

IN RUSSIANIZED WEST VIRGINIA THERE IS NO SUCH THING AS JUSTICE FOR MINER--83 DEAD AND NO ONE'S TO BLAME

Staff Special.

WELCH, W. VA., March 28.—Jed is in West Virginia. It might be in Russia. Eighty-three were killed in the mine at Jed Tuesday. Jed is crowded with Deputy Sheriffs and detectives. They watch the stranger and follow him.

A photographer is caught taking pictures of the elevator as it lifts the dead out of the shaft.

"What are you doing?" demands a guard.

"I am taking pictures," replies the photographer.

"Well, you had better take the train out of here," says the guard. "It leaves at noon. In the meantime you had better break up those plates."

There might have been 1000 lives snuffed out here, but, for all that, the corporation that operates the Jed mine would, under the law of West Virginia, be as

guiltless of responsibility as it is now with only 83 dead.

No Hope for Raise

The conferences for higher wages that are going on at Cleveland are not of interest here. Whatever benefits to union miners that may result will not apply to the miners who survive at Jed or anywhere else in West Virginia.

Operators of Ohio and other States paying union wages say that there would be no more miners' strikes if West Virginia were compelled to pay the same rate of wages as them. Because of the wretched pay in West Virginia, coal from this State can be sold at a much lower price in competition with coal produced by union labor in the other bituminous States. They claim that is the reason they are compelled to resist the miners' request for an increase to meet the increased cost

of living. The average wages of Ohio miners are \$12 a week.

Court Absolves Barons

Through judicial decisions the law has been Russianized also.

In the year 1898 the Supreme Court of West Virginia handed down a manifesto of absolutism that has up to the present served as a shield for coal barons in such disasters as has happened at Jed.

They may pay the survivors damages if they feel like it. But they don't have to.

The Judge-made law of 1898, which has been enlarged upon by later decisions, says so distinctly.

Law Shifts Blame

It places the blame for accidents upon the mine boss. The mine boss may have been killed with the rest as at Jed. He can't be sued.

Even if he survives it would be futile to sue him. He is only a wage-worker.

Under the law of West Virginia there are certain duties delegated to the mine boss. These include nearly everything conceivable that may relate to the safety of the mine.

In 1898 a man named Williams was killed by a fall of slate in the mine of the Thacker Coal Co. His estate sued for damages. A jury awarded a verdict.

Negligence Not a Crime

The Supreme Court reversed and handed down its manifesto of absolutism that has been law in the mines ever since.

Here are its very words: "It is the duty of an operator or agent of a coal mine to employ a competent mine boss under and according to the provisions of Section 11, Page 995, Code 1891, and,

having done so, he has discharged his duty to his employers in relation to those duties which the statute prescribes shall be performed by such mine boss, AND THE OPERATOR OR AGENT IS NOT LIABLE FOR INJURIES ARISING FROM THE NEGLIGENCE OF THE MINE BOSS."

Bolt Door of Hope

And then the Court proceeded to double lock the door of hope against the miner by invoking the fellow-servant act, which still exists here in its original barbarity.

The decision added:

"A mine boss so employed is such a fellow-servant, as, in the case of an injury to other employees through his negligence, the master is not responsible."

Now, then, since every conceivable responsibility within the mine is placed upon the mine boss, there is hardly any conceivable accident for which he can not be made the sacrificial goat.

No Limit to Court's Ruling

And hardly any accident is conceivable for the blame of which the corporation cannot be absolved.

And another decision, handed down by the Supreme Court of West Virginia in the more enlightened year 1910, in the case of Bralley vs. The Tidewater Coal & Coke Co., gave a new coat of whitewash to the operator and readjusted the burden upon the mine boss.

Bralley was killed in an explosion. His estate sued and got a verdict. It was reversed by the Supreme Court, and here are the very words in this case:

"Section 410 does not say that the operator or agent of the mine shall personally discharge the duty of making the break-through (a ventilating appliance) or the use of brattices, any more than it requires of him the discharge of other duties thereby required and imposed on the fire boss; but Section 410 specifically imposed that duty upon the mine boss."

Sought Remedy in Vain

Again the corporation was cleared and the goat placed squarely upon shoulders of the employee.

Any remedial legislation ever tried? Yes. It failed.

Answer: Politics and Big Business.

Haven't the unions protested?

Answer: There are no unions in West Virginia, except in one district. The word union is anathema.

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Club Union Organizers

Five union organizers came to town last year and they were clubbed out.

The companies employ detectives, every one of whom is sworn in as a Deputy Sheriff. Without any trouble whatever the mine operators have induced the county officials to invest these men with the authority of the State. The county officials, the Republican machine, and the mine owners are good friends.

Can't a miner leave and go elsewhere if he wants to?

Answer: Frequently labor agents come here to employ workmen for mines elsewhere.

They are clubbed out, like the union men.

MEN SAY NAKED LAMPS WERE USED IN JED MINE

Staff Special.

WELCH, W. VA., March 28.—Were open lamps or closed safety lamps in use in the Jed mine at the time of the explosion which wrecked it Tuesday?

Use of the open lamps is not permitted in mines in which large quantities of explosive gas is generated. The Jed explosion was caused by a combination of gas and coal dust.

Thirty-seven bodies have been recovered, and 46 are still held under tons of debris.

Miners say that the open lamp was used at Jed in addition to the safety lamp. This was corroborated by a mine official.

Four years ago a learned judicial opinion declared the Jed mine "reasonably safe," when the State Department of Mines peremptorily ordered the Jed mine closed until all the miners were equipped with safety lamps exclusively on the ground, the State charged, that "the mine was generating explosive gas in dangerous quantities."

The same judicial opinion dis-

solved the order under which the mine was closed.

The corporation that operated the Jed mine, it was charged, refused to obey the order of the State Mine Inspectors regarding safety lamps, and the decision that the mine was "reasonably safe" followed a long legal battle that the corporation instituted against the State Mine Department.

The lamps which the corporation, according to the charge, refused to use exclusively, would have represented an outlay of only \$100, as stated in the reply filed by the State officials.

J. W. Paul, then head of the West Virginia Mine Department, was the man who gave the order for closing the mine. Paul is now one of the chiefs of the Government Bureau of Mines. The Government Bureau of Mines is now here in charge of the work of taking out of the mine the bodies of the 83 men who were killed by the explosive gas, of which Paul complained four years ago.

FLOOD RECEDES; RESUME WORK ON CITY CREMATORY

The flood is slowly receding from the high stage it reached, and the residents of Covington who were threatened in case it should reach a stage of 55 feet, are not worrying about having to vacate their homes.

YOUR SOUR, GASSY WILL FEEL FINE

You can eat anything your stomach craves without fear of Indigestion or Dyspepsia, or that your food will ferment or sour on your stomach if you will take a little Diapepsin occasionally.

Your meals will taste good, and anything you eat will be digested; nothing can ferment or turn into acid or poison or stomach gas, which causes Belching, Dizziness, a feeling of fullness after eating, Nausea, Indigestion (like a lump of lead in stomach), Bloating, Heartburn, Water Brash, Pain in stomach and intestines or other symptoms.

Headaches from the stomach are absolutely unknown where this effective remedy is used. Diapepsin really does all the work of a healthy stomach. It digests your

GAYETY THEATRE

Come and see the fun tonight—A laugh Robert Fell, the originator of the contest, high-class Vaudeville, Three Latest Picture Pictures. Admission 5 Cents. Umbrellas

THE YALE

Notice to Fat Women

1912 Jed Mine explosion NEWS