and testified as follows:

Q. What is your name?
A. Otis Lawrence.
Q. How old are you?
A. Twenty-three.
Q. Where were you born?
A. Kentucky.
Q. Where do you live now?
A. Chicago.
Q. Were you down at Lester strip mine during the month of June 1922?
A. Yes, sir.
Q. When did you go there?
A. Left Chicago June 13 and arrived there June 14.
Q. What kind of work were you doing?
A. Locomotive fireman.
Q. You were with Tracy?
A. Yes, sir.
Q. Had you been fireman before that?
A. Yes, sir.
Q. Are you married or single?
A. Single.
Q. And you got to the mine on June 14th?
A. Yes, sir.
Q. And up to June 21st were you engaged in firing one of those dinky locomotives?
A. Yes, sir.
Q. Was there anything out of the ordinary happened until June 21st?
A. No, on June 21st the trouble started about 12:30. We were coming out of the pit with coal and shoving the coal down by the office when the firing started and a bullet hit the cab and we run the engine to the office.
A. Yes, sir.

Q. Then throughout the afternoon what happened?
A. There was almost continuous firing from both sides, ceasing only for a few minutes at a time.

Q. Do you know anything about a flag having been put up there?
A. Yes, sir.

Q. About what time of the day or night?
A. Just before sundown.

Q. Who put it up?
A. Tracy and Jones.

Q. Where did they put it?
A. On a telegraph pole or wire. The dirt had been piled up around there until only about ten foot of the pole was above the mound of dirt.

Q. Could you see that flag if approaching the mine?
A. It could be seen from both roads.

Q. From Crenshaw Crossing could a man see it?
A. Yes, it was a big sheet.

Q. How long was it up there?
A. I saw it the next morning when we surrendered.

Q. During the night of June 21st, what happened during the night?
A. We heard several explosions which we figured was the pump house and one was the steam shovel and one of the sleeping cars was blown up that night.

Q. Were the explosions loud?
A. They jarred the camp where we were.

Q. Where did you spend the night?
A. Down by the tracks under the cars.

Q. All the men in camp were there?
A. Yes, sir.

Q. Did anything happen to the electric lights that night in camp?
A. I don't remember seeing any electric lights that night. Don't suppose they would have used them if they had them.
A. There was no water as we had no water pump.

Q. Did you know anything about the telephone?
A. Didn't know anything about the telephone.

Q. What, if anything, unusual happened on June 22nd.
A. About daylight McDowell came up to us and said, if there isn't too many up there we will try to hold them off but if there are quite a few we will have to surrender. Shumacher went out to scout around and see how many there were and came back and said there were several hundred up there. McDowell said there was not much ammunition so we might as well surrender.

Q. Then what?
A. They told us if we surrendered we would be given safe conduct out of the county. They told us to throw down our arms and march out with our hands up. They searched us, lined us in columns of two and marched us down the road.

Q. Where were you in the line?
A. I was the sixth guy from the front.

Q. Where was McDowell?
A. Sometimes in front and sometimes back of me.

Q. You marched down the road?
A. Yes, turned to our right when we got to the road.

Q. You marched the railroad track first?
A. Yes, till we came to the crossing.

Q. Was that Crenshaw crossing?
A. I don't know whether that was it or not.

Q. You then turned on the dirt road? A. Yes.

Q. How far did you march on that road?
A. Until we came to a crossing where a man was making a speech. It was Otis Clark I learned afterward. I identified him in Marion and they told me that was his name.