

# **Willis Branch Mine War Fayette County West Virginia**



**1920 - 1922**

# March 3, 1921

## LOG OF WILLIS BRANCH MINE

Review of a Series of Disorders Extending over a Period of Eighteen Months Operation as An Open Shop

The Willis Branch Coal Company operation is on Paint Creek, one mile above Pax, 28 miles from Deepwater. The lease consists of 2000 acres and was originally opened by the Herbert Collieries several years ago. About 5 years ago (1916) the Willis Branch Company made extensive improvements opening up a new seam and making it a profitable operation. It is a drift mine with haulage and incline nearly two miles long. The Weirwood operation of the Berwind-White interests adjoins with a shaft mine and the Long Branch Company operates a short distant away. Principal stockholders in the Willis Branch Co. are Thos. Nichol, Wm. McKell and Dr. C.B. Lee, of Glen Jean.

In August 1919 about 175 miners were employed and the output was about 12,000 tons a month. Thos. Laing, supt. and the other owners of the property inaugurated the open shop policy, declining to make the check-off for union dues through the office. Both union and non-union miners were given employment without discrimination.

September 1, 1919 the men went on a strike demanding the closed shop.

The mine was idle until Dec. 8, 1919 when about 100 men went to work, producing 750 tons, when on Dec. 16, 1919 all work ceased.

Jan. 8, 1920 - Five men started to work and produced 350 tons.

Jan. 20, 1920 - First destruction of property was when hoist was damaged. Workers intimidated and party of men on way to mine set upon and assaulted.

Feb. 8, 1920 - Felts detectives engaged to guard the property and mine resumed Feb. 17 with 11 men. Threats and intimidation, but no destruction of property.

March, 1920 - Twenty eight men at work produced 1650 tons in 65 hours.

April 14, 1920 - Quantity of dynamite exploded in front of and about 130 feet from Supt. Laing's residence. Windows broken and reward of \$1,000. No arrests.

May 1920 - Output 1950 tons by 35 men.

June 1920 - Worked 108 hours, 55 men, produced 5400 tons. Mine boss and assistant beaten up



while passing through Cirtsville. Incoming workmen intimidated and made to leave. Bookkeeper assaulted at Weirwood ball game.

Sheriff declined to station deputy on property. Miner named Humphrey assaulted at Long Branch; Ratliff assaulted at Pax and Tobe Pinkerton fired upon. State police called for.

July 1920 - Taxi driver hauling state police threatened and fired upon. On night of 8th two shots fired from Weirwood hill into super's house and his wife and child fired upon as they escaped the house. Employee Ford, driver of team on county road assaulted. Men assaulted upon leaving property. Night of 23rd four power and light poles dynamited. Night 26th 100 shots fired from vicinity of Weirwood schoolhouse. Col. Arnold of state police approves of plan to discharge Felts guards but later asks plans be held in abeyance.

August 1920 - About 75 men at work. About 2 AM on 8th dynamite exploded beside engine house and 500 shots fired into houses. Following morning camp fired upon from all sides; Major Payne wounded. Lafferty boy arrested in Weirwood stable and released on bond. Felts guards disarmed and discharged. Machine gun dismantled and shipped away. Another gun shipped to company stolen from express office at Pax.

September 1920 - Seven private guards hired and 15 miner produced 1300 tons of coal. Many threats against workers.

**October 1920** - Much liquor coming in. Many wrecks on tipple and other mishaps. Night of the **10th** three shots fired into house where Will Powell and John Nelson were asleep.

**November 1920** - About 22 men at work, 10 watchmen. Raleigh Graham received slight scalp wound from bullet. His house fired upon next night. Watchman at store fired upon from railroad and school house. Guard returned fire. More wrecks on haulage. On night of **19th** about 100 shots into tipple and store. One of children of C.C. Johnson had narrow escape from bullets through his house. State police arrested 4 men. On night of **26th** store was fired upon, 300 shots in 20 minutes.

Two bullets entered club house and barely Missed Mrs. Edens. Boarding house of Mrs. Smith shot into 5 times. **Sunday, the 28th**, Watchman Spangler and foreman Holstein fired upon at the tipple. Next evening 2 shots fired from train lodged in office door, passing near Jas. Davis standing on the porch. Daylight shooting becoming more common and situation serious.

About 2,000 shots Dec. 3rd from second ridge opposite Weirwood. Women and children spent most of night in cellars. Reported one man (Charlie Brown) living in his own property outside town moved to house in Weirwood with 12 rifles and then moved to another house. State police fired upon near Weirwood store by 3 men.

Night of Dec. 8 dynamite thrown toward watchman and attempt made to wreck sub-station. Bloodhounds follow trails toward Cirtsville. Head house burned Dec. 10 while watchmen were away. Week of Dec. 18 quiet with 37 men working.

Christmas eve 500 shots fired within half an hour. Firing on store Dec. 30 lasting 20 minutes. Next day men on tipple fired upon.



Jan. 2, 1921 - An hour's fire concentrated on super's house did great damage. State police returned the fire.

Jan. 4 - Two explosions wrecked incline. Blood hounds followed trail to Kidd house and one occupied by Robt. Ratliff.

All quiet until Jan. 22 when boarding house was fired upon when men were eating supper. More firing at night. Blood hounds follow trail into weirwood.

Jan. 28 - Firing from many quarters. Telephone wires cut. Guards instructed not to return fire. Many occupants of house narrowly escaped. Col. Arnold and Sheriff Conley on the scene. Two weeks of peace followed and 62 men at work week ending Feb. 12 produced 750 tons. On Feb. 14 Joe Wallace was shot in the side by firing from a passing train. The next night the sub-station was dynamited and electrical machinery damaged, rendering further operation of mine

impossible. Guards were discharged and miners began leaving.

On the night of Feb. 18 the camp was given the hardest bombardment of the war and it was at this time Henry Lafferty, a Weirwood miner was killed as he was approaching the Willis Branch store with a bucket of kerosene. Supt. Grady and Bookkeeper Branscome were firing from the basement of the super's house. A general exodus of every employee of the Willis Branch Co. followed, the camp being absolutely abandoned. Half a dozen state constabulary and deputy sheriffs are in full possession of the deserted operation.

The only outbreak of shooting last week was on Wednesday evening **Feb. 23**. It was directed toward Sergt. McQuine, of the state constabulary who was doing patrol duty at the deserted store building. About 40 shots were fired in rapid succession and before the police could locate the gunmen the affair was over.

It is thought the shots came from an orchard above the store at the mouth of Lafferty hollow. A 30-30 rifle was found by the officers hidden in a fence corner in that neighborhood. The shooting occurred about 3 o'clock in the afternoon. All was quiet Saturday night, the half dozen constabulary patrolling the long line of property all night.

### **Willis Branch Tipple Burned**



The Willis Branch Coal Company sustained a 25,000 dollars property loss Saturday night from unknown parties who burned the Coal Tipple at Willis Branch. Nine box cars of the Virginian Railway Company on a siding near the tipple were destroyed at a loss of about 20,000 dollars.

The fire was discovered at 2 o'clock Sunday morning. The roar of the flames awakened people living nearby and the suddenness with which the blaze spread indicates that oil had been used to start the fire. An automobile was heard a few minutes after the blaze broke out. It was going toward Weirwood. An effort was made to get bloodhounds from Huntington but the dogs are in service in Mingo county.

Four members of the state constabulary were on duty at Willis Branch. They were asleep in the super's house some distance away of the fire. There were no other guards on duty.

There were about seventy-five empty box cars on the siding at the tipple and the flames quickly spread to them. An engine was sent to pull the cars away but the engineer said he was delayed in reaching the scene when he observed four men armed with rifles standing on the track above the Willis Branch store. The armed men did not attempt to stop the trainmen who fearing trouble

waited several minutes until they disappeared.

The burned tipple contained a vast quantity of timber but was not in good repair. Twenty-six bents were burned, leaving only seven bents at the upper end. Forty nine cars and a new steel cable were burned.

There was no shooting on the night of the fire and things have been unusually quiet about the place for several weeks. No attempt at repairing damage done by dynamiters several weeks ago has been made by the company, the property remaining idle and abandoned.

Sheriff Conley and Prosecuting Attorney Love visited the scene of the fire Tuesday and endeavored to get information or clues as to the incendiaries. They were unable to learn anything.

March 3, 1912

## HAVOC OF BULLET AND DYNAMITE

Governor Cornwell and Governor-elect Morgan Spend Five Hours on Willis Branch Battle Ground Sunday

The governor of West Virginia and the governor-elect saw some sights at Willis Branch Sunday that caused them to shudder and hang their heads in silent horror and mortification that such things should be in their beloved state. It was an unpleasant but enlightening Sabbath day journey. "Inconceivable" was the only public expression of the governor-elect. Governor Cornwell, wise with a varied experience in dealing with the industrial warfare, was amazed at the village literally "shot off the face of the map".

The trip was one of unofficial observation planned by owners of the property that the outgoing and incoming state executives might become familiar with a situation requiring some official action. No plan of solution or any action was presented or discussed.

The party which quietly slipped into the shot riddled camp, was composed of Gov. John J. Cornwell and private secretary, Jas. Weir; Gov-elect E.F. Morgan, Wm McKell, Thos. Nichol, Sheriff Conley, Messrs, Fitrow and Wilson, Three Charleston newspaper correspondents and the editor of the Tribune. The party spent five hours going over the camp, the governors leading the way and closely **observing everything**.

No unpleasant incident attended the inspection. Members of the party strolled everywhere alone or in small groups. Half dozen constabulary were on duty and were the only armed men seen. Not a pistol shot was heard all day. **The only excitement created was when Mr. Weir, standing out on a point near the store tripped on a stone and fell backward flat on the ground like a man struck by a 30-30. His jolly laugh quickly assured friends of his safety.**

The first inspection was that of the company store and office, a large two-story structure the second floor of which was used for sleeping quarters. The corner office room had 47 bullet holes in it. Another room upstairs occupied by the super had about 80 holes. Beds, mattresses, everywhere there were bullet marks. Over in the super's house less than a hundred feet away the floors were covered with splinters and broken glass. The bed occupied by Supt. Grady was protected by heavy sheet iron on all sides. No matter where Grady moved his bed from room to

room the bullets followed him.

Noting the range of firing was toward the Weirwood schoolhouse hill. Gov. Cornwell led the party to that point and walked among the houses of Weirwood miners. No men were to be seen anywhere, but women and children peered from windows. The governor engaged two little boys in pleasant conversation and the party turned toward the Willis Branch houses. Beside the schoolhouse was a barricade of stones about 4 feet high. The position commanded the entire Willis Branch camp and is the point from which much shooting is alleged to have been done. Between the schoolhouse hill and railroad is a row of a dozen Weirwood houses untenanted with windows nailed up. In one battle the Felts guards riddled these houses with machine gun fire. Most of the other Weirwood houses are below range of fire from the Willis Branch property.

Going up the Willis Branch tipple there were evidences of the dynamiting there and wrecked cars told of inexperienced workmen. At one point on the tipple it was pointed out where a colored boy had jumped 50 feet to escape bullets. Strews boards on the ground marked the site of an empty house that had been wrecked by dynamite.

It was then the party entered the houses and peered into the little dugouts under the floors that the greatest shock was felt. Into these holes not as big as a grave women and children spent nights of terror. In one of these houses Lum Maynor had been forced to take refuge after being driven away from his little farm some distance from the mine. He had a good-sized dug out and one night when his neighbor's house was being shot up he called the family to come to his house. An electric light is near and as two children attempted to circle around it they were fired upon and took refuge in an outhouse but two bullets followed them. They finally reached the Maynor dug out in safety. In the yard Maynor had made a barricade of some bags of earth. After the killing of Lafferty the Maynor family had to have the protection of a sheriff's posse to enable them to leave camp in safety.

In the boarding house kept by Mrs. Smith, widow of a union miner with two small children, a sand wall had been built around a room in addition to the usual dug out. There are numerous bullet holes in this house.

There are 67 houses in the camp and it is stated that all but two have bullet marks in them.

The party did not visit the wrecked sub-station, which was a mile and a half over the mountain.

Returning to the store building, members of the party mingled with a few of the natives who were quite sociable. Governor Cornwell picking out a good natured fellow wearing a red sweater, walked down the railroad track with him and for half an hour listened to a story entirely contradictory of other guides over the property. "I am informed that Charley over there in Weirwood has a dozen high powered rifles" said the governor. **"It's a lie!"** retorted the red sweater man, **"he ain't got but five."**

The governor's entertainer was Bill Woolridge, a well known resident of the section who has been quite active in behalf of some of those charged with creating disorder. The governor was no doubt impressed with his vivid imagination.

Uncle Jim Davis, aged 73, who lives near the Willis Branch headquarters and whose son-in-law,

Lewis Nieman is the postmaster and manager of the Willis Branch store, was one of the interesting characters who related some of his experiences. He has received numerous warnings that his life was in danger but he refused to leave and goes about his business as usual.

"If I had known two years ago what I would have had to go through with I never would have stayed here," he said, "but I am not going to run away now. I know all these people around here and don't feel unkindly toward them and have not wronged them and can't see why they should want to harm me." Mr. Davis has reared a family of six children, all of them prominent and well to do citizens of the community. He is positive, outspoken and fearless.

Judge Morgan also mingled with a group of miners sitting on the railroad track and listened to their conversation and discussion of the situation. He asked a few questions and his manner throughout the day was thoughtful and serious. Tomorrow he takes up a burden and responsibility that Gov. Cornwell gladly relinquishes. He may have more than one Willis Branch situation to deal with during the coming 4 years.

The greatest surprise was expressed by all members of the party that the loss of life had not been great in the shooting but so far as could be learned none of the occupants of the riddled buildings was ever touched by a bullet. They lodged in pillows and beds where people were sleeping and were certainly fired to kill and wound. A Felts detective was shot in the leg in course of one of the fights, a miner near the store slightly wounded by a shot from a train and the fatal wounding of Lafferty were the only casualties of the war.

Another circumstance that the Governors party could not fully understand was why none of those responsible for the disorder had not been apprehended and punished. It was explained that it has been impossible to secure evidence to convict, those who are able to furnish such evidence being afraid to take a part or be known as furnishing information. Local officials have not been over zealous it is claimed. There is some prospect whoever that with the preliminary hearing March 10 of Grady and Branscome charged with the murder of Lafferty a basis may be established for prosecution. One of the Constabulary received an anonymous type written communication through the mail last week.

It read: Notice You are commanded in the name of the state of West Virginia to summon <seven names given> and other whose names I will not mention, to appear at Fayetteville, March 10 and show cause why they were with Henry Lafferty when he was killed and also for Charley \_\_\_\_\_ to show why his wife had to get him a clean pair of underwear. So help me God.

The question arose as to who was paying for such quantities of ammunition as have been expended. Winchester 30-30 guns and shells are expensive and an individual would have to be well supplied with funds to carry on such a protracted campaign. It has been hinted that the attacking forces have more than an ally in their fight to destroy the operation. Business interests may have an eye to acquisition of the property at a bargain price. It is a fine lease but poorly equipped and camp is acquiring an evil name among the union fraternity. This forced solution of the problem has been presented as one way to end the turmoil.

The property is now without any protection other than the patrolling constabulary. These seven men on duty Sunday were Sergt. McQuine, A.L. Dempsey, of Mingo;

D.W. Cox, Charleston; Harry McCoy, Kenova; John Isaacs, Fred Kemper and Harry Burr of Weston. They mingle freely with the residents keeping an eye open for gun toters and moonshiners. Most of the pistol toters they have picked up are able to produce a license to carry weapons. Shipments of arms and ammunition continue to be received at near by shipping points so the constabulary stated.

The property is situated in a pocket that to protect it against such attacks as have been made, at least a regiment of guards would be necessary. Armored air craft could be given a good test on these mountains.

It has been two weeks since the last big battle and the property stands just as it was deserted. Houses and building are open, all live stock is gone and not even a caretaker dare to venture on the scene.

"Is it all over," asked the Tribune of a Pax business man.

"Yes, until they start to work."

February 24, 1921

#### HENRY LAFFERTY KILLED FIERCE BATTLE AT WILLIS BRANCH

Henry Lafferty, a Weirwood miner, was shot and killed near the Willis Branch Co. store about 2 o'clock Friday morning. A two gallon bucket, which had contained either gasoline or kerosene was found near where he fell. A Winchester shot gun and pistol were lying near by.

The shot which killed Lafferty evidently came from the house of Supt. Pat Grady about 100 yards away where Grady and the company bookkeeper, E.E. Branscome were barricaded in the cellar. Grady and Branscome are charged with the killing and are under bond to appear for a preliminary hearing March 10.

The heaviest barrage ever put up in any of the numerous attacks on the Willis Branch property opened about 11 o'clock Thursday night. Within 4 hours it is estimated 10,000 shots were fired. The company store, office and residence of Supt. Grady were the targets. Probably 50 men were pumping lead into the valley from the hills on all sides.

Only two men were on the company property and these were Grady and Branscome. All the guards had been sent away the day before. From the cellar of Grady's house the two men, whose lives seemed to be short, worked their "Brownie" repeaters with all their might. It was a moonlight night and they had a full view of the store building. The firing from the hills ceased and three men approached the store one of them carrying something. It was thought to be more dynamite, which had been freely used to wreck the company property. A pool of blood within 8 steps of the store building marks the spot where Lafferty was shot and where the empty bucket was found. His body was found about 50 yards away. It had been dragged a short distance and was lying near the railroad track.

It was alleged there was a box of pepper in Lafferty's pocket and a match held between his teeth. Ammunition to fit the Winchester and pistol, found near by, was in his pocket. It was about two hours after he was shot before the body was discovered, Deputy Sheriff Joe Williams being

among the first to reach the scene at 4 o'clock. He found Grady and Branscome behind some rocks near the store. At his request they sought shelter in the basement of the store. About noon they were escorted to Mt. Hope by four deputy sheriffs and later after giving bond left for Huntington.

The bullet which killed Lafferty passed from shoulder to shoulder almost in a straight line through his body. Death was almost instantaneous and it is the opinion of physicians that he could not have walked to the point where his body had been dragged a short distance.

The situation was very tense following the shooting and Sheriff Conley and deputies had to be very diplomatic but firm in controlling it. Columbus Maynor, a Willis Branch employee, who has been waging a hard fight for his company was given escort to a train and marched through a hooting, jeering crowd with his wife and three small children. There was a general exodus of every worker at the Willis Branch mine and the operation is now absolutely deserted. No attempt is likely to be made soon to repair the damage or operate the mine.

Saturday night the shooting opened again with considerable force, the property of Jas. Davis was burned. Davis had been conducting the Willis Branch company store and had incurred the enmity of the gunmen but is fighting bravely for his rights.

While the shooting and burning was going on Saturday night a party of Weirwood miners congregated at the hoisting house. There was some moonshine and Jack Evans, crazed with liquor, shot Macdonald and killed him. One bullet struck him in the neck and second in the shoulder. He died within a few minutes. Evans is in jail.

Evans was given a preliminary hearing before Justice West Tuesday and held under \$2500 bond. Witnesses to the affair claim Macdonald struck Evans in the face before the shooting. Evans is 67 years old and has borne a good reputation. He had a pistol in his pocket that night, the first time for many years. He claims he was so drunk that he has no recollection of what happened.

Henry Lafferty, who was killed Friday, was a son of the late Ed Lafferty who lived on Boyds Branch of Paint Creek. He has 5 brothers, Chas., Wesley, George, Robt. and J.M.. He was about 35 years old. He leaves a wife and 2 children. He was a big strong man physically and very daring. It is alleged he was one of the leaders in the band that has been waging war on the Willis Branch operation.

Grady and Branscome, who were alone against the army of half a hundred in the battle, have gone through several experiences that none but the bravest could endure. Grady is a Kentuckian and not afraid of the crack of a gun. He had not given up his job and expects to return after a little rest. Branscome served with our army in France and went over the top a number of times but declares he never has such exciting times as he has gone through at Willis Branch. His home is in Huntington.

The Nichol, of Glen Jean, went on the bond of \$2,000 given by Grady and Branscome for their appearance for a preliminary hearing before Squire West March 10.

Following the trouble Friday morning Sheriff Conley made a search for a machine gun but found only half a dozen Winchester and Brownies which he confiscated. The following were sworn in

as special deputies to preserve the peace: Lewis Davis, Hans Williams, I.S. Ellison and L.C. Lively. Deputies Williams and Craigo are spending some time there giving protection to a few of the Willis Branch employee who are moving their goods away. Half a dozen state police are on duty in the neighborhood.

There are many rumors afloat regarding the affair. Friends of Lafferty claim he was on his way home when shot and do not believe he was carrying a bucket of kerosene when shot. They believe his body was dragged onto the railroad thinking that it might be run over by a train before being found.

The finding of a box of pepper in the dead man's pocket is vouched for by two reliable witnesses. There were 15 cartridges in his pockets and some matches. The report that he held a match in his teeth has not been fully corroborated.

The Willis Branch operation, has been subject to a series of attacks extending over a period of nearly 2 years. Thos. Laing was in charge of the property and built a nice residence expecting to make it his home for years. An attempt was made to dynamite it and although a large reward was offered no arrests were ever made. Life became so uncertain that Mr. Laing moved away and recently became so discouraged that he sold his interest in the property. Albert O'Neal succeeded Laing as superintendent but he too was forced to leave a few months ago and was succeeded by P.A. Grady of Kentucky, who has had more precarious experiences than his predecessors.

The property was placed in charge of the Baldwin Felts detectives last summer. This brought on more trouble than ever and a pitched battle was fought in August in which Major Payne one of the detectives was shot in the heel. The detectives were sent away and home guards have since been in charge. Outbreaks have been of weekly occurrence but strangely enough nobody has hurt until last week when Joe Wallace was shot from a freight train passing the store. If there have been any fatalities among the snipers the matter has been kept secret.

The property is so situated that it is very hard to protect. There is a 2 mile haulage way from the tipple to the mine mouth. It is through the woods in an isolated section. The mining camp property is surrounded by hills with trails leading to Paint and Cabin Creeks. Moonshine stills operate on all sides and their product has gone to incite many a man to join in the "possum hunts".

At he January term of court indictments were made against Robt. Lafferty, Lee Donald, Clarence Donald and John Kidd charging them with conspiring to destroy the haulage property and doing damage to the amount of \$6,200. The trials were continued by the state on account of the absence of important witnesses. At the July term several were indicted for assault on Tobe Pinkerton and conspiring against E.F. Grow. Some of the cases were tired and the accused acquitted.

February 3, 1921

### **Dozen Witnesses Knew Nothing Of Killing of Henry Lafferty**

At the preliminary hearing before justice West at Fayetteville Tuesday E.E. Branscome and Pat Grady, Willis Branch Coal Co. officials charged with the murder of Henry Lafferty, were

discharged. There was no evidence whatever to show that either of them fired the fatal shot. The prosecuting attorney asked for their discharge after trying in vain to secure some evidence against them from a dozen witnesses. C.W. Osenton appeared as attorney for the defendants.

In the course of the examination of witnesses, it was sought to throw some light on the circumstances attending the shooting up on the mining camp on the night Lafferty was killed. Of the dozen witnesses who were quizzed at considerable length not one had a hand in the affair or knew anything of the shooting until it was all over.

After a few witnesses had been examined attorneys Summerfield and Bennett entered objections to the manner of the examination. They explained they had been employed by relatives of the dead man to assist in the prosecution of Grady and Branscome but their investigations had not developed any testimony against the accused. Prosecuting Love stated he had spent a day at the scene of the trouble and while unable to obtain any evidence he had caused to be summoned a number of witnesses who might in the course of the examination give evidence of an enlightening character. The taking of testimony had continued but neither Bennett nor Summerfield took further part in the examination.

Practically all of the witnesses testified to being home asleep when the shooting started. Many of them went to Weirwood shaft house where a dozen or more had congregated and where news of the killing of Lafferty was brought them by Gus Vass a Weirwood miner who found the body on the railroad track as he was going home from work about 3 o'clock in the morning. Lafferty was alone when shot so far as any of the witnesses knew.

The hearing did not attract a very large crowd and those in attendance moved about silently. The sheriff's force kept a keen lookout on the crowd and three of the state constabulary was also on hand.

No testimony was offered by the defense. In brief the testimony of the states witnesses was as following:

GROVER MOORE - Pax policeman, at home asleep, awakened by wife at about 1:00 AM, by shooting, went to Willis Branch about 3 or 4 o'clock when sent for by Cass Gilbert. Chas. Brown, John Kidd and Bryant Kidd joined then at Weirwood shaft; paid no attention to conversation; knew man was dead; stayed at Willis Branch until daylight. Recalled none of conversation during walk. Was miner at Weirwood 4 years before police. Other men with Cass Gilbert when came to his house but did not know them. Gilbert told him dead man was on railroad near Willis Branch. Went to bed about nine o'clock that night, did not see Brown or Kidd after supper. Dead man had rubber coat looked like had been on wrong side before; made no examination of body; thought body had been dragged 16 ties on railroad; blood 15 or 20 feet from store; smelled gasoline or kerosene; new bucket lying close.

JOHN KIDD - Assistance mine foreman at Willis Branch until August 1920, and then worked at Weirwood. Was at home on night of shooting and went to Weirwood shaft about 2 or 3 o'clock; Clarence Donnell went with him; stood around tippie until Moore and Williams came and went with them to Willis Branch and saw dead man; stayed until 4 o'clock, and returned home with Donnell; was not out of house after supper and went to bed about 9 o'clock; went to tippie to

inquire safety of sister; had no gun and rifle only gun in house; about 15 men at tipple when he reach there; never examined body of Lafferty.

BRYANT KIDD - Brother of John Kidd; former employee of Willis Branch; went to work in Weirwood in January; joined shaft crown coming from boarding house with Paul Maynor and Roy Kidd; Cass Gilbert at shaft when he reached there; also Henry Thomas; then to Charles Brown's house three quarters of an hour after shooting and was there 30 minutes; left Brown in bed; told Brown somebody had been killed; went to Willis Branch; saw body of Lafferty, a cousin; shooting lasted 15 minutes after he reached shaft; seven or eight men at shaft.

PAUL MAYNOR - Weirwood miner at Daniel boarding house; went to shaft while shooting was going on; 15 or 20 men there; Henry Williams, Cass Gilbert, Ed. Bailey, Bryant and Roy Kidd among them; spent half hour at shaft; body of dead and reported by Henry Vass who was on way home to Cirtsville; never saw man dragging Lafferty up track; never told father that.

GUY VASS - Cirtsville; working night turn at Weirwood; quit work at 2:30 AM, first heard of shooting when came out; first knew of dead man when he found body; was not told of dead man before; went home by county road.

CHARLES BROWN - Weirwood; left Willis Branch 18 months ago. At home in bed on night of shooting alone; family in Dewitt cellar 100 yards away; was drunk and very sick; poor recollection of events on afternoon and until shooting was over. Had three shotguns, rifle and pistol in house. Owned his own property half a mile away but moved about 3 months ago for safety to Weirwood house; denied that there were signal shots before heavy shooting began.

CASS GILBERT - Miner at Weirwood 8 years; came out of mine 2:30 AM; saw Paul Maynor, John and Roy and Bryant Kidd, and Benny Williams at shaft; Vass gave the news of dead man; went after others and went with them to Willis Branch.

ROY KIDD - Home at Weirwood; on visit from Norfolk on night of the shooting; not out of house after 8:00 o'clock; sleeping with Bryant Kidd; went too shaft after shooting; returned home without knowing what man was who had been killed.

J.S. HAYDEN - Weirwood tracklayer since February; lives next house Chas. Brown who called him and went to his house while shooting was going on; Brown not sober.

WALTER ROMINE - Young Cirtsville merchant at Weirwood 1:00 PM saw Henry Lafferty at school house and talked about delivery of goods; filled union striker orders; about 48 on list.

HENRY WILLIAMS - Weirwood motor runner working until 12 o'clock night of shooting; never left house; went to Willis Branch 8 AM next morning; no information as to who killed Lafferty; saw 100 shells behind rock pile near school house.

SEYMOUR DAVIS - Farmer at Willis Branch; lived 250 yards from where Lafferty was killed; heard shooting, looked out; saw Lafferty dead about 7:00 AM; his house struck by 8 or 10 bullets.

March 10, 1921

## Willis Branch Trial set for March 15

The preliminary hearing of pat Grady and E. E. Branscome, charged with the murder of Henry Lafferty at Willis Branch, will be held before Squire West March 15. The Prosecuting attorney has issued subpoenas for about a dozen witnesses upon behalf of the state. Osenton and Lee will represent the defendants. Grady and Branscome are now at liberty on \$2,000 bond.

The date of the preliminary hearing was originally set for March 10 but at requests of for defense the trial has been postponed until Tuesday, March 15.

Considerable interest attaches to the preliminary hearing as it is hoped to throw some light on the disorders that have prevailed at the mining camp for many months.

A Huntington newspaper reporter and photographer who visited the camp last Thursday were made the targets for a half dozen shots fired by concealed snipers. The bullets did not come near and the firing was probably only intended as a warning that outsiders were not welcome in the neighborhood.

Nothing has been done toward repairing the damaged substation or placing the property in condition to resume operation. Mr. Rogers, Mt. Hope contractor, who was painting and repairing tenements when the last outbreak occurred expects to resume work soon and may furnish a signal for another attack.

Quite a number of the former employees of the Willis Branch Co. who were forced to flee have been writing to the management giving their addresses and requesting to be notified as soon as work is resumed.

Deputy Sheriff Craigo who has been stationed at the seat of war for the past two weeks, returned to Fayetteville Saturday. All was quiet Saturday night except an occasional pistol shot.

The Weirwood mine nearby is running full time with all miners at work every day.

The Huntington Herald-Dispatch sent a staff correspondent to the camp last week and in his account he says: Without going into causes of the trouble or attempting to attach responsibility for the shooting or destruction, it is safe to say that no town outside of war-ridden. France today presents such a picture of destruction and utter desolation as the little mining town of Willis Branch, nestling in a beautiful valley and surrounded by high mountains near the southern edge of Fayette county.

Incidentally there is at least one town in West Virginia where there is not a situation of a house shortage. The houses are there, ready to be occupied, but no one can be found who has the temerity to brave the dangers, the only inhabitants of the town being two black pigs, abandoned to the fate when the inhabitants fled before the rifles of mysterious snipers located in the hills.

Neighboring mining camps, where the mines are operated under the closed shop plan of the union, present teeming pictures of life and activity. Washings are hung out to the sun, smoke curls lazily from many chimneys and the shouts and laughter of children playing in the yards can be plainly heard.

Even the dogs, noisy sentinels of all mining camps, are gone. The only stir to the monotonous stillness is the daily passing of a train or an occasional shot, fired from the hillsides at any one who shows himself in the camp. Proof of this was furnished skeptical to newspapermen on a recent trip to the deserted camp when they were fired on as they were taking pictures of points of interest in the camp. Being experienced in the most approved methods of dodging German snipers bullets, they escaped.

The most interesting figure in the labor war and one of the outstanding features of the long struggle is the continued residence of "Uncle Jimmie" Davis, 73, a patriarch of Fayette county, who continues to reside with his white-headed wife in their old homestead near the scene of the strife despite repeated efforts, which have been made to assassinate him.

His home has been repeatedly riddled with bullets and snipers have fired at him on numerous occasions but the fearless old man seems to bear a charmed life, escaping death on many occasions by narrow inches.

Uncle Jimmie Davis is a fine figure of a man. About medium height, his body is rigidly erect and his frame still powerful and active despite his three score years and ten. Although refusing to fly before the cowardly attacks directed against himself and wife. Uncle Jimmie is a constant surprise on more intimate acquaintance. Mild mannered, strongly religious and disposed to be friendly and cordial in his relations toward everyone, the old patriarch developed a stubborn bravery when told he would have to leave his birthplace.

At one time owner of much of the coal lands now held by the Willis Branch Coal Company, "Uncle Jimmie" is estimated to be worth in the neighborhood of a quarter of a million dollars derived from the sale of the lands. When it was suggested that he move out of Fayette County until after the trouble had subsided, the old mountaineer sternly replied, "I was born and raised here and I don't intend to be run away. If I am killed it means but a few less years in the world but you younger fellows who have many years before you had better clear out because I know these mountain people and they won't let up until they are given a good sound thrashing."

True to his instincts of hospitality seemingly bred in the old inhabitants of the mountains, never a stranger drops off a train at the deserted camp, even in these days when there is constant danger of a volley of shots from the hills, but that Uncle Jimmie is ready with courteous invitation to dinner and insistence that the stranger avail himself of the hospitality of the Davis home during their stay.

"The ole woman," Uncle Jimmie's companion for half a century, shares with her husband in all the dangers of their continued residence at Willis Branch, refusing to desert Uncle Jimmie even for a short time. The old countryman still loves his wife and when he speaks of her it is in a tone of love and reverence.

The life of the state troopers at the deserted camp is a precarious one, as seen from a recent attempt, which was made on the life of Private Quinn. A funeral was being held in the hillside cemetery below the mining camp and the crowd was waiting about the open grave awaiting the arrival of the funeral party when Private Quinn started down the railroad track on a tour of

inspection.

Arriving near the cemetery, Quinn was forced to take cover in the lee of a railroad embankment by a volley of shots directed against him from the opposite hillside. He escaped unhurt, due to his speed in taking cover, and afterward remarked that he supposed "the funeral was the most successful in Fayette county as he certainly afforded much amusement for the mountaineers who laughed and jeered him for predicament."

Another trooper, D.W. Cox, had a narrow escape while sitting in a temporary orderly room fitted up in the company's office building. A bullet crashed through the wall, passing through a box of first aid equipment and passing over his shoulder, clipping a piece out of the toe of his army boot.

These and similar incidents have featured the stay of the state policemen since they undertook the guarding of the abandoned property and they assert that several attempts have been made to dynamite buildings in which they were staying.

The residence of Superintendent P.A. Grady, who is now living with his family at 703 Twelfth avenue, a handsome two story dwelling facing the railroad, has been greatly damage by the bullets which have literally riddle the house. The residence was erected at a cost of approximately \$20,000, despite notice served on the company that they should not build it.

An anonymous communication informed the company "**any profits that could build a house like that belonged to the people and that the house must not be built.**" It is now unoccupied. Its doors standing open and those windows, not entirely shattered by bullets, unlatched to permit any one to enter.

January 13, 1921

### **Dogs Run Down Willis Branch Men**

Quick work was made in running down four men charged with the latest dynamiting outrage at the Willis Branch mine last week. It was 11 o'clock at night when the incline was blown up and Kentucky bloodhounds were at the scene at daylight and before 9 o'clock four men were under arrest. Their indictments followed the same day by the Grand Jury. The bloodhounds followed tracks from the scene of the explosion to the homes of the Weirwood miners. The four men arrested were John Kidd, Clarence & Lee Donald, and Bob Ratliff. Squire West placed all under bond and in default Lee Donald and Bob Ratliff were sent to jail.

May 5, 1921

### **Seven Year Sentence for Willis Branch Dynamiters**

Convicted of conspiring and destroying property of the Willis Branch Coal company, John Kidd, Robert Ratliff, and Lee & Clarence Donald has been sentenced to serve seven (7) years each in the Moundsville penitentiary.

The trial started Tuesday last week and the verdict of the jury was returned Saturday morning. The four days were anxious and uneasy ones for all parties. Feeling was tense and strained almost to the breaking point. Quite a number of state troopers were on hand and Sheriff Conley and his deputies were extremely vigilant. Two incidents occurred resulting in a display of guns.

The convicted men were striking miners of the Willis Branch Coal company. They were tried under Red Men's statute for conspiring and dynamiting the incline of the mine property breaking a cable and doing damage of several thousand dollars. The dynamiting was done on the night of January 4th, last year. Nobody was hurt and there was no **shooting in the neighborhood on the night of the explosion.**

There were no eye witnesses to give testimony and the evidence was all circumstantial. The men, all closely related by marriage, resided near the scene of the explosion. Foot prints tallied with shoes worn by the defendants. Blood hounds followed the tracks to the homes of the men. Incriminating remarks were testified to. The defendants family testimony was all to the effect that the men were at home the entire night. None of the defendants testimony cast suspicious the perpetrators of the crime.

### **Mr. Osenton's Speech**

Mr. Osenton made the opening argument for the state and the following is his speech in full as taken down by Mr. Keller, the court reporter:

If the court please and gentlemen of the jury, it now becomes my privilege as well as my duty to present to you in the short time that has been allotted to me my theory of the state's case. It is unusual for me to appear on this side. I perhaps do not prosecute once in two hundred times. However, I shall do the best I can to aid you in arriving at a proper verdict in this case.

First, gentlemen of the jury, there are always, in a criminal case some questions that are important, material and necessary to be proven, that are either established or admitted, and that it is not necessary to discuss. You will have no trouble in saying, all twelve of you jurors, that on the night of the 4th of January, sometime between eleven and twelve o'clock. two explosions took place at Willis Branch . There will be no question in your mind but these explosions were not accidental: that the explosive was put there purposely and for the purpose of destroying property. The value of it does not make much difference. It runs anywhere, as I should imagine from this evidence, for 15 hundred to three thousand dollars, taking the tracks and ties and cable that were damaged there. These questions you will not have to discuss or consider, but of course they are necessary to be shown in the first instance.

The next question is, Who did it? That is the sole question that I see in this case. The state insists from this evidence, first, that among those men who did that job--and it couldn't have been done accidentally--there is no questions but what there is a conspiracy there, agreeing and acting together for an unlawful purpose. The Court has told you that when men agree and get together for an unlawful act, that is conspiracy, or if they get together for a lawful purpose and do it in an unlawful manner. We know that the men who did this job got the dynamite; we know thy got the fuse and caps, because that explosion was caused from a fuse and a cap. We know that four men did that job, gentlemen of the jury--there can't be any question about it--at least four men. How many men were behind the scenes there we are unable to tell, but we have the positive evidence here that there were four men at the scene of these two explosions.

Second, gentlemen of the jury, how do we know that? We know from this evidence there were four fresh tracks; two of them small tracks, made by people wearing the same sized shoes,

leaving one explosion. We know that the other explosion shows two fresh tracks leaving the explosion, one shoe larger than the other--one a tolerable large shoe, the other a medium sized shoe. We know gentlemen of the jury, from this evidence uncontradicted, that the two tracks leaving from the right hand side, circling around the hill, leading in that direction, were leading in the direction of the Kidd and Bob Ratliff house, eight hundred feet away at the foot of the hill. We know that the other two tracks leading around through the field, or pointing around were leading in the direction of the same place. We know, gentlemen of the jury, uncontradicted in this case, that they were fresh tracks.

Whose tracks were they, gentlemen of the jury?

This is a circumstantial case, based upon circumstantial evidence. His Honor tells you that you can convict upon circumstantial evidence alone and that in criminal cases it is sometimes the only mode of proof; and if you believe from such circumstantial evidence the guilt of the defendants it is just as much your duty to convict as it would be if the evidence were direct.

Whose tracks were they, gentlemen? Let's follow it up. This is a circumstantial case and every circumstantial case has a chain of circumstances and each link must be as strong as the chain itself. How many links are necessary in this case to complete the chain of circumstantial evidence to convict these defendants? Six, gentlemen of the jury, and I will call your attention to them. First, the explosion. That link has been completed. Second, means. By dynamite or monobel, exploded by fuse and a cap. Third, time. That has been established. Then the place, motive and opportunity for the men to commit this crime. I have called your attention to these tracks, and to the fact that Bob Ratliff and Lee Donald lived in a house and were living at the time within 800 feet of the scene of the explosion on the thing, and have been living there sometime. The evidence shows that the other two defendants, John Kidd and Clarence Donald lived in a house on the same side of the incline about 200 feet away. There is the opportunity, gentlemen of the jury, that is necessary in this case, for them to have gone there and pulled off this job.

Second, what was the motive for it, gentlemen? There had been a strike at Willis Branch, running over many months. The evidence shows that these men went on strike at some time or other. Some of them worked time or other. Some of them worked after the strike, but they went upon a strike. They were naturally sympathy, gentlemen of the jury, with the who were carrying on that strike, and against the Willis Branch Coal Company. It is not necessary to discuss that. If they hadn't been they wouldn't have stuck, gentlemen, they would have gone on to work.

I am not here to deny the right of a man to quit work whenever he wants to. That is his God-given right. They have a right to continue to strike, and to belong to any organization this is lawful and follows its work in a lawful way; he has a right to strike as long as he wants to, and to refuse to work, and he has a right to continue to strike as long as he violates no law of the State of West Virginia. The moment he does that he has no right to do so, and the law should be invoked to prosecute him and convict him if he violates the law. The man who employs a man to work also has the same right to employ whom he chooses, as long as he chooses, and he has the right to refuse to accede to the demands of an employee as long as he is within the laws of this state.

Gentlemen of the jury, there is the motive. Why gentlemen, the men were striking, and these defendants, being among them, were as anxious to win that strike as the men who employed them. The mine was running with a few men, gentlemen of the jury. If the mine could continue to work it left them no chance to win the strike, and somebody there resorted to violence by blowing up the cable or the track, in order to prevent by violence or unlawful means the mine from running while that strike was going on. There is the motive and there is not a man in that box who is not satisfied beyond a reasonable doubt that the motive for the two explosions that took place that night was to prevent the mine from running by unlawful means.

Now, let's go a step farther. Whose tracks were they, gentlemen? I say to this jury that the man who will take the bomb or the high explosive and blow up your property in the dead of night will shoot you from ambush, gentlemen of the jury, if necessary. The bomb or dynamite used to destroy property or life is the character of weapon that the assassin uses. The man who will do that will shoot you in the back at night, or shoot you from the woods in the day time while you are exposed and he is hidden. It is the act of the coward, gentlemen of the jury, and the man who does it should be in the penitentiary of this state, and for a good, long time I don't care whether he is an operator or a miner, gentlemen of the jury. Now, one moment: I said to you gentlemen, "time and place," "motive and opportunity." What is the next link in this chain, gentlemen? Who did it?

Now, gentlemen, let's see; The man who goes out in the woods to shoot his victim, to lie in wait and kill him--what would be his defense, gentlemen, if apprehended? An alibi! "I wasn't there." The man who goes out with a bomb to blow up property, what is his defense? You know--an alibi! "I wasn't there." What is the defense of the man who goes and breaks into your house in the dead of night to commit larceny? An alibi! Gentlemen of the jury. And ninety-nine times out of a hundred he plans his alibi before he goes, and gets ready for it. He knows the only opportunity to convict him for such an offense if he is not seen by someone, is to prove he was there by circumstantial evidence. Gentlemen, witnesses may lie. Circumstances never lie. Witnesses may, but circumstances never lie.

Whose tracks were they, gentlemen of the jury, let me ask you. I say that three of the men whose tracks have been established in this case are sitting looking the jury in the face now. Who are they? John Kidd, Bob Ratliff and Lee Donald, gentlemen of the jury. Why do I say it? Because it has been shown by the circumstances in this case that they had the motives, gentlemen of the jury, to stop that mine from running by violence. They were within 800 feet of the scene, or lived rather, within 800 feet of the scene of this explosion. Each and every one of them knows how to use dynamite with fuse to burn and cause an explosion. But we have proven in this case that it was about a minute. One or two of these defendants say it would take a minute or more, maybe two minutes. The men who applied the fuse to the dynamite on that occasion knew, and there isn't a one of them that hasn't had eight years experience in exploding dynamite. Now, they planted their bomb, they cut their fuse, they knew how long it would take. They lighted that fuse and give it sufficient length to burn in order for them to get to their homes 800 feet away, gentlemen of the jury. But like the assassin--he will drop a key, he will drop a handkerchief, or leave a track, gentlemen of the jury, by which you can run him down. If he didn't do that no one would be convicted.

Let's see: they left four tracks behind. Clarence Donald and John Kidd living at that time 800 feet away in the same house; no one living on that side of the track, and possibly two hundred yards from any house on that side of the track; the other two living on the other side. Now, let's see track they were. There were two small tracks of men wearing small-sized shoes about a six, leaving from one explosion, running, as it were away from the place where they had lighted the torch of the fuse that was soon to blow up three thousand dollars worth of property, stop the mine and aid in winning that strike, gentlemen of the jury, by unlawful means. Both those tracks, the evidence shows, were the same size, and made by the same sized shoe, both leaving together. Who were they, gentlemen of the jury, who had the same sized shoes? Lee and Clarence Donald. Isn't it the most natural thing in the world, that going there to blow up that property, those two brothers would go there together, gentlemen of the jury. You might have said to me, "There are plenty of shoes in Willis Branch, No. 6," but isn't it a little strange, gentlemen of the jury, that here are two brothers with the same sized shoes and the same sized tracks leading from one to those explosions? You have no doubt but what that the men who made those two tracks put off that explosion, have you? Any reasonable doubt in your mind. But we don't stop there. They go down and get hold of Lee Donald. He denies it is true, but it is proven here by three witnesses for the state. They go down there and get him. He had been loafing and in idleness, and idleness, gentlemen of the jury produces crimes. Show me the man who lives day in and day out fed by somebody else, reading Wild West stories, and I will show you a man who will eventually commit crime, and you know it as well as I do. Lee Donald is arrested. The track is identical with the shoe. They measure the heel, lengthwise and crosswise; they measure the sole; they measure the length and they tell you that is absolutely the same, gentlemen of the jury. They don't stop there. They take the shoe of Lee Donald and fit it in the tracks. It is a full complete track, and it is absolutely. Gentlemen, talk about a circumstance that you can't be mistaken about. Is there any doubt in your mind that the shoe that made the track was the shoe taken from Lee Donald and fitted in track, gentlemen of the jury? There is one of the four men.

Now, what next do we find? What did you do with shoes young man? One of the first things a criminal does or thinks of is to hide any evidence of his crime. Now, what does he do with the shoes? They are measured; they fit the measurement of the track. He knows it gentlemen of the jury, and although he admitted he had only had those shoes three months about, before the time of this explosion, when I got after him and said, "Where are the shoes?" I wondered why he didn't bring them here, was my thought. "I threw them away." Just like the assassin is sometimes trapped when he shoots his victim in the back, by throwing away the weapon and they get the weapon and trace it down to where it came from. Why did he throw away the shoe? Why didn't he bring them here, gentlemen of the jury, and let the jury see them? I'll tell you why! Because he knew they fit that track; he knew the measurements of that track and the shoes were the same. He knew it fixed, with any jury the fact that those shoes made the track at the scene of the explosion, gentlemen of the jury.

What do we do next? We have never been able to measure, except that they were the same size, the shoes that made the other small track; but here is his brother with the same sized shoe, the same sized foot, the same number of shoe, and he had those shoes about three months, and he has thrown them away. He thinks they are at home somewhere. Why didn't he bring them here? My conscience, gentlemen of the jury! If I was charged with crime and my foot had been

measured and my shoe fit in the track from an explosion, or where an explosion had occurred, I would want those shoes here unless they were against me. The presumption is that the reason he did not bring the shoes, was because they would carry out and corroborate the witnesses who measured them in that track. He didn't bring them here, did he? Three lawyers, one a former judge of this circuit court, two ex- prosecuting attorneys, who knew the strength of it, and they didn't bring them. Why? Tom Reed and Summerfield and Judge Bennett knew they wanted those shoes lost, and they were lost, gentlemen of the jury. Just like the criminal hiding any fact or circumstance that might cover up the crime. That is shoe No. 2.

Let's take the next one, a medium sized shoe, large than those of the other side. Who had a shoe of that kind? They took this from Bob Ratliff, who had worked sometime before the strike, worked after the strike and then struck, gentlemen of the jury, or quit--he had a right to if he wanted to--I don't know why he did know why he did, be he worked before and after-at any rate, let's see about him. They took him to the scene, gentlemen, of the explosion. They asked him to take off his shoe. He did. He admitted he was wearing those shoes the night before. They took his shoe off and measured the track in his presence and in the presence of three others, the hell, both ways, the bottom and length. The tell you it was identical. He doesn't deny it. They didn't stop at that, gentlemen of the jury, they fitted the shoe into the track and it fit absolutely. Is there any question about that? He tried to say the shoe skidded in one place, and slipped a little, but you heard the witnesses, and those witnesses for the state, when asked, "when you fitted shoes up in those tracks and made the measurements and called his attention to kit, what did he say?" Not a word! Gentlemen, they said he never spoke. That is a circumstance you will consider. he comes on and he says that he called their attention to this, that and the other, but the fact remains that the shoe he had on, that he had worn the day before, fit the tracks; its measurements were the same as the tracks. And where are Bob Ratliff's shoes? What did he do with them? He had only had them two or three months. Why, I wear a pair of shoes a year. Sometimes they look like they will go two years. But here is a man out of work that gets rid of a pair of shoes that he has only had two or three months, that had been measured while he was present, that fit the tracks of a midnight assassin, or the men who would assassinate somebody. Gentlemen of the jury, why? Why didn't he bring them here? "Why here is a little patch on this heel, or a certain nail in that one that doesn't correspond?" If there had been anything, gentlemen of the jury, that would have indicated that they were not the shoe, anything on the bottoms of them to have contradicted, the two ex-prosecuting attorneys and the ex- judge would had them here! The presumption is the shoes would not have helped them. Shoe No. 2, gentlemen of the jury, gone, the Lee Donald shoe and the shoe of Bob Ratliff.

Then what else do we find? Shoes No. 3, gentlemen, the large shoe. The witnesses have told you that they discovered from the full track that it appeared they were new shoes, hadn't been worn much. Is that the evidence? They went down to the home where he stayed that night--part of the night anyhow--and asked his mother for one of his shoes. He had gone to the mines, so they say. Nobody here said they went to the mine that day except them; I don't know whether they did or not, or whether they were lying somewhere in the hills while the bloodhounds were after them. It was easy enough, if they were working that day, for them to have brought somebody here who saw them come away from the mine, that were said to be dead sure, to go to work or somewhere else. But what about that shoe? His mother said it was a new shoe, hadn't been worn much; a

Walk-Over shoe, I believe he said. It was the largest shoe in the bunch. They took the track on that side where the medium sized shoe--where Bob Ratliff made the print--that is the fact about it gentlemen and they measured that track, both lengthwise, and broadside and every other way, gentlemen. Then they measured the shoe and it was identical, gentlemen of the jury. They, then, not satisfied, took your shoe, John, and it fitted into the track!

Gentlemen, in addition to that after fitting the shoe into the track--and where is your shoe, John? Not here? Worn them out! Right new shoe! Didn't wear it long afterwards. Is it true gentlemen of the jury? He didn't bring it here! Let me ask you something: are you satisfied in your minds beyond a reasonable doubt and can it be otherwise with that opportunity, that motive, that link in the chain is not as strong as any link in it, that--who? -- Bob Ratliff, John Kidd and Lee Donald were there? Because we have their tracks.

Now, gentlemen, there are three out of four. One left. If John Kidd was there--and his footprints were leaving--it, gentlemen, as the man who would go up in the night time to rob your building or to assassinate you always leaves something behind that you can catch him by---if he was there he came from the same house that Clarence Donald came from and Clarence Donald's foot is there same size as his brother's foot, and that is his track; showing that here were the four men who had gone up there to blow up the property. They did blow it up.

Gentlemen, that is not all. Go a step farther. Why Clarence Donald or Lee Donald walked over to the power house next morning, looked up on the hill where the witnesses say you couldn't see the explosion, and says, "Is that where the explosion occurred?" I wonder how he knew if he wasn't there? And then Judge Bennett helped us out by bringing on the stand the other one and saying, "You knew there were guards up there, didn't you?" "Yes sir." "Whereabouts?" "At the knuckle and at the powerhouse." 2800 or 300 feet apart! What happened? Why, gentlemen, he said to him, "You knew they didn't have any at the point where this explosion occurred, didn't you?" "Yes sir, we knew that." Then if they knew there were guards at both end and none in the center, isn't that the place a fellow would go to blow her up? And that is shown by Judge Bennett's own questions. He called the witness back.

But that isn't all. Let's see something else. Gentlemen, what else do we find? We find that while working there John Kidd said--what? Pointed out this place where the cable would strike the ground. We all know that dynamite has more force downward than upward. "There is the place." in other words, "where you can look for it to happen. If they every blow up this cable, there is where it will blow up."

Oh, they say Lum Maynor can't be believed; he can't tell the truth--and they bring a fellow like Jesse Thurmond to prove a man's character by I would leave it stand as good for all time to come, and so would you. But they bring on some other people who are mad at him because he couldn't pay his debts! My God! Many of us have been in the fix, and if we can't be believed because we get hard up and can't pay our debts it is a bad community, because there are a good many of us. But, gentlemen of the jury suppose you don't believe him. He is not on trial. You don't have to stop there. A little 14-year old boy and I expect Jesse Thurmond would have sworn his reputation was bad although he had been living at Norfolk for three years. And the boy was hardly in his swaddling clothes then. That boy tells you that he heard the defendant say it, gentlemen of the

jury and he was present and he is not impeached.

Gentlemen of the jury, that isn't all. What other circumstances have we? We have, gentlemen, in this case, a blacksmith and his bother, the first explosion woke then up. One of them went out on the porch and the other followed in a short time, and what did they see? At 150 yards upon the hill they saw three men coming from the back part--coming down from the direction where the explosion occurred. Three men, gentlemen of the jury. They wouldn't have been out there walking their nightclothes or their shirttails, would they? And the other one saw them, and they went into the Kidd yard. One of the walked up on the porch and he heard somebody say, "hey, Buddie, where did that happen?" I'll tell you who they were. John Kidd and two of the others. The other had gone to the house.

Another circumstance. Their tracks, gentlemen of the jury, their opportunity, their knowledge of the explosions, their motive, gentlemen of the jury, and in addition to that, three men seen within a few minutes after the explosion in the yard of the home where two of them lived, and within a hundred feet of where the other ones lived, gentlemen of the jury. That is the evidence in this case.

"Oh well,' they may say, "You had bloodhounds." Gentlemen, you can take the bloodhounds out of this case, and yet there are their own tracks. There are four of them. Three of their tracks have been proven and the other shoe t was the same size, gentlemen of the jury. But gentlemen of the jury, the bloodhounds are merely a circumstance to be considered along with the others. I don't know how many of you have owned dogs. I have had a dog all my life and sometimes a dozen when I was a boy. You have had dogs. They were not bloodhounds trained for that purpose but they could track you anywhere, even an ordinary cur, or a pointer or a setter. But here are the bloodhounds. They are trained. They went around and they went into the Kidd house; they smelled of the bed and they smelled of the pair of shoes. And whose shoes were they? They were Clarence Donald's shoes, because he said so.

Let me say that I want no juror to convict any man under the evidence unless he believes that he is guilty. The state has no right to a conviction unless the evidenced warrants that conviction. I am not here to play upon you prejudices; but I can say to you frankly, if you can't convict men in this sort of a case, you can't convict a burglar who goes in the night-time and robs your house; you will never be able to convict men who go out in the woods and assassinate people. It is not so much to punish them. That is not the theory of the law. The theory of the law is that there is very little reformation for the man who has reached the point that he will go out in the nighttime and blow up your property or assassinate you. The theory of the law is not only to punish him but also put him where he can't do it again, and as a warning to others who try to or do commit similar offenses. Turn them loose to go back to Willis Branch with the fuse and the dynamite, with the chip on their shoulders, and to say as they as they said about the store-- did they have any feeling? The mother said that either Lee Donald or Bob here said, "I think it is the store and they are blowing it to hell" I wonder if the wish was the mother of the thought? In other words, gentlemen, will you send them with their fifty feet of fuse and their monobel, to say to them, "To hell with the courts and the juries. We will destroy property. They can't convict us, because they proved our tracks, they fitted then, we were going in that direction, three men seen there, bloodhounds trailed us there twelve hours afterwards, and the jury said, "Go home, we will not

convict you."

Gentlemen, in conclusion let me say--I must go to the office and go to work; I have some other cases--I have said all I have time to say in this case, but I ask you, in the name of justice, in the name of other boys who may be persuaded and I believe these were; at least that those little ones were--John Kidd--Bob are to blame for it more than they are--I say to you this: for the sake of law and order, in the interest of the peace and quietude of this county, stop the dynamiters, and if this case is one that has been proven have the courage to stand up and say so, that the juries of Fayette county will put heir feet down on the man who has gone so far in that direction that he will blow up property. The next t step is to take human life.

Do your duty, gentlemen. Do what you believe this evidence warrants you in doing; nothing more---nothing less.

George Love, prosecuting attorney, had the assistance in the trial of the case of C.W. Osenton and Magee McClung. W.R. Bennett, C.R. Summerfield and Thomas Read represented the defendants.

The case went to the Jury 2 o'clock Friday evening. Before supper the jury asked the court for instructions relative to the punishment provided by law. R.H. Miller, foreman stated to the court that here was a division of the jury 7 to 5. After short deliberation Saturday morning the jury returned a verdict finding all four of the defendants guilty as charged and asking the court impose the lowest sentence possible. The law fixes this as two years

After the trial it was ascertained that only one juror voted for acquittal at first and the division of 7 to 5 was on the recommendation for the minimum sentence.

The members of the jury were as follows: R.H. Miller, W.M. Goode, R.J. Hawyer, O.L. Kincaid, B.B. Legg, Cecial Martindale, Peter Osborn, W.L. Ramsey, C.B. tuggle, E.H. Wiseman and W.H. Willard.

Attorneys for defendants made the usual motions and will endeavor to get a reversal of the verdict in the Supreme Court.

The four convicted men were arraigned before Judge Eary for sentence Tuesday morning. The court reviewed the circumstances of the case in detail.

The evidence of their guilt was not conclusive; the manner in which the crime was committed not affording direct evidence of the character usually produced.

If later evidence should prove the innocence of the convicted men the court told them it would gladly exert its power to give them their freedom. As the case now stood the jury had declared them guilty and it was the court's duty to impose sentence. It was not the duty of the jury to fix punishment; this was a responsibility of the court alone under an oath as binding as that of a juror. When asked if they had anything to say, defendants all protested their innocence or any knowledge of the affair. Judge Eary then imposed sentence of 7 years on each of them and they were remanded to jail where they will be held awaiting removal to Moundsville.

The convicted men have another indictment against them of a similar character. With half a dozen others they are charged with conspiring to destroy the store and superintendent's house on the night when Henry Lafferty was killed.

Wednesday evening after court had adjourned Supt. Grady prosecuting witness and Charles Brown had some words when they met on the street. It is alleged Grady displayed a pistol and the Mayor of the town has issued a warrant for his arrest.

Friday evening after Mr. Osenton had made his speech to the jury he was accosted on the street in a threatening manner Jesse Thurmond, one of the defendant's witnesses, to whom he had referred in his argument (Oh, they say Lum Maynor can't be believe; he can't tell the truth and they bring a fellow like Jesse Thurmond in here! If I couldn't think of anybody better than Jesse Thurmond to prove a man's character I would leave it stand as good for all time to come, and so would you.) The attorney drew his pistol to defend

June 16, 1921

### **Slim Chance to escape sentence**

Rumors of contemplated attempts by friends of the convicted Willis Branch dynamiters to liberate them from jail by force has caused sheriff Conley to place a guard on watch at night.

September 8, 1921

### **Hear Willis Branch Cases**

The Supreme court convened in regular session this week and action is expected to be taken soon on the four Willis Branch convicted dynamiters being held in jail here.

September 22, 1921

### **Willis Branch Men Serving Time in Pen**

John Kidd, Bob Ratliff and Lee and Clarence Donald, convicted and sentenced to seven years in prison at the April term of court, are now in Moundsville serving their terms. Their stay of execution expired Thursday and the sheriff took them away with Larry O'Connell and Bill Johnson to state prison.

The supreme court of appeal has not acted on the second application for a wirt of error in the case of the Willis Branch dynamiters.

September 22, 1922

### **Pardon for Four Willis Branch Men**

Gov. Morgan has pardoned four of the convicted Willis Branch dynamiter conspirators, under sentence of 7 years in the penitentiary. The pardon is conditional upon their good behavior in the future.

The four who were recipients of executive clemency were Clarence and Lee Donald, Bob Ratliff and John Kidd. They were the first of the conspirators to be convicted and have served about a year and a half in prison. For the past year they have been in the county jail held here to be used

as witnesses by the state in the trial of other cases. They were convicted and sentenced at the April 1921 term of court.

Recommendation for their pardon had the endorsement of the owners of the Willis Branch property who were actuated in their recommendation for clemency for reason of the assistance rendered by the prisoners in clearing up the series of outrages by confession of their guilt and those of their accomplices. The young men seem to have been simply the tools of older and wiser heads who prevailed upon them to do their bidding. Kidd and Ratliff have broken down in health since their confinement. All have been most severely and sufficiently punished for their errors.

Walter Romine, Canada and Lafferty were taken to Moundsville Thursday to enter upon their terms. Romine sentence is for 6 years but a petition is already in circulation to secure his pardon.

February 3, 1921

### **About 5,000 Shots At Willis Branch**

An unusually heavy barrage was put up in the Willis Branch sector Saturday night. The firing keep up most of the night but nobody was hurt. It is estimated that at least 5,000 shots were fired. Sheriff Conley and Deputy Criago went over Monday to investigate and endeavor to restore peace.

Col. Arnold, head of the State Police Constabulary joined Sheriff Conley at the scene of the trouble and the two officials spent a couple of days going over the situation. Nothing could be learned as to the identity of the snipers, and no arrests were made. The authorities are puzzled as to what course to take to end the trouble. Several parties are under indictment for complicity in previous shooting but are at liberty on bond.

February 7, 1921

### **All Quiet at Willis Branch**

All has been quiet in the Willis Branch sector for the last three weeks. A dozen or so constabulary are still on duty in the community and have not been having any trouble. No attempt is being made to repair the damage or place the property in shape for operation

February 7, 1921

### **Judge Eary Talks Plainly Grand Jury**

Hundreds of Short - Memory Witnesses "Quizzed No Report Until Today

About fifty witnesses from Pax and Willis Branch neighborhood were grilled Monday in an effort to get at the offenders who have been shooting up the Willis Branch Coal Camp. Very little information was obtained and it is doubtful if evidence sufficient to lodge further indictments can be obtained.

February 12, 1921

### **Seen at Willis Branch**

G. E. Honaker, while at Weirwood on the Virginian railway last week visited a number of homes, which had been shot through evidently by high powers guns. He was informed that on

nearly every occasion at intervals between residents of the town were compelled to take refuge in cellars or ~specially prepared dug- out constructed for that occasion". One woman while compelled to take refuge in a cellar the night of her return during a rain. The trouble series between miners working here and those working at Willis Branch on the ~opposite side. Sometimes a few of the miners of Pax were likewise forced to abandon their homes when the Machine guns were evidence. "It occurs to the writer that those in authority should put a stop to such proceedings".

### **Plot Against Willis Branch State Troops**

The constabulary force on duty at Willis Branch has been increased to 17 troopers and there is a report of an entire company of 60 men will go on duty within a few days unless there stay in Mingo County is prolonged.

The sending of this additional force of state police to the scene of numerous recent shootings is done in order to prevent the carrying out of an alleged plot on the part of the lawless gunmen to exterminate the small force of constabulary, which has been on duty for several weeks.

A woman revealed the plot against the lives of the troopers to them several days ago. According to her story the officers were to be attacked in a Pax poolroom where they frequently went for a little pastime. The day was set for the outbreak and the troopers spent the entire day about the poolroom but there was no trouble.

Ten more troopers came late into camp Friday in anticipation of the regular Saturday night shooting but all has been quiet since the night of March 15 when the last shooting occurred.

The large constabulary force will endeavor to locate and exterminate some of the moonshine outfits operating in that section. It is claimed that these stills are doing a big business and are responsible for much of the disorder.

The property of the Willis Branch company remains idle and stands in the wrecked condition it was left when abandoned February 18. No attempt has been made to repair the damage.

January 29, 1920

### **Willis Branch Affair**

Six strikers Held on Charge of Damage Mine Machinery and

Riotous Conduct

One night last week the electric power of the Willis Branch Coal Co., mine was suddenly put into operation in some unknown manner and damage of over \$500 was done the machinery and haulage system.

Believing the act was that of former employees now out on a strike, warrants were issued for half a dozen men who were placed under arrest and brought to Fayetteville Thursday by deputy sheriff Dent.

Those arrest charged with rioting and conspiring to destroy property were Bryant Kidd, Wm Aldridge, Wetzel Aliff, Thomas Saunders, Clarence Donald and Hubard Williams. Preliminary

hearing was before Squired Crawford requiring them to give bond to answer indictment and also keep Squire Romine who accomplished the men from Willis Branch, went their bond and all were release.

The Willis Branch mine has open operating with a small force for several weeks and there have been a few clashes between workers and strikers. Lee Kidd, Chas Treadway, Tom Williams and Chas and Frank Lafferty recently figured in a knuckle encounter resulting in fines being paid to a Raleigh justice.

It is reported that action will be taken by government authorities in prosecuting those responsible for wrecking the equipment.

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March 4, 1920

### **All Quiet at Willis Branch**

Local and state police offers were called to Willis Branch last week by a report that rioting of a serious nature was imminent. The officers responded promptly but found all quiet and no sign of disorder. There is some bad feeling existing between strikers and workers at the mines. Several weeks' strikers assaulted ago Lee Kidd and Chas Treadway. Chas Lafferty, Walter Romine, Jesse Lilly and Frank Lafferty, charged with the assault, were placed under bond.

Believing that the company property to be endangered, about a dozen guards have been employed to patrol the operation. These guards are not regular officers and have no authority under law.

September 29, 1921

### **Reed Lafferty Trial Postponed Until January**

The trial of Reed Lafferty, Willis Branch man indicted several months ago for shooting one of the Felts detectives in the fight at Willis Branch, August 1920, was set for Wednesday this week. By agreement of both sides the trial has been postponed until the January term. Lafferty was arrested in a barn armed with a Winchester while the fight was going on. This was the only Willis Branch case set for trial at the present term

February 2, 1922

The first surprise came shortly after opening of court Monday when Geo. Lafferty and Tom Lewis or Canada were brought from jail and expressed a desire to the court to plead guilty to attempt to commit murder in the first degree and take an agreed sentence of a year and a day in the pen. They had no attorney and told the court they did not want any. The indictment under which they pleaded was one in which about 30 were name as shooting up the store the night Henry Lafferty was killed.

January 8, 1922

### **Union Liable For Damage by Strikers**

The United States Supreme Court decided Monday that labor unions are liable as organizations to be sued in their associate names in event of injury to property during strikes originated by the unions. (In the Coronado case the plant of the company was destroyed in 1917, during labor disturbances when the concern started to operate on the so-called open shop basis).

The decision, one of the most important affecting labor organizations which as been rendered in years was handed down in the case of the United Mine Workers of America against the Coronado Coal Company of Arkansas.

The opinion was read by Chief Justice Taft, who sustained the decision of the circuit court of appeals in Arkansas which held that labor unions could be sued and that the complaint of the Coronado company for damages for injuries to property during a strike at the company's mines brought the union within the provisions of the Sherman anti trust law and entitled the company to recover treble damages.

The judgement against the union was for \$427,820.

The decision of the supreme court also anticipated by union labor leaders throughout the country, was regarded as the biggest blow organized labor has received since the famous Danbury Hatters case in which the Hatter's union was held responsible for strike damages.

Chief Justice Taft, in giving the decision of the court, cited numerous acts of congress showing recognition of labor unions.

"By reason of such recognition," the chief justice said, "we think labor unions are liable under the law for damages."

The court held that international union officers were not responsible for the strike or liable in damages. The liability rested with the local unions, said the chief justice and evidence showed that the union miners made attacks on the properties of the Coronado company and damaged the plants. Coal mining is not interstate commerce, the chief justice continued and there was offered no proof that the local union leaders had engaged in a conspiracy in restrains of trade as prohibited by the Sherman anti trust law.

The decision will have a direct bearing on cases pending in the courts of West Virginia, it was stated by D. C. Kennedy, secretary commissioner of the Kanawha Coal Operators association, who added that it probably will result in additional suits against District 17 of the U.M.W.A. for damages to property during labor disturbances in the West Virginia coal fields.

One case in particular in which it is expected to play a part is that recently filed by the William McKell coal interests against both the district and international organizations of the miners in federal court for \$1,000,000 damages in connection with the destruction of property two years ago at Willis Branch. Steps will be taken immediately, it was stated by lawyers for the plaintiff in this action to attach the property of the United Mine Workers both in Charleston and Beckley pending the outcome of this suit.

The decision of the supreme court sustains the contention which the coal operators have made and insisted upon for years-- that the United Mine Workers be made equally as responsible in the

execution of contracts as the coal operators and be held legally to strict accountability for all the actions of the organization as a whole and its individual members.

January 26, 1922

### **Willis Branch Trials Set for next Monday**

The most interesting cases at the present term of circuit court are set for next Monday when W.C. Romine and some 30 others will go on trial for the Willis Branch disorders. Both sides are making thorough preparation trial and the court has reserved 3 days on the calendar for disposing of the cases. Over a hundred witnesses are being subpoenaed.

The Prosecuting attorney will assisted by Hon. C.W. Osenton. The defendants are to be represented by C.D Summerfield, Magee McClung, C.M. Ward, Ed Summerfield and Q. Hutchinson. It is understood that W.R. Bennett who has appeared as counsel for defendants heretofore will not be identified with the forthcoming trial. Magee McClung, former prosecuting attorney, is new counsel for the accused.

It is not known which of the indictment will be taken up first. There are indictments standing made at the last three terms of court agains some 50 persons. According to rumors there are to be some startling confessions from some of those who had a part in the dynamiting and wrecking of the Willis Branch property.

May 25, 1922

### **Union Sued for Millions by Willis Branch Co.**

The Willis Branch Coal Company against the United Mine Workers of America has brought suit for a million dollars damage. The action has been brought in federal court at Charleston by J.W. Maxwell, Beckley attorney representing the coal company.

The Willis Branch Company aside from asking damages for the shooting up of the town of Willis Branch between September 1919 and May 1921. When company officials declared the town was literally "shot off the map" during labor disturbances in the fields, has declared through its counsel its intention of attaching union property. The property, consisting of headquarters of District 17, Charleston, and District 29, Beckley, counsel for the plaintiffs said was valued at \$150,000.

The suit for damages is based on claims similar to those of the Coronado Coal Co of Arkansas against the international union.

October 15, 1922

### **Working on Willis Branch**

The Willis Branch mine is being put in shape and will probably be in operation before Christmas. A new tipple and incline are being built and some delay is being experienced in securing lumber. Hansford O'Neil, foreman of Kilsyth, is the new superintendent. He is getting along fine with employees and the first day work started there were over a hundred applicants for work. Many of the old employees during the trouble days of two years ago are back on the job.

February 7, 1923

### **Miners Union Settle Willis Branch Damage**

The million-dollar damage suit brought against the U.M.W. of A. by the Willis Branch Coal Co. for the destruction of mine property at Willis Branch two years ago during disorders there brought on by the miners union, has been settled. The suit was brought in federal court by J.W. Maxwell, Beckley attorney representing the coal company.

The terms of settlement are not known but a press dispatch from the Indianapolis headquarters of the union organization states that the payment was \$10,000 and that the union's check for that amount had been paid during the coal conference to New York last month. Officials and attorneys of the coal company and miners' union declined to discuss the term of settlement further than to confirm report that a settlement had been reached.

John Lewis, president of the U.M.W. states that the report of a settlement is "unfounded and unauthorized and the entire subject matters is still in the hands of the attorneys."

One of the condition of the agreement according to the press report was that further prosecution of those under indictment for the disorders would be dropped. Prosecuting Attorney Love says the state has not been a party to any such terms. There are about twenty indictments standing against union officials and strikers who participated in the disorders. January term of court which was closed prematurely on account of illness among jurors. All indicted parties except four union officials have made confession.

The Willis Branch mine has just recently been placed in operating condition and has been running with many of the old employees at work again.

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February 2, 1922

### **Willis Branches Confess Walter Romine Trial**

This is Willis Branch Week in circuit court. Over 40 persons indicted on several counts in connection with the long series of disorders of a year ago, are in court awaiting trials. Two of the confessed troublemakers have pleaded guilty and been sentenced to serve a year and a day in the penitentiary. A dozen other named in the indictments have confessed their participation in dynamiting outrages. The state is using the principals in this war to unfold a story of the wrecking of a valuable mine property that attempted to operate independent of the mining union.

Attendance has not been as large in the courtroom as at the April trials when four were convicted and given 7 years sentences at Moundville. In view of revelations following that trial all persons entering the courthouse are being searched for weapons. A dozen deputy Sheriffs, constables and justices are stationed at all entrances and gently frisk those who pass. Few weapons have been found and it is apparent that a different spirit prevails among those attending the present trials. It is a quiet anxious crowd with out any fighting spirit in evidence among witnesses.

The first surprise came shortly after opening of court Monday when Geo. Lafferty and Tom Lewis or Canada were brought from jail and expressed a desire to the court to plead guilty to

attempt to commit murder in the first degree and take an agreed sentence of a year and a day in the pen. They had no attorney and told the court they did not want any. The indictment under which they pleaded was one in which about 30 were named as shooting up the store the night Henry Lafferty was killed.

There was skirmishing for a few days delay by attorneys for defense but no effort to secure a continuance or motion to move cases to another county for trial.

Forty-one jurors were examined before a panel of 20 was secured. The court excused all jurors residing in the vicinity of the scene of trouble. Defense was rigid in examination of all venire men who were connected in any way with operation of mines.

The indictment upon which the state chose to go to trial was that covering the dynamiting of the sub-station on February 15, 1921. There are 29 defendants and separate trial on each was asked for by the defense. They elected to try Walter Romine first and on the result of the jury's verdict in his case hangs the fate of other defendants. Progress has been rapid in the trial and it may come to a close Thursday.

Opening statements of counsel were brief. Mr. Love the prosecuting attorney outlined what the state expected to prove. He stated that it would be shown that Romine, who is a merchant at Cirtsville was one of the leaders in the conspiracy; that he furnished the dynamite and led the conspirators to the sub-station and destroying that property and proposed the shoot into the mules stables. Mr. McClung in his opening for defense spoke of the good character of the accused and said the defense expected to prove that he never participated in the dynamiting or furnished the ammunition.

The evidence offered by the state came mostly from confession participants in the disorder who went into details as to the movements of the party on the night of February 15. They declared they were making confession without any promise or hope of reward or favor of any kind. The most convincing and detailed story of the night's work was told by the four men now serving 7 years sentences for another dynamite outrage against the Willis Branch property. The witnesses were John Kidd, Bob Ratliff, Clarence and Lee Donnell.

They told of meeting at Weirwood and then going to Romine's store at Cirtsville, where they were supplied with guns and ammunition and a sack containing 80 sticks of dynamite. Romine accompanied the party and was one of the leaders in the attack on the sub station where the dynamite charge was set off, names and details were freely and fully given by witnesses.

Conviction of the defendant upon the Red Men's conspiracy indictment under which he is being tried means a sentence of from 2 to 10 years.

The following defendants to indictments answered in Monday morning:

Grover Moore, Duff Lively, Rufe Maynor, Julian Kelly, Hurst Smith, Booker Thurmond, Clem Brown, Warfield Claytor, Claud Meadows, Roy Kidd, Robert Ruthledge, Earl Smith, Chas Craddock, Dempsey Vass, Luther Vass, Cass Gilbert, Garfield Davis, Jas Gilmore, Oliver Hottel, Bryant Kidd, Frank Lafferty, Ash Bailey, Elsie, Chas., Reed, Waymon and Russell Lafferty, W.C. Romine, Gordon Stevens, Henry Thomas, Alfred Tyree, Guss Vass, Pres

Williams, John Sprouse and Geo Barrett.

A death in the Maynor family delayed the appearance of some of the accused who came in Tuesday. Those absent were Jodie Lively, William Ratliff, Jess Lively, Ray Tryee, Frank Feazelle, Cleve, Bill, Paul and Blackoak Maynor and Huber Daniels.

February 9, 1922

### **Jury Wrestles for Romine Verdict**

At 2 o'clock Wednesday as the Tribune is printed the jury in the Walter Romine Willis Branch dynamite case has not reached a verdict. They have had the case under deliberation more than 6 hours. Their reports to the court are that they are unable to agree upon a verdict.

The arguments were concluded Tuesday evening at 4 o'clock and the jury retired for deliberation. No verdict was reached at supper time and another hour was spent in the jury room after supper before the jury retired for the night.

After two hours deliberation Wednesday morning the jury reported to the court that they were unable to agree but the court sent them back for further deliberation. For six days the jury listened to the testimony of witnesses as they unfolded a long and contradictory story of the disorders at the mining camp. Back and forth was shifted the responsibility for the continued warfare. Brother contradicted brother and families were split up in their accounts as to different phases of the affair. It seems that nearly everyone who participated in the trouble was kin to others of the wrecking party.

There were 9 confessed participants in the dynamiting who testified as to the important part taken by Romine. According to the state witnesses he was the leader of one of the three bands that left his store on the night of February 15, 1921, for the purpose of wrecking the mine property. John Kidd and Bob Ratliff were leaders of the other parties. According to numerous witnesses Romine supplied the ammunition, directed the attack and fixed the fuses to the explosive charges. He also wanted to shoot up the mule stables but was dissuaded by John Kidd. One witness who testified before the grand jury declared Romine had visited him in Ohio recently and gave him \$100 and promised \$1000 if he would leave and not give evidence at the trial. Clarence Donnell exhibited a typewritten order, which he said he found in Romine store. It was to the Beckley Hardware Company and called for the delivery of 8 rifles and ammunition to Romine. John "Sprouse", a board member of the UMW, signed the order.

The defendant put on 30 witnesses to combat the state testimony. By a dozen witnesses an alibi was proven. Romine testified in his own behalf. His testimony and that of others was to the effect that he did not participate in the attack. He followed the conspirators a short distance after they left his store but was not gone more than 20 minutes when he returned home and was asleep when he heard the explosion. He denied furnishing arms or ammunition explaining that such purchases as he made was to prepare for threatened attack upon his home and that of his father. Witnesses testified to threats made to shoot and blow up Cirtsville and Weirwood.

Counsel for both sides had their cases well prepared but several times witnesses were made to make disclosures that were unexpected and not intended to reach the jury. Every question carried

a possible explosive reply. The record is loaded down with objections and legal technicalities, the 5 attorneys for the defense overlooking not the slightest point that might be interpreted into error by a high court. Judge Eary was very watchful and his rulings were accepted without contention upon the part of the counsel. The court's effort to give a fair and impartial trial was most favorably commented upon by those in attendance.

Other Willis Branch indictments are to be taken up for trial next Wednesday, February 15. It is the announced intention of the state to try all of those indicted for the series of disorder and a special term of court may be held next month for this purpose.

February 16, 1922

### **Second Romine Trial Willis Branch Dynamiting**

The jury which heard the Walter Romine, Willis Branch, dynamite case, was discharged Thursday after it became known they were hopelessly unable to agree upon a verdict. On the first vote of the jury they stood evenly divided. Later one juror was won over for acquittal and the jury stood 7 for acquittal and 5 for conviction to the last minute.

The second trial of Romine on the same indictment for participating and conspiracy in he dynamiting of the sub station was begun Wednesday. The same witnesses are in attendance, another weeks legal battle is on. Romine with prospect of term of court lasting a month or more.

Judge Sharp, of Pocahontas County, is presiding in the present trial, Judge Eary having to go to Nicholas for his regular term of court there.

As the Tribune is printed Wednesday evening the work of empanelling a jury is under way.

February 16, 1922

### **Romine Jury Cost \$500**

The cost of the jury alone in the Walter Romine trial was over \$500. Witness fees were not quite as large.

March 2, 1922

### **SIX YEARS for Romine Willis Branch Dynamiter**

Six years in the penitentiary was the sentence passed upon Walter C. Romine by Judge Sharp in circuit court Wednesday morning. Motions to grant a new trial and admit defendant to bail were denied. Stay of execution of sentence for 60 days was granted in order to apply to Supreme Court for writ of error.

In passing sentence Judge Sharp referred to the crime of which Romine was convicted as a heinous and awful offense calculated to undermine our government and bring about a state of anarchy. Romine had nothing to say when called upon to receive his sentence and there was not the least demonstration in the court room.

Ground upon which defendant asked for a new trial attacked the jurisdiction of the court in calling a new judge, the disqualification of two jurors who were alleged to have expressed an opinion previous to the trial, admission of improper evidence and error in instruction to the jury.

The motion were argued Tuesday and taken under consideration by the court until Wednesday morning when all were held insufficient. In over ruling the defendant's motion Judge Sharp went into detail citing his authorities and considering every point.

The jury returned the verdict of guilty Friday morning after a half day and night of deliberation. Not more than half a dozen spectators were in the courtroom when the jury reported. The verdict was anticipated by the action of the jury, which during the 6 hours deliberation Thursday made no report indicating inability to agree.

On the first ballot all but 2 jurors voted for conviction an these 2 out of sympathy and compassion for the family of the accused refrained from voting and advised that a verdict be withheld until Friday morning. Romine was locked up in jail immediately after the finding of the jury. Sentence was withheld until motions for a new trial could be heard Tuesday.

This was the second trial of the leader of the band of about 40 who dynamited and destroyed the sub station of the Willis Branch Coal Co., August 1921.

Romine is the seventh of the Willis Branch dynamiters to receive sentence in the penitentiary. Fifty more stand indicted for conspiracy in connection with the series of shootings and dynamiting at Willis Branch. Some of them will be tried at the next term of April Court.

Romine is the son of Squire A.C. Romine, one of Raleigh's best-known citizens. He conducted a store at Cirtsville and supplied Willis Branch striker on order from union headquarters at Beckley. He is about 30 years old, married and the father of two bright little boys.

May 4, 1922

#### Walter Romine Case

Action by the supreme court of appealed is expected to any day on the case of Walter Romine, one of the Willis Branch conspirator, recently sentenced to 6 years in prison. The application for writ of error was made last week. The stay granted defendant has expired but no action will be taken until the higher court acts. In the event of a refusal to grant a writ of error Romine will be taken to Moundsville immediately.

June 8, 1922

#### **Walter Romine Must Serve 6 years Sentence**

The supreme court of appeals has refused to grant a writ of error in the Walter Romine case and the convicted Willis Branch dynamiter now faces service on a 6 year sentence in the penitentiary. He was released on \$15,0000 bond last week to go to a hospital for an operation for appendicitis. The bond requires his return to jail June 20.

A special term of court convenes June 20 to try a number of other conspirators in the Willis Branch troubles. Some of them have expressed a desire to plead guilty and throw themselves on the mercy of the court. Others among those indicted including officials of the miner's union will stand trial. Altogether the state has not announced who will be tried first, it is probable the Bryant Kidd's case will come among the first. His brother John Kidd is already under sentence and at the

trial of Romine was one of the state's most important witnesses. Seven of the wreckers of the Willis Branch mine have received prison sentences.

At the request of the prosecuting attorney, Judge Eary required Geo. Barrett and Frank Williams, two of the indicted Willis Branch conspirators, to come into court Monday and give additional bond in the sum of \$5,000 for their appearance June 20. J.E. Summerfield and D.F. Workman went their surety. Their previous bond was for \$5,000, which was deemed inadequate. Sheriff Conley brought them in Monday night. Barrett left Tuesday for weeks stay at Indianapolis on union business.

August 25, 1921

### **That Willis Branch Gun**

In a Bluefield court last week the Willis Branch Coal Company obtained judgment against the American Express Company for 1800 dollars, the value of a machine gun belonging to the Coal Company which was taken from the Pax Express Office by unknown parties about a year ago when hostilities at the coal camp were at their height. The missing gun has never been recovered and its present where about is unknown.

April 20, 1922

### **Arrested For Theft of Machine Gun at Pax**

Roy Hambrick, son of Chas Hambrick, of Mercer county, who resides near Princeton, was arrested there last week by an officer on a warrant charging him with complicity in the theft of a machine gun valued at \$1,400 from the express office at Pax two years ago, during the labor troubles in the section according to a Princeton paper.

The machine gun mentioned is one which had been shipped to Willis Branch Coal company from a firm in Bluefield, and as a result of the theft the Bluefield hardware concern sued the express company for the value of the gun. A verdict was rendered against the express company, and then placed detectives on the case. Hambrick was said to have employed at Pax at the time of the theft of the gun, as station agent and reports are to the effect that secret information picked up by detectives and state police connect Hambrick with the theft.

The gun has not yet been recovered though it is still being traced.

October 19, 1922

### **Barrett on Trail Before Pocahontas Jury**

George Barrett, organizer for the U.M.W. with headquarters at Beckley, is on trial at Marlinton, Pocahontas county, this week for participating in the disorders at Willis Branch mine two years ago. Barrett and eight others Willis Branch and Pax men were indicated here several months are conspiring to steal and hide away a machine gun belonging to the Willis Branch Coal Company, taken from the railroad depot at Pax. At last term of court he was given a chance of venue and the case sent to Pocahontas County for trial before Judge Sharp, who conducted the trial of Walter Romine here some months ago.

Some forty witnesses are in attendance and the trial, which opened Tuesday, will probably last all

week. C.W. Osenton and A.P. Edgar assist Prosecuting Attorney

Love. Pocahontas prosecutor. Magee McClung and J.Q. Hutchinson represent the defendant. The jury is made up of young men of Pocahontas.

Roy Kidd and Henry Flat Williams are the first witnesses for the state admitted their participation in the affair and told of an alibi meeting held after the trouble. Others who had a hand in taking away the gun, which was hid in Lafferty's yard, made full confessions. According to their stories Barrett was active in planning the capture of the gun and was present when it was taken away. The gun was used finally by the armed marchers who took it over to the Logan battlefield.

Conviction of Barrett means sentence of from two to ten years. The men indicted jointly with Barrett in the conspiracy are Cass Gilbert, Claud Meadows, Roy Kidd, Bill Vaughn, Russell Lafferty, Grover Moore, Bob Ruthledge and Henry Thomas. Only Barrett is being tried at Marlinton. Cases against the others will probably be heard here on the next term of court.

October 26, 1922

### Six Years for Barrett Guilty of Conspiracy

Six years in the penitentiary was the sentence given George Barrett, mineworker organizer, convicted at Marlinton for conspiracy in connection with the theft of a machine gun belonging to the Willis Branch Coal Company. The case was taken to Pocahontas County on change of venue from this county.

Barrett's trial ended Friday night after a four days hearing before Judge Sharp. The jury was out about two hours before returning a verdict. On the first ballot the jury stood nine for conviction and three for acquitted. Judge Sharp over ruled motion for a new trial.

The sentence given Barrett is the same as that of Walter Romine whom Judge Sharp sentenced here several months ago on similar charge of conspiracy.

There were about 30 witnesses in the Marlinton trial. Six of the state's witnesses admitted their participation in the affair and testified that Barrett planned, directed and was present and assisted in getting the machine gun away from the depot. The defense attempted an alibi and Barrett thru out the trial seemed to treat the whole proceedings as a joke. He flatly denied participation in the conspiracy or assisting to remove the gun. 7

Barrett is the seventh man to receive penitentiary sentence in connection with the Willis Branch mine disorders of two years ago. Four have been pardoned, one escaped the penitentiary and Romine and one other are now serving time.

Trials of several other parties who had a hand in the disorders will be disposed of at the next term of court in

January 3, 1923

### Barrett in Pen Serving Sentence

Geo. W. Barrett, member of the UMWA International board, who was recently convicted of implication in the theft of the Machine Gun from Pax Station during the trouble times at Willis

Branch. Tried and found guilty in Marlinton. The Supreme Court declined to grant the new trial.  
Six (6) years sentence.