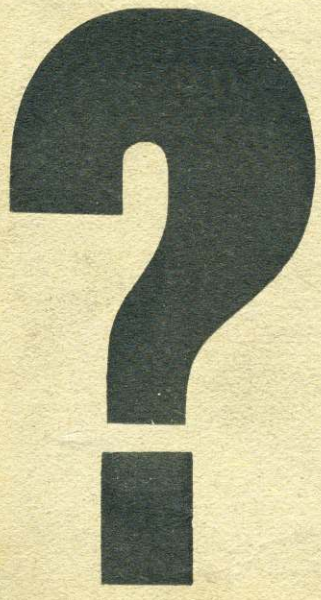
Montani Semper Liberi



Showing How Two United States Senators Overrode Public Sentiment and Defeated the Will of the People.

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"MONTANI SEMPER LIBERI"

An Accepted Truth Ignored by a Controlled Legislature—The Record on the Primary Election Law.

Recently a magazine writer, a man of national reputation, known from coast to coast, asked the pertinent question,:—"What are you going to do about it?"—referring to the usurpation of the rights of the people by men whom the people had created and placed in high public office.

This question, at this time, is especially pertinent to West Virginians, for a Legislature of this State, chosen by the people, and entrusted by them with authority, has refused to recognize the sovereignty of the electorate, and has denied to the people of West Virginia their demand to make their own nominations of candidates for public office. This statement should not only interest you—it should astound you, for it occurred in the year 1911 when the right of the people to govern themselves is no longer in question.

This is the story of the courageous struggle for a popular reform, a simple narration of facts and a faithful recordation of deeds, showing why, how and by whom the people of West Virginia were refused by the men to whom they had delegated authority, to allow them to choose their own candidates for public office. It is not a tale of Russia with her autocratic government and despotic rulers. It is a true story of what occurred in a West Virginia Legislature in the year 1911.

The Rights of the People.

A direct primary law, providing for the direct nomination of all candidates for public office, was the reform the people of West Virginia urged before the Legislature of the State. Such a law is not an innovation. It is not a radical departure from our fixed form of government. It merely prescribes that the people, instead of delegating the authority to others who pervert this given power to reap dishonest profits, take unto themselves that which is rightfully theirs—the right to name their candidates

for public office. No matter the party to which you render allegiance, that right is yours. The right is so apparent that it has never been denied by even the boldest opponent of a primary law or the most subservient creature of a political machine, and it never will be. Instead of being a departure from our fixed form of government, it is one of the statutes which mark the progress of this nation in an era when the rights of mankind are making themselves manifest through fearless champions who boldly proclaim that the old order changeth, that human rights are more sacred than property rights, and that the perpetuity of our progress and prosperity depend upon our recognition of popular government.

Direct primaries are not a fad any longer. Instead, they are regarded as being as fundamental as the Declaration itself. They have proved their worth and have brought the government closer to the people. At the present time more than one-half of the States of this Union have direct primary laws of a mandatory character for the selection of their candidates for public office. And very recently we have witnessed the United States Senate, heeding the overwhelming sentiment of the people, submit to the States for their ratification or rejection, an amendment to the Federal constitution, proposing the direct election of United States Senators. And when, we might ask, did the people ever reject a proposition to allow them to name their own public officers?

One of the fallacious reasons given by the opponents of a direct primary law, at the recent special session of the Legislature, for their opposition to such a statute, was that the Legislature was not prepared, and was not competent, at this time, to enact primary legislation. But the question of direct primaries is not new to the people of West Virginia. For almost eight years it has been continually agitated and the people of this State have been students of public questions. The men of this State have as much intelligence as those of any other State, they are just as competent to select their candidates for public office. They have just as high regard for their public officials, and they have insisted with much emphasis that these public servants who represent them, must be men of the highest character, whose love of State and country cannot be questioned and whose zeal for the public welfare cannot be impugned.

Notice of Special Session.

When the regular session of the Legislature of 1911 adjourned on February 24, without the enactment of a direct primary law, Governor Wm. E. Glasscock announced on the ensuing day that

he would assemble the Legislature in special session for the sole purpose of considering this important measure. Three months elapsed before the Legislature assembled in special session. Certainly those who were unprepared to vote on primary legislation did not avail themselves of the opportunity in this interim of three months to acquaint themselves with this proposed legislation, the only subject the Governor stated he would include in his call for the special session.

Pursuant to this announcement, Governor Glasscock, on the 18th day of April, 1911, issued a proclamation convoking the Legislature in extraordinary session on May 16, 1911, for three purposes:

First—To pass a direct primary law, providing for the direct nomination of all candidates for public office, including the office of United States Senator.

Second—To amend and strengthen the Corrupt Practices Act, passed by the Legislature of 1908.

Third—To pass appropriation bills defraying the expenses of the special session.

It will be observed from the record that the last suggestion of the Governor in his proclamation was the only one observed by the Legislature.

U. S. Senators Fight Direct Primary.

Immediately following the action of the Governor convoking the Legislature in special session, the opponents of a direct primary law, the men who were afraid to trust the people to make their own nominations, went to work to defeat the proposed legislation. This opposition was led by the two men whom the State of West Virginia had honored with the highest offices within her gift, the two United States Senators—Wm. E. Chilton and Clarence W. Watson. The latter was and is a candidate to succeed himself in 1912. His first nomination had been secured in a manner repugnant to the people of the State. If a primary law was enacted he would be forced to submit his candidacy to the people. If the primary law was defeated he could secure another caucus nomination. The latter might be more expensive. It was, also, more certain.

It did not take the two United States Senators long to determine which course was best for Watson to pursue. Immediately there commenced a campaign of fabrication and villification. It was promulgated by the twin organs of the two Senators, the Charleston Gazette and the Fairmont Times, the former owned by Chilton and the latter controlled by Watson. In unison the subsidized newspapers proclaimed that the call for the special

session was issued at the request of former Governor Wm. M. O. Dawson who desired to become a candidate for United States Senator. Then it was argued that the call of the Governor was purely partisan, a scheme of Governor Glasscock to unite the Republican party. Of course, it was easily recognized by the advocates of a direct primary law, that the purpose of these arguments was to befog the public mind and divert the attention of the people away from the main issue.

The day for the special session came. Among the first arrivals at Charleston were Senators A. C. McIntire and Gray Silver; Speaker C. M. Wetzel, and Delegate C. M. Siebert, all of them representatives from the eastern Panhandle. They came through Washington where they were in conference with Senators Watson and Chilton, and upon their arrival here boldly proclaimed their opposition to the enactment of a direct primary law, at this time.

At the regular session of the Legislature in the month of January, the House of Delegates, by a vote of 77 to 5, had passed what was popularly known as the Campbell-Cooper bill. It was drafted by Judge C. W. Campbell, Democrat, Delegate from Cabell county, one of the most able members of the Legislature, and the Chairman of the Judiciary Committee of the House of Delegates. The bill was of Democratic origin, but it was acceptable to Governor Glasscock. This, assuredly, was evidence that the Governor had not called the Legislature together with partisan motives and did not seek any partisan advantage in the character of primary legislation which he desired enacted.

When the call for the extra session of the Legislature was issued, Governor Glasscock had no doubt, because of the former vote on the Campbell bill that the House of Delegates would pass the Campbell bill or some other primary measure equally as good. He expected the State Senate to agree upon a bill satisfactory to everyone. The confidence of the Governor in the State Senate was not misplaced, for the upper branch of the Legislature passed an excellent direct primary law, but that his judgment and that of 99 per cent of the people of West Virginia in the House of Delegates, was erroneous was demonstrated clearly by subsequent events.

For fifteen days the advocates of a direct primary law fought faithfully to beat down the opposition waged by Senators Watson and Chilton, through their accredited representatives, MacCorkle in the State Senate and Wetzel in the House. Some of the most able Democrats of the House of Delegates, men like Judge C. W. Campbell, of Huntington; W. T. Ice, Jr., of Philippi; James W. Robinson, of Clarksburg; Nelson C. Hubbard, of Wheeling, and Edward A. Brannon, of Weston, worked together with the Republican minority for the enactment of fair and honest legislation,

but it availed nothing. One thing, however, was accomplished by the courageous advocates of a primary law. They defeated every flank movement made by the Chilton-Watson opponents of the primary law and forced the latter to consider primary legislation. They succeeded in passing a fair and equitable primary law through the State Senate, but the House was held in a vice-like grip by the forces of corruption, and on the evening of May 30, the Legislature adjourned sine die without the enactment of a direct primary law.

"We did not come here to do it and we do not intend to do it" was the statement of Senator A. C. McIntire, of Morgan county, one of the supporters of the Democratic senatorial machine and it accurately illustrated the position of the senatorial allies and exposed to the people of the State the reason for the failure of the Legislature to pass a direct primary law. The responsibility for the failure was emphasized by that statement made in the heat of debate.

Interwoven so closely with the defeat of the primary legislation at the special session of the Legislature, is the story of the now infamous Democratic senatorial caucus, where Senators Watson and Chilton secured control of the working majority of the Legislature which served them so well three months later in the defeat of a direct primary law. Charges, made by members of the same party to which Senators Chilton and Watson belong, cast a stigma on the election of the two Senators, to remove which innocent men would have been justified in demanding a full and free investigation.

Fought Primary to Save Watson.

Throughout this record it will be apparent to everyone that the men in the Democratic party who opposed the sale of senatorial togas, also fought tenaciously for the enactment of a direct primary law, while those who supported the senatorial allies in the senatorial contest, voted from beginning to end in opposition to any law that would compel Senator C. W. Watson, when a candidate for re-election in 1912, to submit his candidacy to the people of the State.

This record is complete. It follows on subsequent pages, and the people of West Virginia, irrespective of party affiliations, are asked to sit as a jury and base their verdict on the evidence submitted.

Let no advocate of direct primaries feel discouraged by the victory won in the special session of the Legislature by the forces of corruption, because the fight will yet be won. The entrenched guard of corruption cannot stand in the full glare of publicity.

Enlightened public opinion, which in centuries past, has forced the abdication of thrones by cruel and oppressive rulers, will compel the forces of corruption to surrender those rights of the people they have usurped, for whatever progress has been made since the civilization of mankind, primarily has been due to an aroused public sentiment.

THE SENATORIAL CAUCUS

Open and Direct Charges of Bribery Preferred Against Watson and Chilton—Legislature Refuses to Investigate.

It has been charged that the Watson-Chilton combination controlled the majority of the House of Delegates, and by the exercise of this control, defeated the enactment of a direct primary law; accordingly, it can and will be shown where this control was acquired.

The influence of Senators Watson and Chilton over the Democratic majority of the Legislature was acquired prior to the convening of the Legislature in regular session, in the Democratic senatorial caucus, in such a manner as to taint their certificates of election to the United States Senate.

From the manner in which control of that caucus was acquired, charges were openly made by leaders of the Democratic party against Senators Chilton and Watson, and a number of the Democrats revolted and refused to support the two candidates even after they had been declared the caucus nominees of their party.

There are few instances in the history of this country where grave charges of like nature, affecting the integrity and honesty of the Legislature, have been made without any inquiry for the purpose of ascertaining their truth or falsity. It would be natural for innocent men, unjustly accused, to seek vindication by demanding a thorough probe of these charges. *Senators Watson and Chilton did not demand an inquiry and their friends in the Legislature prevented an investigation.*

The charges, made openly and advisedly on the floor of the two Houses of the Legislature, and in the joint assembly, that C. W. Watson and Wm. E. Chilton secured their nominations for the United States Senate through bribery and corruption, were not mere rumors. They were made openly in the light of day by brave men who had counted the cost. They were not made for political effect by members of an opposite party, but came from some of the strongest Democratic members of the Legislature, and were concurred in by others, who, believing that the caucus

nominations accorded Chilton and Watson did not represent the sentiment of the people of the State or the free action of the members of the Legislature, refused to have their votes recorded for the men who were successful in securing the control of the Democratic caucus.

To some it may seem that to bring this skeleton from the closet is immaterial to a discussion of the defeat of primary legislation. But the great majority of the people of West Virginia are interested in the honesty and integrity of the men who serve them in high places, and the control of the Democratic caucus is so linked with the control of the Democratic majority in the House of Delegates, which defeated the enactment of a direct primary law, that it is vitally necessary to discuss this caucus to show who was directly responsible for the stand of the Legislature against a primary law.

The Democratic Caucus.

On the night of January 18th the Democratic members of the State Legislature called a caucus to choose candidates for United States Senators, one to succeed Senator N. B. Scott for a term of six years and the other to fill the unexpired term of the late Senator Stephen B. Elkins. The candidate for the short term was selected first. On the eleventh ballot Clarence W. Watson was declared to be the choice of the caucus for the short term. He was nominated by one vote. Wm. E. Chilton was nominated on the fifth ballot for the long term of six years. He was nominated by a majority of two votes.

One week intervened before the two Houses of the Legislatures met to confirm the choice of the Democratic caucus. During that week the capital was filled with rumors to the effect that the nominations accorded Watson and Chilton had been secured through the grossest corruption, that money had been lavishly used to influence the vote of members of the Legislature and that the result had been secured through a system of bribery.

On January 24, 1911, the two Houses of the Legislature, in accordance with law, met to elect two United States Senators. The House of Delegates ceased from its labors for this important event and Delegate Septimius Hall, the oldest Democrat in point of service in the House, was picked to place the name of Clarence W. Watson before the House.

Open Charges of Bribery.

A few moments later and the rumors of bribery which had flitted about the State and had been discussed by small groups of

legislators, were open charges. Mr. Nelson C. Hubbard, Democrat, Delegate from Ohio county, frankly and candidly, announced his belief in these charges and announced his unwillingness to support the caucus nominee, Mr. Watson.

Mr. Hubbard, in stating why he was unable to support the caucus nominee and in placing the name of Congressman John W. Davis before the Legislature, said:

Delegate Hubbard's Speech.

"Mr. Speaker: On behalf of at least one member of the Legislature, a Democratic member, and on behalf of very many Democrats loyal to their party in the State of West Virginia, I have to say that I find it impossible to support the caucus nominee and I desire to place in nomination the name of a sterling Democrat. My reason for taking this course is in no degree based upon any resentment or regret upon my part or any other individual. Any reason of that sort which I might have under any circumstances, would certainly be swallowed up in my great desire to stand shoulder to shoulder with a united Democracy in the State. My reason for finding myself unable to vote for the caucus nominee is my settled conviction that the nomination was brought about by bribery. I do not pretend to have any more information than any ordinary member of the Legislature with respect to this matter; I do not pretend to say that I have any information which would justify me at the present time as a juror, under the evidence, to convict any man of bribery, and I do not say that I know any court would, but I know that Clarence W. Watson could not have been nominated unless that had occurred. I do not wish to dwell upon these matters which are now the belief in the minds of, at least, many. It is a most unpleasant and most distasteful situation you find. I came down here from the county of Ohio, satisfied that we had a Legislature better than this State ever had before; satisfied that we had a House of clean, pure freemen. In my judgment the character of some of the members of the House was changed by the financial power of the caucus nominee. I cannot, Mr. Chairman, go back to Ohio county feeling that I have taken any part, even the slightest, in countenancing such a disgrace. I ask you to turn to a contemplation of these matters which have occurred and to consider a man whom I shall name to you, whose political life is upon a level where the air is pure and I place in nomination a man whom the State delights in honoring in any way in which it can honor any man in his person—John W. Davis, of the county of Harrison."

A moment later, Delegate James W. Robinson, of Harrison county, another Democrat, a lawyer and newspaper man, com-

curred in the views expressed by Delegate Hubbard, and in seconding the nomination of John W. Davis, said:

Delegate Robinson's Speech.

"Mr. Speaker: I rise for the purpose of seconding the nomination of Mr. Davis. I too, like Mr. Hubbard, cannot, under the circumstances, abide by the caucus nominee. I consider, my colleagues, that the nomination of Mr. Watson, was brought about, or, in fact, was conceived by the corporations of the State of West Virginia and that his nomination was dictated by the great system which the Democratic party has been fighting for all these years, which has been opposed to the Democracy and opposed to this government and its people.

"I want to say here that I have nothing personal against the caucus nominee. Personally, I have but the kindliest feeling toward him, but I want to say, my colleagues, that I will not come here and permit contempt to be heaped upon the Democratic party. I want to say that I will not come here and against my protest and against the protest of the people of West Virginia, see the corporations come in here and rob the people of their victory. When I vote, gentlemen, for a man for the United States Senate, I propose to vote for a Democrat; I propose, gentlemen, to vote for a man who can stand upon the Democratic platform of 1908. I propose, gentlemen, to vote for a man when he goes down to our capital city and sits in the hall of our federal congress, who will vote for Democratic principles and who will not vote in the interest and for the interest of predatory wealth. I regret, my colleagues, that it has been necessary for me to take, these steps, yet I know that a majority of the Democrats and a majority of those independent Republicans who sent me here from Harrison county, will uphold me in what I am doing. If they do not, I know that I have been following what is right and I have no apologies to make.

"I will tell you, my colleagues, for twelve long years I have been fighting this system. I have been the editor of a Democratic newspaper and upon the hustings they promised to aid the downtrodden people of this State, that if they would turn the affairs of this government over to the Democratic party that we would give them relief from these abuses and now that my party is triumphant, and now that we have an opportunity to stand up and be men, I put myself on record in this matter. I want to tell you that I do not propose, on this occasion, to go back upon and repudiate that which I have been preaching for twelve long years, and especially when it comes to the selecting of a man for an honor which the party has to offer, to reward him, not for his wealth,

nor for his standing or for his perfidy. With these remarks I second the nomination of John W. Davis."

Democrats Vote Against Watson.

Although there had been no previous warning, eleven Democratic members of the House of Delegates, openly cast their votes against Clarence W. Watson who had controlled the Democratic caucus and secured the endorsement of that caucus by the bare majority of one vote. Those who voted for John W. Davis and against Watson were: Nelson C. Hubbard, of Ohio; W. T. Ice, Jr., of Barbour; L. H. Jeffers, of Wood; T. P. Kenney, of Taylor; C. W. Marsh, of Gilmer; A. A. Meredith, of Tyler; T. L. Padden, of Ohio; R. L. Pemberton, of Pleasants; James W. Robinson, of Harrison, and W. S. Wysong, of Webster. Delegate E. A. Brannon, of Lewis county, voted for Andrew Edmiston, of Weston. Evidently, these men, the greater part of the intelligence of the Democrats of the House, believed the charge that the nomination of Clarence W. Watson could not have been accomplished except through bribery. Possibly they hesitated until he had an opportunity to remove the taint from his nomination—an opportunity he never accepted.

Another Revolt Against Chilton.

For the reason that there had been an open alliance between Watson and Chilton, through which combination the control of the Democratic caucus had been effected, and because it was impossible to separate the candidacy of Chilton from that of Mr. Watson, Delegates Hubbard and Robinson again led in the revolt against the candidacy of Chilton for the long term of six years in the United States Senate.

For the long term, Mr. Chilton was placed in nomination by Speaker C. M. Wetzel. In opposition Delegate Hubbard placed the name of Judge C. W. Campbell, of Cabell county. In doing so, Mr. Hubbard said:

"Mr. Speaker: Because I have been unable, after some inquiry, to separate the campaigns, the methods or the results of the two caucus nominees, I find it necessary to cast my vote for some one other than Mr. Chilton. I am of the conviction that the nomination of Mr. Chilton, like the choice of Mr. Watson, was not the free action of the Democrats of the Legislature. Looking about for a candidate, I turn to the lower end of the State, turning naturally to men of my own profession, who many people think better qualified to represent the State in the Senate of the United States than those of any other profession, I take that one man in

the House of Delegates who is recognized by all of us as being the most loved, most respected, most able and most fair—C. W. Campbell, of Cabell county."

Terse and simple, but very pertinent was the seconding speech of Delegate Robinson, who said:

"Not because of any personal reasons but because of the unpatriotic and undemocratic combination which was effected, I cannot vote for Mr. Chilton. I shall vote for Mr. Campbell."

On the roll call of the House, Messrs. N. C. Hubbard, of Ohio; W. T. Ice, Jr., of Barbour; Jesse D. Kennedy and James W. Robinson, of Harrison, voted for Mr. Campbell and against Mr. Chilton. Delegate Edward A. Brannon, of Lewis county, voted for John H. Holt, of Cabell county.

Charges Become More Specific.

Although the vote in the separate Houses of the Legislature showed that Candidates Watson and Chilton had received a majority of the votes of the House of Delegates, they had not received such majority in the State Senate, and on January 25, 1911, in accordance with the statute, the two Houses met in joint assembly in the hall of the House of Delegates for the purpose of taking a ballot for the election of two United States Senators. In this joint assembly charges, of a more direct and specific nature, were to be made against the two men who had been charged with securing their nominations by bribery of members of the Legislature.

State Senator Geo. W. Bland, of West Union, a Democrat, elected in a strong Republican district, in this joint assembly of the Legislature, held aloft a copy of a statement made by one Lafayette Shock, a member of the House of Delegates, who testified that he had received $1,000 in bills to vote in the caucus for Chilton and Watson. Producing this evidence, Senator Bland contended that it precluded any honest man from voting for Watson or Chilton until an investigation was had and the stigma removed from their nominations.

Senator Bland's address to the joint assembly, containing the statement of Delegate L. D. Shock, is herewith reproduced:

Address of Senator Geo. W. Bland.

"Mr Speaker: I could not feel that I had discharged my duties in the office to which I have been elected did I not stand before this honorable body assembled to nominate a candidate for United States Senator. I came here pledged to no man. I came

here uncommitted and non-committal. I came down here, Sir, to look over the field and see what I could and make up my mind to discharge my duty as God gave me light to see that duty. I came into the caucus, not knowing, Sir, for whom I should vote; but there in the final hours given me for deliberation I decided upon a course which I followed. I have no regrets. I came, I say, unpledged to any man. I came with only the desire to see the good State of West Virginia represented by a Senator of whom we could be proud. I came not for the benefit or the principles of any man. I have discharged that duty in the caucus to the best of the ability and strength given me.

"You tell me that a caucus is a binding obligation upon me. I grant you, Sir, there is some obligation. I tell you, Sir, that I am not speaking now without due and careful consideration, counting the cost of every word I say. I could not defend or vote for the candidate for the short term, because, after a careful investigation and after an interview with him, I found that he did not stand for those good old Democratic principles taught me by my father. why I cannot stand for the other I will tell you later on. But let me say now, Sir, that in the interview had with Mr. Watson in the city of Clarksburg, about the 7th day of January of this year, I asked him a number of questions for the purpose of testing his Democracy. The first question I asked him was:

"Do you favor the election of United States Senators by popular vote? He says 'I question the wisdom of it but since the Democratic party demands it, I will vote for such an amendment to our federal constitution.'

"Do you favor the physical valuation of railroads as a part of the plan to regulate freight rates? No.

"Do you favor a ship subsidy? I favor one along the line of the Newland bill.

"Do you favor a central bank? Not such as proposed by Senator Aldrich but I think we must have a central Federal bank.

"On last Monday, in reviewing this interview with Mr. Watson he said to me, that 'I would add either that of an elastic currency.' Democracy does not stand for a central bank or an elastic currency. What we want is a staple currency with such security in bank deposits as that deposits will not be withdrawn and hidden in times of panic.

"Do you favor a Federal income tax? Yes.

"Do you favor the enforcement of the criminal clause of the Sherman anti-trust law? I do not think that a problem for congress. The whole matter is one over which the United States Supreme Court will soon say that congress has no jurisdiction.

"Do you favor the Hughes amendment—you will remember that was the amendment proposed to exempt union labor under

the Sherman anti-trust law? No, labor is amply able to take care of itself and I favor no special legislation.

"Is a private monoply indefensible and intolerable? It is not healthy.

"Do you favor a tariff for revenue only? No.

"Do you favor a tariff for protection, limiting the amount thereof and conditioned upon the cost of labor protection at home and abroad? Yes.

"If you favor a tariff for protection, for whose benefit, the American laborer or the American producer? For both.

"How many laborers are employed by you and by the companies and corporations in which you are an incorporator? About 15,000.

'What proportion of these laborers are foreign born? About 10,000.

"Will your official conduct be such as to invite recruits into the Democratic ranks from insurgent or standpat Republicans? I will make my official conduct such as to commend itself to the thoughtful people—standpat Republicans, such as Aldrich, Elkins or Scott, thinkers along modern lines; but, Mr. Bland, we cannot carry West Virginia without the aid of the great corporations.

"I said to him probably we cannot, but we cannot carry West Virginia without the aid of the good old Democrats who have been voting the Democratic ticket for thirty years without the hope of reward.

'Now, Mr. President, I could not support a man for the office of United States Senator who holds views diametrically opposed to mine and diametrically opposed to the principles upon which I secured my election. I violate no confidence when I read to you this interview because I told Mr. Watson at the time this interview was made that it was not to be considered confidential and that I would use it when and where I would.

"Now how do you connect that with Mr. Chilton?

"When I came on the ground here at Charleston, I found what appeared to be an unholy and unlawful combination existing between this man Watson and that man Chilton. I said little, I thought much. I read the news regarding the bribery here and there. In the caucus I kept close watch on the vote and I went away still in doubt, but, Sir, on the days that followed I secured copies of the ballot sheets. I have compared these votes and the comparison of these votes convinced me beyond any doubt that there was an alliance between these two men; and since they sleep in the same bed together, I must believe, Sir, that they think together.

"What else! What else! There have been charges of bribery all over this fair State, and charges such as, in my opinion, should be investigated. Charges such as, in my opinion, would

preclude any honest man from voting for these men until a thorough investigation is had. Let that investigation be had and let these people show that their banners are clean and I will withdraw any objection I may have.

"I hold in my hand, Sir, a paper that is a copy of a statement given by one Mr. Shock, a Delegate, here in the presence of Judge George Bennett, of the county of Lewis, and the Honorable John J. Davis, of the county of Harrison, reduced to writing by Senator Fisher of this honorable body, taken at the dictation of Mr. Shock.

"L. J. Shock states that one Hamrick, of Clay county, between one and two o'clock on the 18th of January, 1911, came to him in the Washington hotel Charleston, West Virginia, and gave him $1,000 in bills and agreed to pay him $1,500 additional if I would vote for Chilton and Watson for United States Senators. I have this $1,000 in twenty dollar bills in my possession and I have the word of the Honorable John J. Davis that those bills were counted and the $1,000 was there. Several days prior to this date, a man from Clarksburg by the name of Supler, whom I never saw before, was the first one to come to me and wanted me to vote for Chilton and Watson. They would put up the money and wanted me to name the amount, the amount I would demand. I told them they could fix the amount. I told Judge Bennett and others about this offer and was advised to follow it up and see what they would do.

"After this interview with Supler, who came to my boarding house and asked me to walk out with him, we talked about the senatorship and I do not know all that was said; but he told me—now on the links, we were both Odd Fellows. I said all right, what is there in it?

"He said—You can get a nice thing out of it.

"I said—All right, how much of a nice thing would it be?

"He said—You could get two thousand.

"I said—You must think I am a dam cheap guy.

"He said—I will tell you, I can guarantee you $2,500.

"I said—On what terms?

"He said—What terms do you want?

"I said—You will pay me down in advance.

"He said—How much would you want down?

"I said—So far as I am concerned if you people couldn't trust me, I would not trust you and he said they would pay me $1000 in advance. Then if I stood up forWatson and Chilton they would pay me the other $1500. That was last night and I agreed to see them today, and I did so and got the money. He said not to let a soul on earth know a thing about it—it would ruin both of us. He said Sam Stephenson furnished the money.

"Now, Mr. President, after that thing came into my hands on

last Monday, I tell you I was troubled. I have gone quietly about, and I followed the first clue that some of the opposition had set a trap for some rival candidate, had set a trap and had furnished the money. But I have traced it down until I am ready to say that I am honestly convinced that if this money was furnished at all, it came from the camp of Chilton and Watson. Never until a late hour last night was I convinced that it did not come from the camp of McGraw.

"These men mentioned here as having dealt with this man Shock, came from the camp of Chilton and Watson. I cannot, Sir, support either of these men until they purge themselves. I could not go home and face my constitutents and look an honest Democrat in the face if I did not here and now raise my voice. There are reasons, and I think you will all understand what these reasons are without my stating them, why I have not asked for an investigation in the Senate. I think, Sir, that the proper thing is to delay this whole matter until an investigation is had; but if you men go on, then I want to nominate a man who is big enough, physically and mentally, and whose Democracy is pure enough to support the faith, the hope of Democracy which is now well-nigh lost, and, Sir, I nominate for that position, Thomas E. Hodges of the county of Monongalia."

It may be stated here in connection with the speech made by Senator Bland, that Delegate Shock stated to numerous persons that in consideration of $1000 cash in hand, and the promise of an additional $1500, he was to vote for every motion made by Senator W. A. MacCorkle, ringleader of the Watson-Chilton combination, and for Watson and Chilton on every ballot. If the ballot was secret, then he, Shock, was to show his ballot prepared to Smoot, Alderson, MacCorkle or some other supporter of the allies; and if criticized by his constitutents for voting for Watson he was to say that he could not vote for a Catholic.

To the credit of Delegate Shock it must be said that the temptation was rejected. Consistently he voted against Watson and Chilton in the caucus and in the extra session of the Legislature he was an earnest supporter of a direct primary law.

Attempt to Postpone Election.

Following the charges made by State Senator Bland there was a movement to delay and postpone the election of the two Senators until an investigation could be had. It was believed that the men charged with the offense of bribing and corrupting a Legislature would desire to prove their innocence. But Chilton and Watson feared a delay. A deadlock might ensue if the election was delayed. It was the safer plan to secure their certificates of

election and then, if the Legislature insisted upon investigation of the charges, let it come, but they would be safe in their seats in the United States Senate.

Following the speech of Senator Bland, Delegate Henry B. Gilkeson, of Hampshire county, offered the following resolution before the joint assembly:

"Whereas, Charges of the gravest character have been made touching the integrity of the nomination of Mr. C. W. Watson and Mr. W. E. Chilton for United States Senators, that said nominations were secured by means of bribery, charges reflecting upon the integrity of members of this Legislature, and affecting the good name of said candidates; and,

"Whereas, It is due to said members, and to the people of this State, as well as to said Watson and Chilton, that the parties making such charges, and any other parties, be given an opportunity to produce any evidence they may have, to the end that proper action may be taken in the premises and that said gentlemen may go to the United States Senate with untarnished records,

"Therefore, Resolved that a Committee of five consisting of two Senators to be appointed by the President of the Senate, and three members of the House of Delegates, to be appointed by the Speaker, be appointed to investigate said charges. And said Committee shall report as speedily as possible.

"Resolved Further, That there be no election of United States Senators until said committee reports."

Senator Sam V. Woods raised the point of order that the Joint Assembly had no authority to consider the resolution, and Senator Robert F. Kidd, whose vote was instrumental in nominating Chilton and Watson and who opposed an investigation without an attempt to make a public explanation, presiding as Chairman of the Joint Assembly, ruled that the point of order raised by Senator Woods was well taken. The Journal disclosed that Mr. Gilkeson, the author of the resolution which sought the postponement of the election, was excused from voting for either Watson or Chilton on that date, but on subsequent votes his conscience was eased and he voted for the two caucus nominees.

At this same session of the Joint Assembly of the Legislature, Delegate Nelson C. Hubbard, of Ohio county, repeated the charges he had hitherto made against Watson and Chilton. On this occasion, Mr. Hubbard announced his willingness to explain his course to Watson or Chilton or their friends if they desired an explanation of his vote. He said:

Hubbard Reiterates Charges.

"I place in nomination for the short term, the Honorable Louis Bennett, of Lewis county.

"As the nomination is simply formal, I do not intend to detain you with any consideration of his merit and qualifications. It would not be proper for me to state the purpose which I have had in dividing the party in this matter or in making any personal defense of my own position and my own motives. This much, Sir, I will do. I am exempted by law from being called in question at any time or at any place for what I do in the Legislature of the State. That privilege I waive cheerfully. If I have wronged or am wronging anyone, I stand ready to respond to anyone at any time and at any place. If any candidate for United States Senator, or if anyone who can state for him, with authority, believes that I am acting from unworthy motives, or that I am acting without counting the cost, if he will sit down and write a letter to me, explaining his reasons for the belief and signing it with his name, I will answer him in the same way and I will undertake to say that it will be an answer. I have thought of what I am doing; I have counted the cost and I know just where I stand. I think I know where I would have stood if this had not occurred."

In this joint assembly of the Legislature, five Democrats, one State Senator and four members of the House of Delegates, cast their votes against Wm. E. Chilton, while one Democrat was excused from voting. One Democratic State Senator and six Democratic members of the House voted against Clarence W. Watson for the short term in the United States Senate. Had the Democratic party been in power for several years when the debauchery of the caucus was effected, neither Watson or Chilton would have been elected following their exposure. But the Democratic party was successful after a long series of defeats and some of the strong party men in the Legislature voted for the caucus nominees because they did not care to divide the party.

The Demand to Investigate.

Following such grave charges hurled at the two men whom the Legislature had honored with the highest offices within the gift of the State, affecting as they did the integrity of the membership of the Legislature, it was only natural that there should be a demand for an immediate investigation of the charges which had spread through the State like a sheet of fire. If Watson and Chilton were innocent of wrongdoing, the people demanded that they be allowed to take their seats in the Federal

Congress without a cloud on their titles. If the two men were innocent, it was contended that an investigation would end the general allegation made everywhere that they had bought their seats in the United States Senate like Lorimer, of Illinois.

The first effort to secure an investigation of the charges of bribery and corruption brought against Senator Watson and Chilton by members of their own party, was made by Delegate E. F. Moore, Republican of Marshall county, who, on the morning of January 25, before the meeting of the joint assembly was called, offered a resolution, proposing to create a committee for inquiry into the charges and postponing the election of the two United States Senators until such an investigation could be had.

The Moore resolution was refused immediate consideration by the House of Delegates, and on the following day, when it came before the House for consideration, the two men against whom the charges were aimed, had been elected to membership in the United States Senate.

The Moore resolutions read as follows:

"Whereas, It has been publicly charged and circulated, and is of general report and common belief in the city of Charleston and throughout the State, that large sums of money were improperly used by the candidates who secured the nominations for the United States Senate in the Democratic caucus held in the city of Charleston on the 18th day of January, 1911; and,

"Whereas, It has been currently reported and circulated generally in the city of Charleston, that, on the evening preceding the holding of said caucus the sum of $1000 was promised to a member of the House of Delegates, namely, L. J. Shock, by friends and adherents of Wm. E. Chilton and C. W. Watson, for the purpose of inducing the said Shock to vote in the said caucus for and in the interest of said Chilton and Watson; and that said Shock after he had received the said sum of $1000 took the same and immediately exhibited it to Hon. Wm. G. Bennett, of Lewis county, and to Hon. John. J. Davis, of Harrison county, and that he made a written statement of the fact that the said money had been given him; and,

"Whereas, It is commonly reported and generally circulated in the hotels and other public places in the city of Charleston, that other Senators and Delegates, members of the Legislature, were paid large sums of money to vote for the said Chilton and Watson for United States Senators, and that the actions of a large number of the said Senators and Delegates were influenced by such improper methods; and,

"Whereas, At a session of the House of Delegates, held on the 24th inst., during a time a vote was being taken for the election of United States Senators, a member of the Democratic

party, stated in the open session that he could not vote for the caucus nominees of the Democratic party, because there existed in his mind a settled belief that they had secured their nominations by bribery; and other members of the majority party likewise refused to support the said caucus nominees; and,

"Whereas, It is due the members of the Legislature, to the people of West Virginia, and to the good name of the State, that, before the election of United States Senators, said reports and charges should be thoroughly investigated by a competent committee, so that if said charges are unfounded that the parties interested shall be cleared of all blame and suspicion, and the good name of the Legislature and of the State vindicated; therefore, be it,

"Resolved, By the House of Delegates:

"That a Committee, consisting of five members of this body be appointed by the Speaker and authorized and instructed to proceed with all reasonable diligence to make thorough investigation of all the matters and things mentioned or referred to in the foregoing preambles. Said Committee shall make a careful and thorough investigation of such reports and charges and of the facts touching the use of money by any of the candidates for the nomination for the United States Senate, or by any agents, employes, friends or adherents of any of such candidates. Said Committee is authorized and empowered to employ counsel to aid and assist it in conducting such investigation; employ a clerk or clerks, or stenographers, to keep its record and to take down and write out the testimony which may be adduced before it, and otherwise to assist it; to summon and compel the attendance of witnesses; to administer oaths and require witnesses to testify, and to send for and compel the production of all books, papers and documents which in its judgment may throw any light on the matter under investigation. Said committee shall have all other authority and power that is conferred on committees by section 7 of chapter 12 of the Code of West Virginia; and shall return with its report and findings all of the testimony taken before it.

"Be it Resolved, further: That until the incoming of the report of the said committee, the election of the two members of the United States Senate, to-wit, one for the long term, and the other for the unexpired term of the late Senator Sephen B. Elkins, be postponed and adjourned for 15 days from this date."

Democrats Offer Substitute.

When the Moore resolution came before the House of Delegates on the morning of January 26th, Delegate C. M. Siebert

of Berkeley county, supporter of Watson and Chilton, offered House Joint Resolution No. 10 as a substitute for the Moore resolution. The Siebert resolution reads as follows:

"Be it Resolved by the Hose of Delegates, the Senate concurring therein, that a joint committee of five, composed of three members of the House of Delegates to be appointed by the Speaker, and two members of the Senate to be appointed by the President of the Senate, which said Committee is authorized and instructed to proceed with all reasonable diligence to make a thorough investigation of all of the matters and things concerning certain charges made by Senator Bland and Delegate Nelson C. Hubbard; and to further investigate all matters and things concerning the charge that L. J. Shock, member of the House of Delegates from the county of Braxton, was paid or offered any sum of money for his vote in the late Democratic caucus for United States Senator. Which said committee is authorized to employ proper assistance, to summon and compel the attendance of witnesses, to administer oaths, and generally to send for persons and papers. Said Committee shall have all the authority and power conferred on committees by section 7 of chapter 12 of the Code."

The House of Delegates adopted the Sibert resolution on January 26th. It was reported to the State Senate on that date by Mr. Siebert and on motion of Senator W. G. Peterkin, of Wood county, was referred to the Senate Committee on the Judiciary.

On January 31, 1911, one week after the charges against Watson and Chilton had been made on the floor of the House of Delegates, no committee had been appointed to make an investigation, and Senator Jake Fisher, of Braxton county, who had been voting for Chilton and Watson because they had secured the endorsement of the Democratic caucus, saw there was an attempt to smother the proposed investigation.

On that date, Chilton and Watson, not yet feeling secure in their seats in the United States Senate ordered that they have another election and on this occasion Senator Fisher bolted their nomination, or was excused, at his own request, from voting.

Fisher Refuses to Vote.

In explaining his course, Senator Fisher said:

"Mr. President: I have never attempted to make an explanation of my vote, but I want to explain my vote this morning. I presume that these gentlemen who know me know that I was an advocate of the election of John T. McGraw for the United States Senate in the Democratic caucus in which I participated.

I saw these gentlemen who have been victorious and they assured me that it was their purpose to have a full and free investigation of the charges of fraud that have been hurled broadcast over this State. When I voted for them in the Joint Assembly and in the attempted session of the Senate on a former day, I did so believing that that investigation would be made in good faith. It has been substantially ten days, Mr. President, since the resolution was introduced looking to an investigation of these charges. I undertake to say that with the exception of those who are with the subsidized members that the people of this State believe that these matters ought to be investigated. As a Democrat I do not hesitate to say that it is my candid opinion that the interests of the Democratic party require us here and now to investigate these charges and to free the Democratic party of any stigma that may have been put upon its fair and good name, and I think that the interests of these candidates, assuming, of course, as I do, that they are big enough and broad enough to represent the great State of West Virginia in the Congress of the United States, that they ought to be interested in seeing that the caucus was free and clear of any of these charges of fraud. I cannot minimize; we know that when we get off together, three or four of us, and talk about these things, that these charges are rife, and talking to party members the disposition of these people is that they want a free and full investigation.

"This resolution came over from the House a few days ago, and it was immediately sent to the Judiciary Committee. Now, Mr. President, we are told by the Charleston Gazette, which is our leader, that on last Saturday we won a great victory in the election of a President of this Senate; that it was not a surrender, but a tremendous victory for the Democratic principles. I happened to not be here, Mr. President, preferring, if you choose it, to be away; but I read in the newspapers and I thought then from the accounts I got of it, that you Republican brethern were on the retreat, and I looked upon my associates as worthy of comparison with the great Napoleon at the battle of Austerlitz, or Jenna, or the Pyramids, but not, Mr. President, at Moscow or Waterloo. So that when we had this enemy on full retreat and the Democrats were in full charge, controlled the situation, after you had surrendered to us, it did occur to me that we ought by the assistance of these Democratic candidates for the United States Senate, to be in a position to pass a simple resolution to investigate ourselves. Mr. President, I don't want to bolt, and I won't bolt a Democratic caucus until it is shown beyond a reasonable doubt that the ends obtained at that caucus were obtained by unfair and fraudulent means. I won't bolt it,

because the people of my district don't bolt; I won't bolt because I never scratched a Democrat in my life; but in view, Mr. President, of this situation, as I see it, I think that this investigation ought now to be had, and I am in doubt about whether or not these gentlemen have been sincere in their effort to bring about this investigation. I am not satisfied about that; I might be in error. I would not for anything in the world, do the Democratic party or these gentlemen any injustice, but under the circumstances, Mr. President, I ask that I may be excused from voting here this morning. Now I take it that if there is objection to that—I understand the rule—they can make me vote, but I don't anticipate that any Senator will desire to do that, because we want to be right in this matter, and I want to get right, and for that reason, Mr. President, I ask to be excused from voting."

MacCorkle Makes His Promise.

Then it was, following the speech of Senator Fisher, that Senator Wm. A. MacCorkle, ringleader of the corrupt combine which controlled the Democratic caucus, made a voluntary statement to the State Senate. Senator MacCorkle, aroused by the speech of Senator Fisher, and maddened by the sarcasm, rushed to the defense of Chilton and Watson. He promised that there should be a full and free investigation into the charges, that there was absolutely no truth in the charges, but that Senator Chilton and his friends desired the investigation to clear their good name of the disgrace. It was an absolute and unconditional promise for an investigation and it was the last public statement Senator MacCorkle ever made on the proposed investigation. Not once again during the whole session of the Legislature did he make reference to his promise to investigate or the desire which he said possessed Mr. Chilton to make the investigation. Senator MacCorkle's promise to the Senate and the people of West Virginia was made in the following words:

"Mr. President: I don't usually take much time in explaining my vote, but I wish to say with reference to this resolution of inquiry of charges, or whatever you may call it, it came over from the House and the President of the Senate and every member of the Senate well knows we were not in a condition to consider it, or any other question except the organization of this House. I, for one, and all the other of Mr. Chilton's friends, are in favor of an inquiry, just as soon as we get it—and I suggested to my friend this morning (pointing to Senator Woods), beside me here, that we would take it up. We didn't do so, but we are ready to take it up, and push it through and get at the bot-

tom of it, just as anxiously as my friend over there from Braxton county, who has just addressed you, says he is. I say that the charges are absolutely baseless, and I want every man in the Senate to understand that, and the insinuation is as bad as the charges, and I want everyone to understand that. Mr. Chilton's friends understand that proposition of not bolting. I wish to say that gentlemen's actions show that proposition as to whether they are bolters or not. And as to the question of inquiry, Sir, it will be pushed through as earnestly and honestly and sifted out and we will ascertain by tomorrow exactly what it means. With that statement I cast my vote for Mr. Chilton."

Bribery Investigation Killed.

On February 2, House Joint Resolution No. 10, or the Siebert resolution, as it is traced step by step through the Journal, was reported out from the Committee on the Judiciary by Senator E. T. England with the recommendation that it be adopted.

On February 3, House Joint Resolution No. 10 came up in the regular order in the State Senate, and on motion of Sen. A. C. McIntire, of Morgan county, who became the sponsor of the resolution in the Senate, was made a special order of business for 10:30 o'clock A. M. February 4, 1911.

February 4th and February 5th, came and passed, and on February 6th, Senator McIntire again made a motion to have House Joint Resolution No. 10, proposing an inquiry into the charges against Watson and Chilton, a special order of business for 3 o'clock P. M., February 7, 1911.

At that period of the session the Senate was not meeting after the noon recess, the afternoon being devoted to committee work, and Senator W. C. Grimes, of Marshall county, realizing that it was impossible to consider the resolution at 3 P. M. moved to have it made a special order for 10:30 A. M. on the same date. Senator McIntire charged that the Senator from Marshall was discourteous in trying to force the Democrats to make this investigation before they were prepared, stated that it was a matter which concerned only the Democratic membership of the Legislature and pleaded, on the ground of senatorial courtesy, that his motion should prevail.

Senator Grimes retorted that it was evident that there was an effort to indefinitely postpone this investigation and that he did not believe in senatorial courtesy when a legislative body had allowed such grave charges to be made in the open without an effort to ascertain the truth or falsity of the charges which affected the integrity of the Legislature. He stated that it was not a matter which concerned the Democratic caucus alone for

if it was proved that the vote of some member of the Legislature was influenced by bribery it was the duty of the Legislature to declare that seat vacant. The motion of Senator Grimes to expedite the hearing did not prevail.

February 7th came and passed into history and Senator McIntire did not attempt to call up House Joint Resolution No. 10.

On the following day, Senator D. B. Smith, of Cabell county, moved that House Joint Resolution No. 10 be taken up for immediate consideration. Senator McIntire then moved to table the resolution.

The Republican members of the State Senate objected strenuously to tabling the resolution, but on the voluntary statement made by Senator W. G. Peterkin that the resolution would be called up at a later date, and that if no one else made the motion he would do it himself, upon that understanding the resolution was tabled. Notwithstanding the deliberate promise that he had made, Senator Peterkin sat silent throughout the whole session and did not make the least effort to have the resolution brought before the Senate for consideration. It was the most shameful exhibition of cowardice in the State's history. Senator Peterkin may live long, but he will never be able to explain to the people of the State why he deliberately promised to call up the investigation resolution and then betrayed his promise to the people of West Virginia.

The perfidy of Peterkin, in his betrayal of his promise, was only surpassed by the machinations of Woods, McIntire and MacCorkle, in their extreme efforts to prevent the investigation.

EARLY SENTIMENT FOR PRIMARIES

Such Legislation Recommended by Three Governors—Glasscock Forced the Issue.

One of the favorite arguments used by the supporters of the Chilton-Watson alliance in opposition to the enactment of a direct primary law at the special session of the Legislature, was that the call for the extra session had been hatched in the night by Governor Glasscock and former Governor Wm. M. O. Dawson, and that the Legislature was unprepared to enact such legislation with due consideration.

In the Gilkeson resolution, which sought to defer primary legislation for two years, the author, Henry Gilkeson, of Hampshire county, set out in several preambles, the reasons for which the Chilton-Watson combine desired to have the enactment of a primary bill postponed by the appointment of a commission to draft a law for presentation to the Legislature of 1913.

The Democratic statement that the Legislature was unprepared to enact a direct primary law at the special session, might serve as an excuse but not as a reason, for as was stated before a direct primary law was not an innovation, for it had been discussed for eight years, three Governors of West Virginia had recommended such legislation, but it remained for Governor Wm. E. Glasscock to force the legislation to an issue by assembling the Legislature in special session to consider this one subject alone.

In fact the subject of direct primaries for the nomination of all candidates for public office has been before the people of West Virginia since 1903, when Senator Harvey W. Harmer, then a member of the State Senate, was the patron of such a measure in the Senate. It has been constantly agitated since that time but not until the present year when Gov. Glasscock called an extra session, was the Legislature compelled to consider the question.

Governor Albert B. White took a determined stand for the enactment of primary legislation. On January 11, 1905, Governor White transmitted to the Legislature his second biennial message and in that document, he recommends the enactment of a direct primary law in the following words:

Governor White on Primary Law.

"The time has come when we should have a general law regulating the nomination of candidates for public office by direct vote. At the session of the Legislature of 1903, Senator Harmer offered Senate Bill No. 36, printed on Page 137 of the Senate Bills. That bill, which was drawn with considerable care, used as a model the Wisconsin law which was passed by that Legislature and approved by the people to whom it was referred, by a large vote, last fall. This bill is on the general lines of such a measure as many think we ought to have on our statute books for nominating public officials. All will agree that there should be a law governing primary elections held in this State and such primary elections should be held for all the parties in the counties on the same day. There should be no primary permitted by this State which is not regulated by statute and controlled by law.

Two years later the subject of direct primaries was forcibly presented to the Legislature of 1907 by Governor Wm. M. O. Dawson. In his biennial message, transmitted to the Legislature on January 17, 1907, Governor Dawson spoke with the voice of prophecy when he said:

Dawson Advocates Primary.

"The sentiment of the people is in favor of primary elections. With that sentiment I fully agree. While admitting it is not a perfect method and not without objection, yet it is the fairest, freest and best. I commend to you the passage of a law that will require every political party so to choose its nominees; that the election be held at public expense, by officers chosen and sworn under the law; that it be held on one day at every polling place in the State and that every safeguard possible be thrown around it so as to make it free from fraud, corruption and other evils. Not only should all nominees to be elected by the people be so chosen, but candidates for Senators of the United States should be selected in the same manner. There are many reasons why senatorial nominees should be so selected. As it is now, in every election of our members of the Legislature, members of one or both branches are nominated and "supported" with principle reference to their preference among announced candidates for Senator. If a candidate for Senator is a man of large means he is able to "assist" in the nomination and election of his friends and the men so "assisted" feel bound to vote for the candidate who so assisted them. Thus, it often happens that the man who has the most money is chosen Sen-

ator regardless often of his fitness by reason of ability or training for this great office. That this is a serious public wrong goes without saying. If candidates for Senator were chosen in the manner here advocated, it would remove much of the wrongful use of money by rich candidates, would make Senators more careful of public sentiment, would enable the people to select men to serve in the Legislature with reference to their fitness for that purpose alone and would save much valuable time in the sessions of our Legislature."

Governor Dawson repeated his recommendation of 1907 to the Legislature of 1909, and In 1911, Governor Wm. E. Glasscock, in his first biennial message to the Legislature, announced unequivocally his belief that the people of the State were demanding the right to make their own nominations and upon this question he held there was no division of sentiment among the rank and file of the two dominant parties. In strong language Governor Glasscock commended the consideration of a direct primary election law to the regular session of the Legislature of 1911. In his first biennial message to the Legislature, Governor Glasscock said:

Glasscock Recommends Primary.

"If there is one subject on which there is practically no division of opinion among the people of this State it is on a primary election law. Men of all parties, and in all walks of life, realize that our present methods of making nominations are unsatisfactory, to say the very least, and this sentiment has been reflected in the platform declarations of both the leading parties of this State in every convention that has been held for the past several years. Political parties, as a rule, take advantage of the popularity or unpopularity of any question by declaring in favor or against it when opportunity offers. I have never known a party inspired with any hope of success at the polls to declare in favor of any proposition which it believed would not meet with public approval or against any proposition in favor of which any considerable sentiment had been manifested.

"At the Republican State Convention held in the city of Charleston on the 8th and 9th of July, 1908, it declared in favor of a direct primary election method of making nominations in the following language: 'We favor what is known as the direct primary election method of making nominations as substantially incorporated in Senate Bill No. 114, introduced at the last regular session of the Legislature, whereby candidates of all political offices for all elective offices shall be nominated. But as this will be a radical departure in this State, it may be wise to

leave the county ticket optional, as to whether by primary or other method, as the proper party committee in the county may determine. But in no event should any primary be held except under State or county officers and under the State laws governing elections, and all regular primaries of all parties should be held on the same date, fixed by statute.'

"And the Democratic party meeting in convention in the same city, and only a few weeks thereafter, reflected the sentiment of a vast majority of the voters of that party in this State in these words:

'We believe that all nominations for public office, State and local, should be made by general primary election, and pledge ourselves to the enactment and enforcement of such a law.'

"Every member of the Legislature belongs to one or the other of these two great parties, and is therefore committed and pledged by his party to vote for a law that will give to the people of the State the same privilege to express their preference for nominations that they now have for recording their choice of candidates for office at the general election. In this law I hope that you will carefully safeguard the right of the voter by providing proper penalties for violations thereof. A candidate who uses corrupt methods to obtain a nomination should not be declared a nominee, and if the violation is not known until after his election then he should forfeit his office. No man should be permitted to hold an office when his certificate of election is tainted with fraud or corruption, and every voter who knowingly and wilfully violates the election laws, should be disfranchised.

"I believe I am somewhat familiar with the sentiment of the people of this State in relation to a primary election law, and because of this knowledge I confidently expect the enactment by this Legislature of a law that will meet with popular approval."

The regular session of the West Virginia Legislature adjourned sine die at 7 o'clock on the morning of February 25, 1911. That afternoon Governor Glasscock announced his disappointment at the failure of the Legislature to enact a primary election law and announced then that he would re-assemble the Legislature in special session within a few weeks to consider primary legislation. Only ill health prevented the Governor from calling the special session at the end of the regular session.

THE CAMPBELL-COOPER BILL.

Passed by House of Delegates in January by Overwhelming Vote, Was Rejected by Same Body in May.

One fact was prominent at the special session of the Legislature. It was the complete surrender of a majority of the House of Delegates to the dictation of the Democratic senatorial machine. To make this abject surrender to the Watson-Chilton alliance it was necessary for the House of Delegates to repudiate its own action and when the time came, it did so with the belief that the people were not watching the maneuvers.

At the regular session of the West Virginia Legislature, three months before, several primary bills were introduced and considered. Upon one of these proposed laws favorable action was taken by the House of Delegates. It was the Campbell bill, modeled after the Oregon and Wisconsin laws and adapted to conditions in West Virginia. It was very similar to the Cooper bill which had twice met with favoroble action in the Lower House of the Legslature. The author of the bill was a Democrat —Judge C. W. Campbell, of Cabell county.

The House of Delegates, after careful consideration of the Campbell bill, passed the measure by a vote of 77 to 5. It was the almost unanimous action of the House in voting for primary legislation that actuated the Governor in calling the special session of the Legislature. He believed the House was sincere. If it had shown a disposition to oppose primary legislation it is safe to say the Governor would not have called the extraordinary session. But it passed the Campbell bill without mutilation and went on record as favoring a direct primary law of unquestioned merit.

The Campbell bill came before the House of Delegates on February 1, 1911, when it was reported back from the House Committee on Judiciary, as House Bill No. 90, with the recommendation that it do pass. The following day it was taken up, read a first time and ordered to its second reading—the amendment stage—where it remained for one week, giving ample time for each member of the House to study its provisions and offer

any amendment they might see fit. On February 9, 1911, it came before the House as a special order of business and was passed by a vote of 77 to 5.

Here is the vote on the passage of House Bill No. 90. If your representative in the Legislature voted for the Campbell bill on February 9 and then voted against primary legislation at the special session in May, ask him to explain:

The ayes were—Wetzel (Speaker), Alderson, Barlow, Belcher, Brannon, Buffington, Campbell, Carle, Carr, Carroll, Clifford, Cobun, Courtney, Currie, Dice, Edwards, Felton, Gilkeson, Goode, Hager, Hall, Hays, Henry, Harry Hubbard, N. C. Hubbard, Huey, Ice of Marion, Ice of Barbour, Jeffers, Johnson, Kane, Keister, Kidd, Lacy, Law, Liller, Marcum, Marsh, Meredith, Miller, Moore, Morris, Morton, McCauley, McIntire, McLaughlin, Nuttall, Ogden, Ours, Owens, Padden, Parsons, Pemberton, Pence, Pendleton, Porter, Pugh, Robinson, Sanders, Shock, Skaggs, Smoot, Sperow, Steele, Symns, Terrill, Thomas, Throckmorton, Van Meter, Vickers, Walton, Wells, Whitham, Wildman, Williams and Wysong—77.

The Noes were—Epling, Goodykoontz, Kenny, Sharver and Strother—5.

Absent and not voting—Davis, Hudnall, Jolly and Siebert—4.

This same Campbell bill, passed at the regular session of the Legislature on February 9, was introduced in the same House of Delegates at the extra session in May was referred by Speaker Wetzel to his packed committee of 21 and that Committee was strangled by the men who had voted for it a few weeks before. Try as they did the opponents of the primary law were unable to give one solid reason why they should pass this bill in February and reject it in May. It could not have been a partisan measure aimed at the destruction of the Democratic party, for its author was a Democrat and it had once been passed by a Democratic House. If it was a fair, honest and equitable primary bill in February it should have been three months later.

WATSON-CHILTON COMBINE.

Unwilling to Fight Direct Primary Law Attack Call for the Extra Session.

The proclamation of Governor Wm. E. Glasscock, convoking the West Virginia Legislature in extraordinary session for the purpose of considering a primary law, was issued from the Capitol on the 18th day of April, and in the effort to hide their real opposition to a primary law which would have required Senator C. W. Watson to submit his candidacy for re-election to the voters of the State, the Chilton-Watson combine attacked the calling of the special session, arguing that there was no occasion for the assembling of the Legislature.

Unwilling to combat the Governor with open opposition to the primary law which he was advocating the two United States Senators with their newspapers, proclaimed that the Governor had transcended his authority in calling the special session. It was purely an effort to decieve the voters and beruddle the public mind and served as an excuse for some of the controlled members of the Legislature to fight the enactment of a direct primary law.

The course of many of the leading Democrats of the State who were not under the control of Watson and Chilton in advising the calling of the extra session and insisting upon the Democratic Legislature redeeming the platform pledge of 1908, showed conclusively that the bitter opposition to the primary law, led by Senators Watson and Chilton, sprung from selfish motives and that Senator Watson was to be the beneficiary of the defeat of a primary law.

Those able Democrats who endorsed the action of the Governor in calling the special session of the Legislature, and there were hundreds of them, did not believe that the men whom the Democratic party had sent to the Legislature, would so far forget their devotion to party and their platform pledges, in their blind subserviency to the senatorial machine, to repudiate a pledge of the party that promised the people the right to nominate their own candidates for public office.

Among those who advised the Governor to call the extra session of the Legislature was Hon. John T. McGraw, of Grafton,

Democratic National Committeeman from West Virginia, a loyal Democrat who for twenty years had been recognized as the State leader of his party. In a letter to Governor Glasscock prior to the calling of the extra session, Col. McGraw voiced the demand of the Democratic rank and file, when he said:

"Outside of, and far beyond, the public duty which devolves upon you as Governor of the State and, as a civic duty, wholly divested of political consideration, I think you should call an extra session of the Legislature for the purpose of passing a primary election law, the principles of which constitute a primal declaration by both political parties.

"The law, if enacted, should carry with it an enlargement of our corrupt practices act, with proper penalties for its violation; and among others a forfeiture of the office by the candidate in whose interest an infraction of the law shall have been committed.

"I see divergent opinions expressed from various sections of the State upon the question as to whether you should call an extra session for this purpose or not, and as an individual citizen, I cannot refrain from expressing to you an earnest expression that the best interests of the State demand the enactment of such a law."

That the statement of Col. McGraw was not made for political effect was proved by his attitude during the extra session of the Legislature, when he came to Charleston from his home at Grafton and pleaded with the Democratic members of the Legislature not to forget their pledges to the people of the State.

Three Democratic members of the State Senate assured Governor Glasscock of their support in the enactment of a direct primary law. Senators A. Hood Phillips, of Grafton; Geo. W. Bland, of West Union, and Senator Jake Fisher of Sutton, commended him for his action.

Senator Fisher, in a public statement, made prior to the assembling if the Legislature, said:

"Certainly I am in favor of the passage of a primary election law. I have been surprised to find that there should be any opposition, particularly on the part of Democrats, to this law. The party stands undisputedly committed to this important reform. It involves no more than the right of the party to manage its own affairs. I do not see how individual Democrats can justify the position that they, instead of the party, have the right to control it. It occurs to me that the Democrat who takes issue with his party on this proposition, attempts to constitute himself master of his party rather than its servant.

"I have been surprised to notice the comments of the Charleston Gazette and a few other Democratic newspapers in which it

is sought to confound matters now immaterial with the issue that will be pending before the Legislature. They take the position that the Governor made a mistake in calling the extraordinary session; that the session is for the purpose of disrupting the Democratic party and uniting the Republican party, and that there are many designing Republicans in the State who advocate the primary principle. It is plain that these comments are made with the sole view of mystifying the issue to be fought out in the Legislature.

"It occurs to me as being absurd, particularly for Democratic journals to take the position that the Democratic party would lose an advantage in the special session. Do they forget that the House of Delegates has a majority of 40 and do they mean to state that this majority is not a sufficient safeguard for the party interests? I have observed the fact that many columns of these newspapers have been wasted in an attempt to befog the issue. They nave pointed out all the infirmities of the situation, and at the same time they don't openly say that they oppose a primary election law; rather the most of them, to maintain regularity, say tney favor it. The fact is becoming more apparent every day that the self-constituted bosses in both parties are opposing the primary election law.

"When the Legislature meets, if they are of the opinion that they do not have sufficient strength to defeat the bill outright, they will feign friendship for the principle but will attempt to defeat the will of the people by amendments, calculated to destroy its efficiency. I believe that the people of the State are fully aware of the fact that those attempts will be made and it occurs to me that no Republican or Democrat can afford for a moment to stand between the people on one side and these special interests on the other. In the end nobody will be deceived, and in the end, if not now, a proper primary election law will be put upon the statute books. No substitute will be tolerated."

For making such a statement advocating the fulfillment of a party pledge, Senator Fisher was promptly read out of the Democratic party by the Charleston Gazette, the personal organ of Senator Wm. E. Chilton.

Hon. Henry Gilmer, of Greenbrier county, was another prominent Democrat who advocated the calling of the special session and asked the Governor to put it up fair and square to the Legislature. He wrote to Governor Glasscock:

"I sincerely hope that you will not be swayed from your expressed determinaton to call an extra session of the Legislature and put it up to the lawmaking bodies to pass or reject a direct primary law. Both parties in conventions assembled declared for such an act.

"I know that the party leaders of both parties are secretly opposing such a law. The political leaders in this State, do not sound the depth and strength of the sentiment of the common people to slough off the existing political corruption and the unholy alliance existing between the special privilege and machine politics.

"No State in the Union is more boss-ridden than West Virginia. In no State have the conditions become more corrupt, than in a few of our largest cities and counties.

"The public conscience is dormant, not dead. Money is used to decide vital questions and good men hold their peace because the honest, common people have no leader and no organization. All but those hardened and deadened by sin know in their hearts corruption means ruin to our institutions. Many who use money are ashamed of doing it and there are thousands and tens of thousaands who only want a leader and a chance to throw off the disease.

"Put it fair and square up to the Legislature. The Democratic House will have to answer to an indignant people if it doesn't respond to the people's demand. The Republicans of the Senate won't dare defeat an honest measure.

"The common people will be very grateful to you for forcing the issue. I believe in the people—they may be defeated in their aspirations for a time, they may be misrepresented and be misled for a time, but when they are aroused, get to thinking they will find a way and a party to carry out their wishes.

"Excuse the length of this letter. I feel deeply on this subject and feel that it is the bounden duty of every man who desires the security of our institutions to use his best endeavor to wake the patient people and to curb the arrogance of the deluded self-appointed leaders who are largely responsible for all opposition to a called session. They get their cue and their money from special privilege."

Judge C. W. Campbell, Democratic leader of the House of Delegates, and Chairman of the Judiciary Committee of the House, and author of the Campbell bill, heartily endorsed the act of the Governor in assembling the Legislature. Following his receipt of the proclamation, he wrote the Governor:

"I am today in receipt of your proclamation convening the Legislature in extraordinary session on May 16th. I shall be on hand at the time. I am glad you have called the Legislature in session for the purpose set out in your proclamation. I most heartily concur therein and will do everything in my power to bring around the enactment of the legislation you desire."

Hon. James W. Robinson, of Harrison county, Democratic

member of the House of Delegates, commended the action of the State's executive. He wrote:

"While I am not fascinated with losing the time, from a personal and selfish standpoint to attend another session this year, yet I desire to congratulate you in calling the Legislature together, especially in the face of such bitter opposition on the part of many conspicuous politicians of both political parties. In doing so I consider that you have performed a great civic duty to the State which will give the legislators an opportunity to pass a law, which, if enacted, will correct so many of the vile and unpatriotic abuses so frequently resorted to by political organizations and parties in selecting candidates for public office."

Hon. Andrew Edmiston of Weston, a Democratic leader in West Virginia for many years, who was a candidate for the Democratic nomination for United States Senator before the Democratic senatorial caucus at the regular session of the Legislature, was outspoken in commendation of the Governor. In a public statement, he said:

"That was the most creditable action that Governor Glasscock has performed since his inauguration. The passage of a primary law cannot be objectionable to either party, because both parties have pledged themselves to the passage of a Statewide primary. If all the members of the Legislature are disposed to do the right thing, and are honest, there can be no danger of any political advantage from either side, as the State Senate is a tie and the House largely Democratic. In addition the Senate being a tie, the Governor has the power to veto, so that there can be no objection to the passage of a primary law which might be objectionable from a Republican standpoint because the tie vote of the Senate and the power of veto by the Governor. Nor can there be any objection from a Democratic standpoint by reason of the large Democratic majority in the House of Delegates. All they have to do is to pass a fair, just and impartial State-wide primary law, with the same restrictions of our general election laws, and thereby give to the people at large regardless of party that which they want and demand and have been promised by both the Democratic and Republican parties. A MEMBER OF THE LEGISLATURE WHO DOES NOT VOTE FOR SUCH A LAW, IN MY HUMBLE OPINION, IS NOT DISPOSED TO DO RIGHT."

Even James W. Weir, Democratic editor and former member of the House of Delegates, who has since become the private secretary of Senator Clarence W. Watson, admitted that the Governor was right in assuming that the people wanted a direct primary election law. In the issue of the Wheeling Register of March 19, 1911, Mr. Weir wrote:

"In assuming that there is a demand on the part of an overwhelming majority of the people for a primary law, the Governor is entirely correct. Taken by and large in recent years the people—the voters have been defrauded in the choice of their public servants so many times that they are clamoring for a just and fair primary election—one that will afford a poor man the opportunity to become a candidate for a State office and that will insure the protection of the law in holding such primaries and in counting the vote."

With the exception of those newspapers under the control of Watson and Chilton, the Democratic press of the State reflected the sentiment of the rank and file of that party in urging the enactment of a primary election law. The majority of these newspapers urged the fulfillment of the plank in the Democratic platform which declared unequivocally for a primary election law. The Huntington Advertiser, a progressive Democratic newspaper made this pertinent observation:

"Whatever may be the attitude of the politicians of both parties in regard to the primary election law, there can be no doubt that a vast majority of the people of the State, regardless of party affiliations, favor such a law. And they should favor it, for it is a measure intended to restore to them the power that has wrongfully been taken away by the political bosses."

The Tucker County Democrat could see no reason for the attack made on the call for the special session by the Chilton-Watson allies. It inquired:

"Why such a hue and cry about Governor Glasscock calling an extra session of the Legislature to enact a primary election law? Have not all the States, even the great boodler state of Pennsylvania, a primary law? Have not both the Democratic and Republican parties of this State in their platforms promised the people and pledged their parties to the enactment of a direct primary law? Is it the reason that neither party has carried out the wishes of their party as promised in their State platforms, because they find it easier to purchase the United States Senatorship by purchasing the individual members of the Legislature, than to purchase or try to purchase the majority of the voters at the polls? Of course the old bribers and boodlers in both parties are against a primary election law for the reason that if we had a fair primary election law their occupations would be gone.

The Shepherdstown Register, a Democratic newspaper and edited by a man of character, remarked:

"The chief opponents of the primary election law are those who find profit in these juicy times when a United States Senator is to be elected—when rich candidates give up freely and cash

and offices and other good things generally are dished out in exchange for the votes and influence. For these very reasons the people at large ought to say who shall go to the Senate of the United States."

The Williamson Enterprise was one strong Democratic journal which could not be brought to the support of the Watson-Chilton combine in their opposition to a direct primary law through the declaration that former Governor Wm. M. O Dawson was in favor of such a law Here is the way the Enterprise answered that ridiculous argument.

"We see some of our Democratic neighbors are inclined to oppose the legislation asked for by the Governor at the special session of the Legislature This seems very strange and inconsistent to us, besides being very un-democratic, but the weakest part of the objections are the reasons assigned therefor.

"They pretend to be afraid of the shrewdness and ability of ex-Governor Dawson in framing these measures and taking advantage of them after they have been passed. We believe we have as able men in the Democratic party as Mr Dawson; we believe that with two-thirds of the House of Delegates and an even break in the State Senate, we should be able to take care of the interests of the Democratic party We should certainly be able to take care of any jokers or riders in any legislation that may be framed before it is allowed to pass."

In face of this sentiment for the enactment of a primary election law, from the rank and file of the Democratic party, the opposition of the Chilton-Watson combine was continued to the end, resulting in the defeat of the proposed legislation.

THE EXTRAORDINARY SESSION

Showing the Maneuvering of the Chilton-Watson Combine to Prevent Primary Legislation.

Pursuant to the call issued by Governor Glasscock from the capitol on the 18th day of April, the Legislature convened in special session at Charleston on May 16, 1911. And from the very moment that the Legislature convened in extraordinary session the forces of Chilton and Watson, under the command of MacCorkle in the Senate and Wetzel in the House, opposed the legislation proposed by the Governor and endorsed by the free and uncontrolled Democrats of the State.

Fifteen days before the session began, the Charleston Gazette, personal organ of Senator Chilton, predicted there would be no primary bill passed at the special session and hinted at an early adjournment without even considering the subjects enumerated by the Governor in his proclamation.

In fact this was the scheme of the Chilton-Watson combine—to adjourn the Legislature when it assembled without even the consideration of a direct primary law. This plan failed because there were about twenty Democrats in the House and Senate who were loyal to their party and the platform pledges of the party and who refused to enter a caucus where a vote on the question would be binding.

That the plan to force an early adjournment of the Legislature was defeated was due entirely to the action of these Democrats who insisted upon the redemption of the party pledges. Delegates Wm. B. Ice, of Marion county, the home of Clarence W. Watson, a controlled Delegate, made such a motion in a conference of the Democratic members of the Legislature but it raised such a storm of opposition that Ice was forced to withdraw his motion

Failing in their first effort to adjourn the Legislature before an expression was secured from either House on the subject of a direct primary law, the Watson-Chilton combine turned their thoughts in another direction and conceived the brilliant idea that they could prevent the House of Delegates from taking

any action by the appointment of a packed committee which could effectually strangle all bills, resolutions and measures which did not have the endorsement of the corrupt combine. Speaker Wetzel announced his willingness to help the senatorial machine tie the hands of those who insisted the party should carry out its pledges.

The Special Committee of 21.

Under the rules of the House which governed that body at the regular session of the Legislature, all bills introduced in the House of Delegates, were referred to the appropriate committees. Naturally all bills of the nature of a primary election law would be referred to the Committee on the Judiciary.

The regular Committee on the Judiciary was headed by Judge C. W. Campbell, of Cabell county, himself the author of the Campbell primary bill, and on this committee were other strong advocates of the primary legislation like Nelson C. Hubbard, of Ohio county, and E. F. Moore, of Marshall county The Committee, as a whole, was favorable toward the enactment of a direct primary law.

Speaker Wetzel and the Chilton-Watson combine knew this fact and they formulated a plan by which a special committee could be created for the consideration of all matters referred to in the call of the Governor.

Delegate John Dice of Greenbrier county, adherent of the Chilton-Watson combine, was picked for the disagreeable task of introducing the resolution which would take away from the Judiciary Committee its authority and vest this power in a Special Committee of 21. The Dice Resolution read as follows:

"Resolved, That the Speaker is hereby authorized to appoint a Special Committee, whose duty it shall be to consider and report upon all bills, measures, resolutions, relating to the matters contained in the proclamation of the Governor issued on the 18th day of April, 1911, assembling the present session of the Legislature, excepting such portion of said proclamation as relates to the appropriation of money to defray the expenses of said session; provided, that all other committee assignments made by the House of Delegates at the last regular session of the Legislature be and the same are hereby continued."

This resolution was taken up for immediate consideration and was amended by Delegate Liller, of Mineral county, to make the Committee consist of 21 members, to be taken equally from all parts of the State and each senatorial district thereof.

Earnest and vigorous protest was made against the adoption of the resolution by some of the Democratic members of the House.

Delegate Wysong termed it an attempt to defeat a primary law by sending primary bills to the special committee where they could be pigeon-holed at the will of the subservient members of the Committee.

In discussing the appointment of the Special Committee of 21, Delegate Wysong said:

"Why should this Committee be appointed? I cannot get over the proposition that occurs to my mind that the original committees that were appointed and stand as the original committee of the regular session of this House ought to be the original committees and the regular committees of the present session of the Legislature. If not, why not? If the original committees remain as they are, why should not this bill go to these committees?

"I submit, Mr. Speaker that the original committees are capable of taking care of anything that may be mentioned in the special call of the Governor. And when this bill may be presented, and I anticipate the presentation of a primary bill, Mr. Speaker, then it should be the duty of the Speaker under the law to refer the bill to the proper committee.

Upon the vote for the adoption of the resolution creating the Committee, Mr. Wysong said:

Wysong Warns Democrats.

"Permit me in explaining my vote to say that I intend to oppose, to the extent of my ability in this House, any effort to defeat a general and fair primary bill. I think, Mr. Speaker, that this amendment to the amendment is made for the very purpose of delaying and defeating the primary bill that we as a party are met and pledged to pass. Therefore, I intend, Mr. Speaker, to vote aye in order to permit the original motion to be brought before the House.

"I presume that we all are in favor of the enactmnt of a just and equitable primary bill. Now I want to make my position clear and fair before the gentlemen of this House. I want to say to the Speaker and to the gentlemen of the House that we want to impede and obstruct and defeat any measure that will go to the ultimate result of defeating a just and equitable primany bill. I want to say to the gentlemen, further, that it makes no difference to me whether the call of the Legislature may be given by a Republican Governor or a Democratic Governor, I simply want to state that if a Republican Governor happens to be right, I intend, so far as my small influence is concerned, to stand with him. Let me inform you, gentlemen, that you ought to proceed fairly and squarely in regard to this matter. Do not

make any mis-step, because I tell you and say to you, as an honest man, speaking to honest men, don't take it into your heads that the people of West Virginia do not want a primary bill. I tell you, speaking from observation, speaking from experience, speaking from what I know about the people of the State, I tell you without regard to party, that the people of this State stand for and want a just and equitable primary bill.

"Now why are we called together? We are called together for the very express purposes of enacting that sort of a law, and it is our duty to do so, it is our duty to say to the people of the State that we want a fair chance for the common people of this State to say where they want to vote and to say for whom they want to vote.

"We do not care whether it may inure to the benefit of the Democratic party or the benefit of the Republican party. I do not care to what party our actions may inure, but I say to you that when an honest proposition is submitted to the people of this State, and by the people of this State to the Legislature of of the State, it is our duty to respond to the wishes of the people and vote as they wish, or else we are not just and equitable representatives of the people of our State.

"In conclusion, let me say to you that the people of this State, without regard to party, demand that they shall say who shall go to the Senate of the United States; they demand to say who shall be your Governor and your Congressmen, and I say to you, gentlemen, give them a chance.

'If you defeat, by your action in the House of Delegates, the wishes of the people, you will be repudiated at the polls, and you ought to be.

"If you defeat their wishes you ought to be turned down, whether it be by the initiative and referendum or recall, or by any other proposition."

The vote on the adoption of the resolution was as follows: For—Wetzel (Speaker), Belcher, Carr, Carroll, Clifford, Dice, Edwards, Epling, Gilkeson, Goode, Hall, Harry Hubbard, Hudnall, Ice, of Marion, Jeffers, Keister, Kenny, Kidd, Lacy, Marcum, Morris, McCauley, McIntire, McLaughlin, Ogden, Owens, Parsons, Pemberton, Pence, Pendleton, Pugh, Seibert, Shaver, Smoot, Sperow, Strother, Terrill, Walton, Wells, Whitham, and Williams—42.

Against— Alderson, Buffington, Campbell, Carle, Courtney, Felton, Goodykoontz, Henry, Huey, Johnson, Jolly, Kane, Kennedy, Law, Lilley, Marsh, Meredith, Miller, Moore, Morton, Nuttall, Ours, Padden, Porter, Robinson, Sanders, Shock, Skaggs, Steele, Thomas, Throckmorton, Van Meter, Vickers and Wysong—34.

Absent and not voting—Barlow, Brannon, Cobun, Currie,

Davis, Hager, N. C. Hubbard, Ice of Barbour, Symns and Wildman—10.

The Dice resolution, authorizing the appointment of the "Special Committee of 21" was passed on May 16th, the first day of the special session The only argument tendered for the appointment of the Special Committee was to give consideration to each section of the State. In the appointment of the Committee, the following morning, after Speaker Wetzel had conferred with the other Chilton-Watson leaders, the Speaker ignored the resolution which directed him to give each senatorial district representation on the Committee, appoint the two members from McDowell county and two members from Marion county as members of the Committee, and failing to appoint a single Delegate from the Eighth or Twelfth senatorial districts.

The subservient Speaker packed the "Special Committee of 21" with fourteen bitter opponents of a primary law and then placed seven advocates of direct primaries on the Committee, realizing that they would be powerless to take any action. The Committee was made up as follows: Gilkeson, of Hampshire; McCauley, of Hardy; Dice, of Greenbrier; Seibert, of Berkeley; Shaver and Thomas, of Marion; Williams, of Raleigh; Kenny, of Taylor; Campbell, of Cabell; McIntire, of Tyler; Harry Hubbard, of Ohio; Throckmorton, of Wetzel; Wysong, of Webster; Hayes, of Calhoun; Wells, of Roane; Clifford, of Tucker; Strother and Epling, of McDowell; Johnson, of Morgan; Skaggs, of Fayette, and Ours, of Upshur. Of these 21 members Campbell, Thomas and Wysong, Democrats, Johnson, Skaggs and Ours, Republicans, favored the enactment of primary legislation.

VOTE ON HUBBARD RESOLUTION

Shows House of Delegates Opposed to Direct Primaries and Against Primary Election Laws.

On the third day of the extra session of the Legislature, the House of Delegates, working under complete domination of the Chilton-Watson combine, went on record as being opposed to direct primaries for the nomination of candidates for public office and further said that it was not the disposition of the House to enact a primary law at the special session.

This action, taken by the House of Delegates, on the 18th day of May completely refutes any argument that the Democratic majority in the Legislature stood for any kind of a primary bill, for the House, by an aye and no vote on that date, expressly stated that it did not favor the nomination of candidates for public office by the direct primary system and furthermore, it gave notice it would not enact any primary legislation at the special session.

Delegate Nelson C. Hubbard, of Ohio county, by reason of illness, did not arrive at Charleston for the special session until the morning of May 18th. He had been informed upon his arrival that the Democratic majority in the House of Delegates, at the dictation of the Democratic senatorial machine, were opposing the enactment of a direct primary law. Thereupon, Mr. Hubbard introduced the following resolution:

"Resolved, That it is the sense of this House that all nominations for public office should be made by general primary election, and that it is the disposition of this body to proceed at this session to enact appropriate legislation on that subject."

The vote on the Hubbard resolution was a frank expression of the members of the Democratic House of Delegates, showing conclusively that they were opposed to the enactment of a direct primary law and that they would repudiate their action at the regular session of the Legislature when the Campbell bill was passed. It was a notice to the people of West Virginia who had demanded the enactment of a primary law that no bill would be passed.

Read the vote on the resolution. Those voting in the affirmative made the public declaration that they were for a direct primary law and those voting in the negative went on record as being opposed to direct primaries. The vote was recorded as follows:

The Ayes were: Alderson, Barlow, Brannon, Buffington, Campbell, Carle, Cobun, Courtney, Felton, Goodykoontz, Henry, Nelson C. Hubbard, Hudnall, Huey, Ice of Barbour, Jeffers, Johnson, Jolly, Kennedy, Law, Marsh, Meredith, Miller, Moore, Morton, Nuttall, Ours, Padden, Porter, Robinson, Sanders, Shock, Skaggs, Steele, Thomas, Van Meter, Walton, Wildman and Wysong—39, twenty Republicans and nineteen Democrats voting in the affirmative.

The Noes were: Wetzel (Speaker), Belcher, Carr, Carroll, Clifford, Currie, Dice, Edwards, Epling, Gilkeson, Goode, Hager, Hall, Hays, Harry Hubbard, Ice of Marion, Kane, Keister, Kenny, Kidd, Lacy, Liller, Marcum, Morris, McCauley, McIntire, McLaughlin, Ogden, Owens, Parsons, Pemberton, Pence, Pendleton, Pugh, Seibert, Shaver, Smoot, Sperow, Strother, Symns, Terrill, Throckmorton, Vickers, Wells, Whitham and Williams—46, three Republicans and 43 Democrats voting in the negative.

The debate on the Hubbard resolution, which was the first effort to have the House of Delegates make an honest expression on primary legislation, showed the opponents of primary legislation forced to resort to subterfuge in responding to those who favored the Hubbard resolution and who were willing to declare their advocacy of a direct primary law.

On motion of Mr. Hubbard to dispense with the rules and take up the resolution for immediate consideration, the debate is interesting. It follows:

MR. STROTHER, of McDowell: I see no reason, Mr. Speaker, why that resolution should be taken up for immediate consideration It is for the purpose of trying to force this House to say that it is for a primary bill. Why should it not lie over until tomorrow? It means that if it is adopted now, this House is for a primary election law. I hope that it will be the pleasure of the House to not immediately act upon it.

MR. GILKESON, of Hampshire: The rules ought not to be suspended for the immediate consideration of this resolution.

Mr. Hubbard has gotten in late and, of course, is unaware of the method of procedure upon this matter This House has adopted and I think this House is preparing to outline its policy on the subject of this primary election law, and I do not think, therefore, that this is just the time that this House ought to consider the resolution.

MR. CAMPBELL, of Cabell: Mr Speaker, I think that on the

contrary, that the rules ought to be suspended and the resolution taken up for immediate consideration We have been called in extra session to consider only two subjects, namely, for the passage of a primary election law and a corrupt practices act. The chief one of these two is the primary election law. We have been here now for two days. This is the third day and no bills have been introduced yet, and this House has not entered upon the consideration of the subjects that it was called together to consider I know that there are some of my associates here, and possibly some on the Republican side, also, who do not favor a primary election law at this time. Some may be opposed to it altogether, but I am safe in saying that a number of my party associates are opposed to entering upon any consideration of a primary election law at this special session.

"There are on my side of the House some Democrats who are in favor of enacting a primary election law now, since we have been called together for that purpose, and I am informed that there are a number of Republicans who are in favor of entering upon that subject. There is no attempt to force anybody. We are entitled to know and I think the people are entitled to know whether there is a majority in the House in favor of legislation on this subject or not. If a majority of this House think it should not be adopted; if we are not in favor of entering upon appropriate legislation at this time, then the next thing that ought to follow would be a motion to adjourn sine die, but if the resolution is adopted we can get to work immediately, the bills can be introduced and printed and the House can enter upon their immediate consideration. It simply means that if there is a disposition on the part of a majority of this House, we can enter upon appropriate legislation on that subject. We might differ, of course, on what is appropriate legislation; it is simply a question of counting noses and seeing whether there is a majority in favor or opposed to that. I think the matter should be taken up for immediate consideration. Every man is well prepared to say what his mind is now as he will be tomorrow These men are not going to change over night. I assume that every man has made up his mind.

MR HALL, of Wetzel: I want to say to my friend from Ohio county and my friend from Cabell county that I am just as earnestly, sincerely and honestly in favor of a primary election law; one that will be fair and just and honest to the Democratic, the Republican party and to the people of this State, but there are different ways of getting at these matters. I think that it was unfortunate that this resolution was offered at this time. There are different views in regard to this question, as to how we shall proceed. We cannot afford to put on our statute books legislation

that will not produce a result. If we put an ill-advised and ill-considered piece of legislation on our statute books, we better not have it at all I shall vote against taking up this resolution for immediate consideration, and I want to assure him that it does not indicate my position on this question.

MR. BARLOW, of Marshall: I must agree with the gentleman from Ohio, and, also, the gentleman from Cabell in regard to the immediate consideration of this resolution. The House has shown by its vote in the last session of the Legislature that it was almost unanimously in favor of a primary law, and now then why should it allow this resolution to lie over for one day and take up the time of the members from their business and the money of the State of West Virginia. If you are men, and have the courage of your convictions, then I say to you, stand by this resolution. Why do you want to study over this resolution? Does it contain some proposition that you have never heard of before? It contains just a simple question that has been discussed in the schoolhouses, upon the political platforms, and upon the streets in this State for the last three or four years. Why did you vote for a primary law at the regular session of the Legislature and now ask 24 hours to consider this simple resolution. There is no necessity for that. It is merely to give you more time to devise plans, if you can, to avoid facing this question. I fully understand that the some Republican members are opposed to this meas ure, and there are some, also, on the majority side, but that makes no difference. It is a question to consider, something that you as individual members must face now and which you must face in the next campaign. You must favor it when you return to your constituents.

MR TERRILL, of Wayne county: The gentleman who has just preceded me made the point that there were members on the floor of the House who are trying to avoid the issue I want to say to him that I am here to face this issue, and I resent the assertion, and I am here to make the declaration so far as I am individually concerned that I am against a primary law at this session of the Legislature, and I am against this resolution.

Mr. Terrill was more frank and not so cunning as some of the machine leaders in the House who wore the Watson-Chilton yoke. They pretended to favor a primary law and then oppose every motion that would have led to the earnest consideration of a just and equitable measure. Delegate Terrill merely explained the sentiment of the bosses in his party.

THE GILKESON RESOLUTION

Mere Makeshift to Defer Primary Legislation Eor Two Years in the Interests of Clarence W. Watson.

Failing in their effort to adjourn the Legislature without the consideration of a direct primary law; recording themselves in opposition to direct primaries by defeating the Hubbard resolution, and having succeeded in the appointment of a packed committee in which primary bills could be smothered, the Chilton-Watson combine then took a step to escape the consideration of a primary measure by referring the proposition to a commission which could report to the Legislature of 1913.

Coming from the boss-ridden county of Hampshire where John J. Cornwell, at the dictation of eastern financiers, had sunk a knife into the form of his erstwhile benefactor Col. John T. McGraw, and was now doing the bidding of the Chilton-Watson combine and opposing a primary law along with the other Democratic county bosses who manipulated the nominations in Hampshire county, Henry M. Gilkeson became the patron of a resolution which to that time was the boldest attempt made during the special session to prevent Clarence W. Watson from seeking a re-nomination at the hands of the voters of West Virginia. It was a measure designed to thwart the will of the people and would defer primary legislation for a period of two years and was approved by the leaders of the senatorial machine.

The Gilkeson resolution, couched in language to befog the thoughtless reader, was a mere makeshift to keep the Legislature from considering a direct primary law at the special session and on the floor of the House of Delegates it was denounced by able and loyal Democrats as party perfidy and a subterfuge. By one it was characterized as a dishonest measure which admitted the incompetence of the Legislature to deal with the primary question.

The object of the resolution was to authorize the appointment of a commission of five members of the Legislature who were to draft a primary law in the ensuing two years and report to the next regular session of the Legislature which would meet in January, 1913. Clarence W. Watson, with his millions, would be a

candidate for Senator in 1912. Was this resolution designed for the purpose of preventing Watson from submitting his candidacy for re-election to the voters of his party? Could more convincing proof of the servility of the Democratic majority to the interests of the senatorial combine, be had?

The only argument advanced in favor of the Gilkeson resolution, even by the patron himself, was that it would require time to secure a law that would be satisfactory to everyone, and in order to avoid bad legislation it would be necessary to appoint a committee and give them sufficient time to draft a law based upon the experience of other States. Yet at the regular session, three months before, Mr. Gilkeson himself, had voted for the passage of the Campbell bill. He did not state then that he was incompetent or that he did not know it was necessary for a commission to consider this subject. Three months elapsed between the time the Governor stated he would call the extra session and the convening of the Legislature. Was not that sufficient time for Mr. Gilkeson, who had been certain of his knowledge of a good primary bill in January when he voted for one, to have acquired some of these details which he desired to refer to a commission?

The aim of the Gilkeson resolution is shown by the resolution itself:

The Gilkeson Resolution.

Whereas, the matter of a compulsory primary election law is one of grave importance to the people of the State, and one that should receive the most serious, careful and intelligent consideration at the hands of the Legislature, and especially in view of the fact that there is a wide difference of opinion among our people as to whether the good results expected from such laws in the other States that have enacted them, have been obtained, in the eliminating and lessening of dishonest and corrupt methods in making nominations of candidates for public office, and promoting purity in elections, and,

Whereas, many of our people are opposed to the enactment of such a law in our State, because of the great expense of such elections without adequate results, and many are doubtful as to the propriety of it, while many are in favor of it; but those who favor it desire the best possible law on the subject and, with it, such modifications of our general election law and corrupt practices act and registration law and ballot law as that our whole scheme and system of election machinery will be such as will properly safeguard the ballot and accomplish, as far as is possible by legislation, that honesty and purity in our elections so much desired by all good citizens; and,

Whereas, Several of the States have enacted primary laws and tested their efficiency, which laws differ very materially in their provision, and, it is desirable that the provisions of these laws and the results obtained from them be inquired into, in order that we may profit by the experience of our sister states and avoid mistakes of some of them; and,

Whereas, it would be unsatisfactory and unwise for this Legislature, at this time, to undertake such an investigation at great expense to the State, or to attempt such legislation without investigation,

Therefore, That a joint committee of five members of this Legislature, consisting of two members of the Senate, to be appointed by the President of the Senate, one of whom shall be a Republican and one a Democrat, and three members of the House of Delegates, to be appointed by the Speaker of the House, two of whom shall be Democrats and one a Republican, be appointed, whose duty it shall be to examine primary election laws of other states and to inquire into the operation and effectiveness of such laws, and results obtained from them, and to examine and consider all laws of this State affecting the integrity of elections, the state registration law, the corrupt practices act and general election law and ballot law, and report to the next regular session of the Legislature, by bill or otherwise, the result of their investigations, and said committee is authorized to sit during the recess of the Legislature.

Said committee shall be allowed per diem of four dollars per day each for the time actually employed in the matters herein committed to them, and actual expenses paid in traveling to and from the places of their sittings. The first meeting of said committee shall be at a time and place to be designated by the clerk of the House who shall notify each member by mail; and then the committee shall fix the times and places for subsequent meetings, and the chairman shall give each member reasonable notice by mail of each meeting. A majority of the committee shall constitute a quorum.

Resolved, further, That until the coming in of said report of said committee that no further legislation upon the subject of the Governor's call shall be entered upon, except an appropriation bill to pay the mileage and per diem of the members and the per diem of attaches of both Houses.

This resolution, of which Mr. Gilkeson claimed to be the proud father, was placed before several conferences of the Democratic members of the House and Senate, where strong opposition was manifested. Efforts to bind the solid Democratic vote of the two Houses in favor of the resolution were unavailing. Twenty Democrats, free from control of the Watson-Chilton combine, and

who stood to the end for the redemption of party pledges, stated they would leave the conferences if any effort to bind the Democrats in favor of the subterfuge, was pursued. So strong was this opposition that the effort to bind the legislators through a caucus vote, was abandoned as a dangerous proceeding.

On the 18th day of May, the record discloses that Mr. Gilkeson opposed the motion of Mr. Hubbard to have the Hubbard resolution, declaring it to be the sense of the House that a primary bill should be passed, taken up for immediate consideration. On the next day, the 19th of May, Mr. Gilkeson introduced his resolution to kill the primary bill, and then moved that reference to a committee be dispensed with and the resolution taken up for immediate consideration. A little thing like consistency did not bother a man of such pure motives as Henry Gilkeson who demonstrated that he was in the clutches of the bosses of his own county, while they, in turn, were controlled by the Watson-Chilton combine.

At this point when the motion of Gilkeson to take up his resolution for immediate consideration, was pending, Mr. Robinson, of Harrison county, offered a substitute motion "That the resolution be referred to the Judiciary Committee for an opinion as to whether or not said resolution is within the scope of the Governor's call and to report to this House tomorrow morning at 10:30 o'clock." This is the record of the proceeding:

MR. ROBINSON: Mr. Speaker, in support of the substitute motion, I desire to state that there is a difference of opinion among lawyer members of this House as to whether or not it would be proper and legal for this Legislature to appoint a commission under the Governor's call. It is the opinion of some that such a thing would not be within the scope of the Governor's call. I deem it advisable that this resolution should be referred to the Judiciary Committee in order that it may go over the matter carefully and see whether or not it was within the scope of the Governor's call and so advise this House by a report tomorrow morning at 10 o'clock.

MR. STROTHER: The original resolution is before the House and the amendment is to refer it to the Judiciary Committee. Is the Judiciary Committee in action? Has it done anything? Do you expect it to do anything? What was the "Special Committee of 21" created for? To consider primary bills and if it should go anywhere it should go there and, therefore, this amendment should be defeated. The amendment should undoubtedly be voted down.

MR. ROBINSON: The gentleman, I think, misunderstands the purpose of the substitute motion.

MR. McCAULEY: It seems to me that this is an unnecessary

proceeding. It seems to me that it is so plain that there ought not to be any room for discussion about it, and no necessity to refer it to a committee. The Governor has issued a call for the passage of a primary election law. The regular course is to refer bills and resolutions either to a regular or special committee to consider and report upon. If the House can refer it to a regular committee, it can refer it to a special committee. Now it seems to me that it is so regular that there ought to be no question.

To place the house on record on the substitute offered by Mr. Robinson to refer the resolution to the Judiciary Committee for the purpose of ascertaining whether or not it came within the scope of the Governor's call Mr. Moore demanded the ayes and noes. They were taken as follows:

The Ayes were: Alderson, Barlow, Brannon, Buffington, Campbell, Carle, Cobun, Felton Goodykoontz, Henry, Nelson C. Hubbard, Huey, Ice of Barbour, Jeffers, Johnson, Jolly, Kennedy, Kenny, Law, Liller, Marsh, Meredith, Miller, Moore, Morton, Nuttall, Ours, Padden, Porter, Robinson, Shock, Skaggs, Steele, Thomas, Van Meter, Walton, Wildman, and Wysong. —38.

The Noes were: Wetzel (Speaker), Belcher, Carr, Carroll, Clifford, Currie, Dice, Edwards, Epling, Gilkeson, Goode, Hager, Hall, Hays, Harry Hubbard, Hudnall, Ice, of Marion, Kane, Keister, Kidd, Lacy, Marcum, Morris, McCauley, McIntire, McLaughlin, Ogden, Owens, Parsons, Pemberton, Pence, Pendleton, Pugh, Sanders, Siebert, Shaver, Smoot, Sperow, Strother, Symns, Ferrell, Throckmorton, Vickers, Wells, Whitham, and Williams—46.

Absent and not voting—Courtney and Davis.

Explaining his vote on the Robinson substitute motion, Delegate N. C. Hubbard, of Ohio county, said:

"I vote aye, Mr. Speaker. My reason for doing so is that I think the resolution presented by the gentleman from Hampshire is out of order. The matters for which the Governor has called us here are to be legislated upon and nothing else, and I do not believe that a resolution in the form presented to raise a commission to report to the 1913 session of the Legislature can be good. Mr. Speaker, I am not sure whether I am discussing the merits of the resolution or not —I mean to say that I believe the resolution to be out of order, and I think it well and legally follows from that, that the question should properly be referred to the Judiciary Committee for consideration. I do not mean to ask the House to accept my judgment on that question, I want merely to say that if there is serious ground for doubt in the mind

of any member of this House then this is a matter that can properly go to the Judiciary Committee for action."

After the failure of the House to refer the Gilkeson resolution to the Committee on Judiciary, an adjournment was taken until the following day.

When the House of Delegates convened in session on May 20, Hon. W. T. Ice, Jr., Democratic Delegate from Barbour county, realized that the Gilkeson resolution was going to pass the House and to put that body on public record, at least in favor of the general primary plan for the nomination of candidates for public office, offered the following resolution:

"Resolved, That in the opinion of this House all nominations for public office should be made by general primary election."

Again the House declared its unalterable opposition to a direct primary law and when the ayes and noes were demanded by Delegate E. A. Brannon, of Lewis county, the House voted as follows:

For the Resolution—Alderson, Barlow, Brannon, Buffington, Campbell, Carle, Cobun, Felton, Goodykoontz, Hall, Henry, Nelson C. Hubbard, Huey, Ice of Barbour, Johnson, Jolly, Kenny, Law, Liller, Marsh, Meredith, Miller, Moore, Morton, McLaughlin, Ours, Padden, Porter, Robinson, Sanders, Shock, Skaggs, Steele, Thomas, Throckmorton, Van Meter, Wildman, and Wysong—38.

Against the Resolution—Wetzel (Speaker), Belcher, Carr, Carroll, Clifford, Currie, Dice, Gilkeson, Goode, Hager, Hays, Hubbard, Ice of Marion, Kane, Keister, Kidd, Lacy, Marcum, Morris, McCauley, McIntire, Ogden, Owens, Parsons, Pemberton, Pence, Pugh, Seibert, Shaver, Smoot, Sperow, Strother, Symns, Terrill, Vickers, Walton, Wells, Whitham. and Williams—39.

Absent and not voting—Courtney, Davis, Edwards, Epling, Hudnall, Jeffers, Kennedy, Nuttall and Pendleton—9.

For the second time in the special session the House of Delegates made a direct and frank statement that it was against a primary law for the nomination of candidates for public office.

On the same morning the Gilkeson resolution came before the house for adoption or rejection. For several hours it was discussed, and the most bitter criticism of the Gilkeson scheme to defeat a primary law, came from Democratic Delegates who were not controlled by Watson and Chilton and who were possessed of courage in abundance to fight the resolution.

Judge C. W. Campbell, Democrat, of Cabell county, whose advocacy of direct primaries cannot be questioned, exposed the fallacy of the resolution and admonished the Democratic

members that they could afford to do right and trust the consequences. The speech of Judge Campbell, is the expression of an honest advocate of direct primaries on the Gilkeson resolution. Judge Campbell said:

Speech of Hon. C. W. Campbell.

"I oppose the adoption of this resolution. In view of the State .Democratic platform of 1908, I regard this resolution as party perfidy—a subterfuge, a scuttling of the Democratic ship—a thing worse than cowardice. Its adoption cannot be justified on any good or just grounds. It is dictated by blind partisanship—it was inspired by an appeal to party prejudice. It confesses ignorance and incompetency on the part of the Democrats of this House to draft an act for a primary. It attempts to cast doubt and uncertainty about the propriety of any primary election law, notwithstanding the fact that about one-half of the States have laws that are State-wide in their operation, mandatory in character and fairly complete in their provisions. I refer to the States of Arizona, Iowa, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington and Wisconsin. In Colorado, Delaware, Indiana, Maryland, New York and Rhode Island, there has been legislation on the subject but local in application but nevertheless mandatory in character.

"The Cooper bill, so-called, passed the House last winter by a vote of 77 to 5. The same bill had before that time passed the House of Delegates twice at separate sessions of the West Virginia Legislature. Have we lost our cunning since the regular session? The general subject of nominating all candidates for public office by direct primary election has been before the public for discussion for many years last past, and there is, therefore, no excuse for the many learned lawyers of this body or for the experienced lay members to cast off the duty that rests on them to draft an act and to pass it for enactment.

"It is no excuse to say that the Governor has called us here in hot instead of cold weather to legislate on this subject. We have already been here long enough in the heat of the weather (and in the heat of dodging) to have passed a primary election law. It is not for those who believe that party platforms are pledges of good faith rather than badges of fraud and deceit, now that we have a golden opportunity to pass a general State-wide mandatory primary elec-

tion law, to say that the extraordinary occasion did not exist, justifying the Governor's call. He alone is the judge of the occasion and must bear the responsibility for the extra session.

"It is argued by some that a primary election law will cure the ills now affecting the Republican party of this State, and that they will nominate a ticket that all Republicans will support and, therefore, the Democrats ought not to aid in passing such a law and thus defeat their own party. This is one of the strongest arguments for a primary law. If such a law can cure such otherwise incurable party troubles, it certainly has great virtue in it and is evidently a good thing and West Virginia is entitled to such a law. The motive for opposing the enactment of the law is partisan entirely and not statesman-like. Others say that if the Governor had embraced in his call for this session the subject of a general registration law they would be in favor of passing a primary law, but that without a registration law, they will oppose the primary law. The platform pledge had no such condition. It was absolute and unconditional in its promise. But this is a mistaken notion. We have now on our statute books a fairly good registration law—not what it ought to be in some respects, or such as we Democrats would like, but we must not overlook the fact that the registration law as amended at the regular session, provides for two registrars, one for each of the two leading parties at each precinct, who must act together and jointly in registering each voter. Our party can and will be represented by one of these registrars at every precinct in the State. The registration book must be open to public inspection and the registrars are required to furnish copies thereof on demand of any person. More provisions safeguard the interests of all parties. I have not the slightest doubt in my own mind that it is perfectly competent for this session of the Legislature, under the Governor's call, to provide in any draft of a primary law, that no one shall be allowed to vote in any primary election, without having first been registered. Also to provide that the county court shall appoint registrars under the existing registration law for the purpose of any primary election.

"I am not now prepared to say that this extra session is without power, under the call of the Governor, to appoint an ad interin commission as contemplated by this resolution, but there is some ground for doubt on the subject.

"In conclusion let me say that independently of my obligation under the platform of 1908, and especially under my personal pledge to the voters of Cabell county, made during the canvass and before my election to this body, I firmly be-

lieve in a State-wide, mandatory primary election law, thorough-going in all its provisions, and would for that reason alone oppose the resolution. I regret that a majority of my party associates feel justified in voting for this resolution. But I also feel that I have not strayed away from Democratic moorings, but stand on firm ground.

"The Democratic party can always afford to do right and trust to the consequences."

Even more frank in his discussion of the resolution was Hon. James W. Robinson, of Harrison county, another Democrat, who was sincere in his advocacy of a direct primary election law. He charged that it was a dishonest measure introduced for a dishonest purpose—that of delaying legislation which had been promised by both of the political parties.

Mr. Robinson's speech was as follows:

Robinson Attacks Resolution.

"Mr. Speaker: I am opposed to the resolution, and in what I have to say in opposition to it I shall confine as far as possible my remarks directly to the resolution in question. Permit me to say that we should consider this resolution cooly and dispassionately. As members of one of the greatest legislative bodies of West Virginia we should be very careful in what we do in regard to this matter. I do not think my statement will be challenged when I say that the purpose of the introduction of this resolution providing for the proposed commission has but one purpose and that is to prevent the passage of a primary election law at this session of the Legislature. I am willing to admit, Mr. Speaker, that it is not unusual among the legislative bodies to refer matters to commissions, and in addition to that permit me to say after going over the entire matter carefully that I can think of but two reasons why the proposed legislation would be referred to a commission. The first is for an honest purpose. It is for the purpose of obtaining information to be reported to the assembly which creates the commission, or to some later Legislature assembled in order that they may be put in possession of facts, statistics and data which will enable them to honestly and conscientiously deal with the proposed legislation. The second purpose for which a commission can be created is a dishonest and illegal one. It is for the purpose of delaying proposed legislation. In other words it is for the purpose of putting off the day of final judgment. It is for the purpose of withholding from the people certain legislation which justly belongs to them. I believe that this

resolution creating this commission is for no other purpose than to prevent any legislation upon a primary election law. I say that it is for a dishonest purpose; that it is not for the purpose of acquiring proper information but that it is for the purpose of delaying that which both of the great political parties of West Virginia have promised and pledged in their platforms to the people of this great Commonwealth. It is said that the purpose of this resolution is not an improper and dishonest one. It is said it is for the purpose of inquiring into the methods and into the workings of this law; that it is for the purpose of going around among the people and ascertaining whether or not they are in favor of this law.

"I take it, gentlemen, that the Republican party has settled convictions upon this question inasmuch as they have declared in two of their State platforms that they are in favor of a primary election law. I take it that the Democratic party has settled and definite convictions upon this matter inasmuch as they have pledged to the people that they are in favor of the enactment of a primary election law. That being true both of the great political parties which are represented in both houses of the Legislature—it cannot be said that they do not have convictions. Then let us go to the very purpose of the resolution which has been introduced into this House for the purpose of delaying any legislation which might be proposed. What is it? It is a conviction upon its face, gentlemen, of the incapacity of the members of this Legislature to deal with matters of that kind. It is an admission upon its face, gentlemen, that this assembly is incompetent to pass upon a question which has been discussed among the people and in every school house throughout the length and breadth of this State for the last three years. It is placing the brand of incompetency upon every lawyer in this House and in the State Senate,—and upon the two members of this House who have presided over the State Bar Association. It is placing the brand upon that man who sits in this House who has served upon the Supreme Bench. I will say, gentlemen, that it is a mere subterfuge.

"Let me ask you, fellow-Democrats, are you afraid to keep your promise to the people? Is it more important for you to keep your promises with the people than it is to go back home and upon broken promises, upon a broken platform measure and try to win a victory in two years upon the dissatisfaction and dissension which exists within the ranks of the Republican party? It has been said time and again, gentlemen, that the Democratic party is incapable of running the affairs of this State or of running the affairs of this Nation. Is that true? Are we going to pass that resolution and go back home

and let it be said that they sent incompetent men here to represent them, and along the same line and by illustration, let me say, that during the past campaign I heard a prominent Republican who stands high in the official life of West Virginia make a Republican speech which was published in all of the leading Republican papers throughout the breadth of this State and in that speech, in about nine words, he returned one of the most caustic and bitter indictments against the Democratic party that I have ever read or heard. It was this: "The Democratic party stands leaderless, issueless and sensless." Now we are up to that proposition, gentlemen. Are we going back and let it be said to us that among our number we did not have a leader who could successfully lead the members of this Legislature? Then can it be said that the platform of 1908, declaring in favor of a primary election law means anything? That the promises and the platform speeches made in many different counties mean nothing? That we cannot have an issue. That if we did have an issue it did not mean anything, and then worst of all can it be said that after having elected an overwhelming majority in the House of Delegates of West Virginia, that among that body there was not one man who had sense enough to write the convictions of the party in the form of a bill? Why, gentlemen, you need not deceive yourselves. The people are looking upon your record. The people are the ones to whom you will have to answer. It is not those men who meet you and try to persuade you in the hotels and upon the streets.

"Now, gentlemen, I sincerely hope that this resolution will be defeated. I sincerely hope that you will vote it down. I sincerely hope that you will make it possible for this Legislature to enact a primary election law, and if not to enact a primary law make it possible to give the members who do want a primary law to do work in that direction. I take it, gentlemen, that if we tie the hands of the friends of a primary election law that the Democrats here are ruined to the last day of their lives. To me, gentlemen, the Democratic party means more than the political ends,—it means more than the spoils of office. But, gentlemen, if our platform means nothing, if they are merely for the purpose of winning votes, then I have been mistaken in the estimate I have had of my party.

"Let me urge upon you if you have any consideration for the Democratic party. or if you have any consideration for the intelligent citizens of this State who sent you here, I ask you to vote against the resolution which is now before you for consideration."

The vote on the adoption of the Gilkeson resolution, ac-

cording to the Journal of the House of Delegates of May 20th, was recorded as follows:

For the resolution—Wetzel (Speaker), Belcher, Carr, Carroll, Clifford, Currie, Dice, Gilkeson, Goode, Hager, Hays, Harry Hubbard, Ice of Marion, Jeffers, Kane, Keister, Kenny, Kidd, Lacy, Marcum, Morris, McCauley, McIntire, McLaughlin, Ogden, Owens, Parsons, Pemberton, Pence, Pugh, Sanders, Seibert, Shaver, Smoot, Sperow, Strother, Symns, Terrill, Throckmorton, Vickers, Wells, Whitham, and Williams—43.

Against the Resolution—Alderson, Barlow, Brannon, Buffington, Campbell, Carle, Cobun, Edwards, Felton, Goodykoontz, Hall, Henry, Nelson C. Hubbard, Huey, Ice of Barbour, Johnson, Lilly, Law, Liller, Marsh, Meredith, Miller, Moore, Morton, Nuttall, Ours, Padden, Porter, Robinson, Shock, Skaggs, Steele Thomas, Ven Meter, Walton, Wildman and Wysong—37.

Absent and not Voting—Courtney, Davis, Epling, Hudnall and Pendleton—5.

With the passage of the Gilkeson resolution on May 20, the House of Delegates recessed until May 23rd.

The resolution came before the State Senate on May 24th for adoption or rejection. If it passed the Senate all further negotiations toward the enactment of a direct primary law at the special session of the Legislature would be abandoned. The Democrats in the House of Delegates, servile to the interests of Watson and Chilton had passed a dishonest measure and it came before the Senate with the Watson-Chilton forces in the Senate, under the leadership of MacCorkle, McIntire and Woods, advocating its adoption.

The final vote in the State Senate shows four Democratic Senators voting with the solid Republican half of the Senate in opposition to the resolution, thus forcing the Democratic majority to consider primary legislation. The vote which killed the Gilkeson scheme to defer the primary legislation was as follows:

For the Resolution—French, Kidd, MacCorkle, McIntire, Peterkin, Salmons, Silver, Slemaker, Smith of Raleigh, Woods, and Zilliken—11

Against the Resolution—Hatfield (President), Bland, Coffman, Craig, England, Fisher, Flynn, Grimes, Hearne, Hood, Johnson, Meredith, Phillips, Preston, Shinn, Smith of Cabell, Smith of Roane, Sutherland and White—19.

THE COFFMAN PRIMARY BILL

Republicans, With Assistance of Independent Democrats, Pass Primary Measure Through State Senate.

Following the passage of the Gilkeson resolution through the House of Delegates and the subsequent defeat of that infamous measure in the State Senate, it was apparent that the Legislature must now face the issue the Chilton-Watson corrupt alliance had tried so strenuously to evade—namely, the consideration of a direct primary law. And the scene shifts from the Lower House to the State Senate.

On the morning of May 24th, the same day the Gilkeson resolution met defeat in the Senate, Senator Chas. G. Coffman, of Harrison county, introduced Senate Bill No. 5. which later became known as the Coffman primary bill. It was introduced in the Senate, ordered printed and then amendments, which made it a complete primary bill providing for the nomination of every candidate, from United States Senator down to the village constable, by direct primary, were added.

As it came before the Senate for passage it was a bill which fulfilled the plank in the Republican platform, and being fair, just, honest and equitable it should have been satisfactory to every advocate of direct primaries. It was but natural however, that those who opposed primary legislation could find an excuse not to support the Coffman bill.

The Coffman bill provided for a general primary election for the nomination of all candidates for public office; said primary to be held in the month of August; candidates of all parties to be nominated on that date; each party to have equal representation at the polls; voters who were not registered must make affidavit that they were legal residents of the district and qualified voters; Republicans prohibited from interfering with Democrats, and Democrats prohibited from interfering with Republicans; provided for the election of county , senatorial and congressional committees; the 55 county chairmen elected to comprise the State Executive

Committee and conventions to be held for the election of Delegates to national conventions.

The amendments presented to the Coffman bill perfected it in every detail. Later, when the bill came before the Senate for passage, the sole objection waged by Sentor Samuel V. Woods to the measure was that it had been amended 72 times, and this objection was made in face of the fact that the French Referendum bill had been amended 104 times.

The Coffman bill took its regular course through the State Senate. The Republicans who advocated the measure offered the amendments which they thought would perfect it and make it unobjectionable to those who favored direct primaries. During the whole time that the bill was on second reading—the amendment stage—not one amendment was offered from the Democratic side of the chamber with the exception of the time when Senator Bland moved to substitute the French bill without the referendum, for the Coffman bill. The Republicans believed that a substitute would have to be better than the original and they voted against the substitution believing the Coffman bill was a better bill. And several of the Democrats, also, voted against the motion of Senator Bland.

Debate on Coffman Bill.

On Monday, the 29th day of May, the Coffman primary bill came before the Senate for passage and a debate lasting several hours ensued. Senator Sam V. Woods, of Barbour county, heedless of the pledge in the platform adopted by the Democratic State Convention, heedless of his own personal promises to the voters of his district and regardless of the fact that there was a plank in the platform of his own senatorial district convention directing him to vote for a direct primary law, opened the argument for the Watson-Chilton Democrats who were opposed to a primary law.

Senator Woods spoke for an hour in opposition to the Coffman bill, but in all that time he did not point out an imperfection in the bill as it came before the Senate for passage, directing his remarks entirely toward the bill before it was amended. During his speech he was interrupted by his own colleague Senator Howard Sutherland who read from a newspaper the plank in the platform adopted by the convention which nominated Mr. Woods for the State Senate, endorsing such law and pledgng the candidate to its support. Woods evaded the question with the statement that he was not present when the platform was written and exclaimed that no man had the right to challenge his vote.

Senator W. C. Grimes made direct answer to the statements of Senator Woods. He reminded Woods that he had spent an hour in discussing the Coffman bill, but had not pointed out a single defect in the measure and stated that not a single amendment had been offered by the Democratic Senators with the idea of perfecting the bill. Relative to the statements that the Democrats were now favoring the Oregon plan, Senator Grimes said:

"There is no Oregon plan; there is no Minnesota plan; there is no Wisconsin plan; there is no New Jersey plan; there are no such plans—there is but one plan, Mr. President, one fundamental principle that underlies all these laws, and that is the issue which confronts us today and the question is whether you favor that principle—that the people shall by a direct vote make all their nominations for public office. When you come to that fundamental principle, gentlemen, we will not have any difficulty in agreeing upon a primary election law. We do not want to stand for any technicalities; we do not stand for any particular bill. We have presented to you the best bill that we thought we could present. We are honest in the presentation of that bill. We have made amendments, and tell me of a single instance where any bill of such tremendous importance has been presented in this Senate that amendments have not been made to it, and yet you have sat over there and not a single amendment did you offer, not a single suggestion did you make; not once did you try to perfect the bill and help us make it a better one, and all this after you had promised the people in your platform to vote for a primary election law. Now you come here and ask for two more years before you would put a primary law into operation."

President H. D. Hatfield, of the State Senate, spoke on the passage of the Coffman bill. He said he had been arrayed as an opponent of a primary law, and while he could not subscribe to all the populistic theories and vote for measures which seemed to endanger our form of government, he knew the majority of the people in West Virginia were for the enactment of a direct primary law. The people of the country, he said, were honest and could be trusted to name their own candidates for public office. He defended the Coffman bill as a splendid measure which permitted a full and free expression from the voters and stated that it was a bill which was fair to both political parties

Dr. Hatfield praised the Coffman bill, but said he was not particular about the name of the bill, and turning to Senator D. E. French, author of the French referendum bill, he said: "You strike from your bill, Senator French, the referendum

clause which will not permit it to become operative for two years, and the disfranchisement provision which would disfranchise many of our voters, and Dr. Hatfield will support it.'

Senators E. T. England, of Logan county, and D. B. Smith, of Cabell county, staunch supporters of direct primaries, supported the Coffman bill, while Senator Chas. G. Coffman, of Harrison county, author of the bill, went into an elaborate discussion of its provisions. He also discussed the French referendum bill, showing by the citation of numerous authorities, that the referendum clause was unconstitutional, and that it was not within the province of the Legislature to refer a general law to the people of the State.

Cloven Hoof Revealed.

It was during the discussion of the Coffman bill from the Democratic side of the chamber that the plans of the Chilton-Watson combine to kill all primary legislation which would become effective before 1912, were fully revealed. In the midst of his speech and consumed by the heat of argument Senator A. C. McIntire exclaimed: "We did not come here to do it and we don't intend to do it. We do not need any primary law."

Senator W. A. MacCorkle, also made an incriminating statement, when in pleading for an adjournment of the Legislature, he remarked: "It is known that the House will not pass any legislation; that we will not pass theirs and they will not pass ours."

Senator McIntire, opposing the passage of the Coffman primary bill, said:

"You say you are not partisan; I say that you are partisan and a Republican Governor will not cram anything down the throats of a Democratic Legislature which will get his party together. We did not come here to heal the bleeding sores you have made in your own party. We didn't come here to do it and we don't intend to do it.

"I say frankly and fearlessly that I am a partisan in this matter. This is a question that goes to parties alone, and when I stand here and oppose the Coffman bill I do it because I am a Democrat, and because I am not elected as a Democrat to help the Republican party heal the sores that are in their own ranks, by jabbing down the people's throats a bill that will do that. You need not expect any help from the Democratic party in order to clean your own back door of the dirt you have carried there. We have no trouble in our own ranks. We no

not care anything about the troubles you have got. WE DO NOT NEED ANY PRIMARY LAW."

Contrast the statements of Senator McIntire with those made by the Republican members of the Senate. The Republicans offered to join the Democrats in support of any bill which would permit the direct nomination of candidates for public office, provided it did not contain a referendum clause to make the law inoperative for two years, and provided further that it did not contain a disfranchisement clause which would refuse a single voter participation in the primary elections. The Republican party has never stood for the disfranchisement of any citizen, regardless of his political affiliations, race, color, or mental accomplishments and the Republican members of the Legislature, without being false to their party, could not stand for the enactment of a law which aimed to disfranchise thousands of voters in a primary election.

There were at least two of the members of the State Senate on the Democratic side of the chamber who recognized the fairness of the Coffman primary bill. Threats, intimidation and coercion failed to line up Senators Geo. W. Bland and A. Hood Phillips in opposition to the Coffman measure and with the assistance of these two men who would not wear the Watson-Chilton yoke, the Coffman primary bill passed the State Senate on May 29, 1911. The vote on the passage of the bill is recorded in the journal:

For—Hatfield (President), Bland, Coffman, Craig, England, Flynn, Grimes, Hearne, Hood, Johnson, Meredith, Phillips, Shinn, Smith of Cabell, Smith of Roane, Sutherland and White —17.

Against—Fisher, French, Kidd, MacCorkle, McIntire, Peterkin, Preston, Salmons, Silver, Slemaker, Smith of Raleigh, Woods and Zilliken—13.

Killed by Speaker Wetzel.

The Coffman primary bill, passed by the Senate, was reported to the House of Delegates, where it was put to death the next morning by Speaker C. M. Wetzel through an arbitrary, unjust and unfair ruling. It was a most shameful exhibition on the part of a servile officer who violated decency in his effort to be obedient to the corrupt combine, in whose interest the ruling was made, to prevent the bill from coming before the House, where it was certain to have received almost a score of Democratic votes.

When the bill was reported to the House, it was taken up for immediate consideration and when an effort was made to

have the reference of the bill to the Packed Committee of 21 dispensed with, Delegate Edwards, of Mason county, through a pre-arranged plan, raised the point of order that the House had indefinitely postponed a similar bill. Some of the strongest lawyers in the House of Delegates, Judge C. W. Campbell, of Huntington; E. A. Brannon, of Weston, and W. T. Ice, Jr., of Philippi, protested that there were no rules of the House of Delegates by which such a point could be sustained, but Wetzel ruled as the Democratic bosses dictated and held that the House could not consider the bill which had been passed by the Senate.

FRENCH REFERENDUM BILL

Another Measure Designed to Defer Primary Legislation for a Period of Two Years.

There are two ways in which legislation can be defeated. One is by honest methods, and the other by dishonest methods. Naurally the forces in the Legislature who desire to postpone all primary legislation until Clarence W. Watson had secured a renomination, used the latter methods.

Although the Democratic majority of the Legislature, working under the control of Chilton and Watson, admitted in their votes for the Gilkeson resolution that they were incompetent to frame a primary law at the present time, and attempted to defer primary legislation for a period of two years, yet these same Democrats who had favored the Gilkeson resolution for the appointment of a commission, submitted an alleged primary bill to the Legislature on the day following the defeat of the Gilkeson resolution. After acknowledging that they were incompetent to draft a primary bill, they present one to the Legislature with the ultimatum that it is the only measure they will support. Another splendid and timely example of their consistency.

This measure was known as the French referendum bill, which the author sought to confuse with the Oregon law. There is nothing in common between the Oregon statue and the French referendum bill. The Oregon law permits every voter to express his choice for candidates seeking a nomination for public office. The French bill aimed to prevent many thousand of voters from expressing their choice for candidates by denying them the right to vote. The idea of men like MacCorkle, Wetzel, and McIntire and Woods standing for the Oregon law is past the comprehension of ordinary mortals.

After the defeat of the Gilkeson resolution the Democrats realized that the consideration of a direct primary law was inevitable and while the Coffman bill was pending, Senator French introduced his bill in the Senate and Delegate John Dice introduced the same measure in the House of Delegates.

Like Measure, Like Purpose.

The principal objection to the passage of the French bill was that it had the same purpose as the Gilkeson resolution—it aimed to prevent primary legislation for a period of two years. The opening section of the bill contained a provision that it should not go into effect until January 1, 1913, until it had been approved by the vote of the people at the general election to be held in November 1912. Remember that C. W. Watson would be a candidate for renomination to the United States Senate in 1912 and the evident purpose of the referendum vote soon becomes apparent, and proves the contention that the Democrats would not be satisfied with any measure that would compel Watson to submit his candidacy for re-nomination to the voters of his own party.

This purpose was recognized by every fair-minded person and it was particular obnoxious to the advocates of a primary election law. They argued that there was no demand from the people to have such a measure submitted to them for ratification or rejection.

Another provision in the French bill made it impossible for the Republican members to accept the measure without amendment, and unlike the Democrats of the Senate, the Republicans tried to amend the French bill, but were not allowed to insert a single amendment. The other objection, besides the referendum clause, was the provision which required every unregistered voter before he could be allowed to vote to secure the affidavit of three freeholders in his precinct that he was a legal resident and qualified voter. In several counties in West Virginia the lands are controlled by large corporations and it would be impossible to find three freeholders in the precinct. The provision disfranchised several thousand voters and refused them participation in the primaries of their own party.

Democrats Defeat Amendments.

When the bill came before the House of Delegates for consideration, several amendments were offered which would have made it acceptable to the whole Legislature, but each amendment which did not come from one of the Delegates under the control of Watson and Chilton, was rejected.

Delegate W. T. Ice, Jr., of Barbour county, Democrat, recognized the injustice of the referendum clause, realizing that it was an effort to stay primary legislation until after the next general election. If those who were in favor of the French bill, were sincere in their efforts to have the people vote on

the question of direct primaries, Delegate Ice pointed the way with an amendment which yould have permitted such a vote and yet the law would have become operative in sufficient time to allow the two major political parties to select their candidates by direct primary for the election of 1912.

On May 27th, while the French bill was pending, Mr. Ice offered the following amendment:

"This act shall become effective 90 days after its passage and shall continue in full force and effect until the same is rejected by a majority of the voters of the state at an election to be held thereon at the general election to be held on the 5th day of November, 1912; and this act shall only continue in effect after the result of said general election has been ascertained in the event that a majority of all the votes cast at said election upon said question be cast in favor of the adoption and continuance of this act; and, in the event a majority of all the votes cast at said general election shall be in favor of the rejection and discontinuance of this act, then the same shall be thereby repealed, and of no further force and effect."

This amendment, if adopted, would have allowed the people to say whether or not they wanted direct primaries and would, also, have compelled C. W. Watson to have been a candidate for renominaion before a general primary of the voters within his party. Consequently the amendment was rejected. Here is the vote on the adoption of the amendment:

For Ice Amendment— Barlow, Brannon, Bufflington, Campbell, Carle, Cobun, Epling, Felton, Goodykoontz, Henry, Nelson C. Hubbard, Huey, Ice of Barbour, Law, Liller, Marsh, Meredith, Miller, Moore, Morton, Nuttall, Ours, Padden, Porter, Robinson, Shock, Skaggs, Steele, Thomas, Van Meter and Wildman—31.

Against Ice Amendment—Wetzel (Speaker), Alderson, Belcher, Carr, Carroll, Clifford, Currie, Dice, Edwards, Gilkeson, Hager, Hall, Hays, Harry Hubbard, Hudnall, Ice of Marion, Jeffers, Kane, Keister, Kidd, Lacy, Marcum, Morris, McCauley, McIntire, McLaughlin, Ogden, Owens, Parsons, Pemberton, Pence, Pendleton, Pugh, Sanders, Seibert, Shaver, Smoot, Sperow, Symns, Terrill, Throckmorton, Vickers, Walton, Whitham and Williams—45.

Absent and not voting—Courtney, Davis, Goode, Johnson, Jolly, Kennedy, Kenny, Strother, Wells and Wysong—10.

Then Mr. Ice reasoned that if the Watson-Chilton Democrats who had opposed all primary legislation until they presented the French bill, were sincere in their efforts to have the people vote on the proposed legislation, why not allow them to vote in 1911 instead of 1912 and then the new law would be effec-

tive before the election of 1912. With this idea in mind, Mr. Ice offered another amendment to strike from the bill the provision to submit the proposed law to the voters on November 5, 1912, and in lieu thereof submit the bill to the people for ratification or rejection on the first Tuesday in November, 1911.

The defeat of this second amendment showed the insincerity of the supporters of the French bill for including the referendum clause in the bill. It showed their unwillingness to submit the question to the people, until Mr. Watson had been assured that he would not have to ask for the endorsement of the voters of his own party at a primary election. If they were sincere why would it not have been as fair to submit this question in 1911 as it would be in 1912? This amendment was lost by the same identical vote as was cast on the first amendment offered by Mr. Ice.

After refusing to amend the bill in accordance with the desires of those who were advocating a primary law, the House passed the French bill on May 27. On May 30th, the same date that Speaker Wetzel killed the Coffman primary bill in the House of Delegates, the French bill came before the State Senate.

Realizing that the House had refused to consider the Coffman bill, the Republican members of the Senate prepared to support the French bill if it could be amended, realizing that it was the only remaining chance by which a primary law could be secured.

Leaving the chair, President Hatfield, from the floor of the House, presented the amendments asked by the Republican members of the Senate. Each amendment offered by the Republicans was rejected by a strict party vote. The two principal amendments asked were the elimination of the referendum and disfranchisement provisions. The Democrats refused to allow these provisions to be stricken out.

The fifteen Democrats in the Senate voted for the passage of the bill and the fifteen Republicans against. Accordingly the bill was rejected.

Democrats Defeat Primary.

Even at this late hour it was shown that the only difference which made the enactment of a primary law impossible was the referendum clause and disfranchisement provision. It is a matter of public record that the bill could have been passed with these provisions eliminated. President Hatfield made open announcement that he would support the measure with

these provisions eliminated, while on Page 30, of the Senate Journal of May 30, 1911, is recorded the following:

Mr. Smith (of Cabell): Mr. President, I rise to a question of personal privilege and would like for my remarks to appear in the journal of this Senate. In my remarks this morning upon this floor I stated that if my friends on the other side of the house would cut two points out of the French bill that I would support that bill; those two points are the referendum and the disfranchisement. Now, Mr. President. I want to renew that offer and state that if you will cut those two points out of the bill, why, gentlemen, I will support the bill in this Senate. I came here honestly and earnestly to try to get for the people of this State a primary law. For more than six years I have stood for the Ffth Senatorial District of this State and have been telling my people that I would stand for them, and I want to stand for them; and I am honest when I tell you that I will stand for that bill if you will cut those two clauses out of it. Now gentlemen it is up to you.

Mr. Grimes: I wish to join my colleague in the statement that he has made.

Mr. Kidd: I wish to say, in the first place, that I have not found any disfranchisement clause, whatever, in the bill, and in the second place when Senator Bland offered to substitute the bill the other day without the referendum in it, my friends did not agree to it. I am very fond of my Huntington friend. He and I have stood together on many occasions and I have always believed in his sincerity and still believe he will do just as he says; but it is too late to accomplish anything.

Mr. French: The gentlemen says that if we will strike out the disfranchisement clause in that bill and the referendum that he will vote for it. Now he refused to vote for it the other day when the referendum was out. So far as disfranchisement is concerned, although I do not doubt the sincerity of the gentleman from Cabell, he is absolutely mistaken in his opinion that there is any disfranchisement clause in that bill, for there is not.

Since the close of the special session, the opponents of a primary law (like Wm. E. Chilton who came home from Washington to fight the primary bill) have attempted to place the responsibility for the defeat of the primary law on the Republican members of the Senate. They have tried to assert that the French bill was the Oregon plan. The Oregon bill was never passed by the House of Delegates. It was introduced in the Lower House and referred by Speaker Wetzel to his Packed Committee of 21. There it was pigeon-holed. The Re-

publicans would have supported the Oregon plan. The preceding statement of Senator Smith shows they even would have supported the French bill if the obnoxious provisions were eliminated.

CORRUPT PRACTICES ACT

Watson-Chilton Democrats Also Defeat Measure Aimed to Defeat Corruption at the Polls.

One of the subjects mentioned by Governor Wm. E. Glasscock in his call for the special session of the Legislature was the consideration of the measure to strengthen the Corrupt Practices Act, which in many particulars is loosely worded and can easily be evaded by those who would corrupt conventions, primaries or caucuses.

Until the question of primary legislation could be disposed of no consideration was given to the proposed amendment of the Corrupt Practices Act. However, on May 30, after the primary legislation had been killed, Senator D. B. Smith, of Cabell, was insistent upon some action being taken by the Senate on Senate Bill No. 3, the Corrupt Practices Act, he had introduced early in the session.

This was a measure carefully designed to prevent the illegal use of money at primaries, conventions and elections, limiting the amount expended by candidates for public office and disfranchising those who sold their votes to the highest bidder. It also provided forfeiture of office by the candidate in whose interest fraud had been committed.

This bill was finally gotten to a vote and passed the Senate by a vote of 25 to 2. It was about this time that Senator MacCorkle gave utterance to his remarkable statement in urging the Senate to adjourn that "it is known that the House will not pass any legislation."

The vote on the Smith Corrupt Practices Act is recorded as follows:

For—Hatfield (President), Bland, Coffman, Craig, England, Fisher, Flynn, French, Grimes, Hearne, Hood, Johnson, Kidd, Meredith, Peterkin, Phillips, Preston, Salmons, Shinn, Smith of Cabell, Smith of Raleigh, Smith of Roane, Sutherland, White and Zilliken—25.

Against—MacCorkle and Woods—2.

Not Voting—McIntire, Silver and Slemaker—3.

Another bill passed in the concluding hours of the session was the Fisher bill, known as Senate Bill No 8, a bill defining the offense of bribery in party nominating primary elections and conventions, declaring the same unlawful and prescribing punishments and penalties for the violation thereof.

This bill was passed by the same vote as the Smith Corrupt Practices Act.

Both of these measures were reported to the House of Delegates and were allowed to die in that body without being considered.

Consideration of the Smith Corrupt Practices Act in the House was precluded a few minutes before Senator Smith reported the bill to that body through the action of the House in taking up House Bill No. 7, a similar bill, and indefinitely postponing the consideration of the same. By these tactics the Watson-Chilton Democrats expected to have Wetzel rule that the Smith Corrupt Practices Act could not be considered by the House of Delegates. Delegate Seibert, who moved to take up the House Bill, also voted to indefinitely postpone the measure, thus exposing the scheme to defeat the Corrupt Practices Act and his own part in these infamous proceedings.

No effort was made by the House of Delegates to consider either the Smith Corrupt Practices Act, which would have forever eliminated corrupt elections in West Virginia, or the Fisher bill defining bribery in party caucuses, which would have made the men who corrupt a party caucus as the Democratic senatorial caucus was corrupted, amenable to the law, or any bill of like character.

Instead, on the motion of Delegate Smoot, of Greenbrier county, the House of Delegates adjourned sine die in violation of the State constitution. The constitution prohibits one House of the Legislature from adjourning for more than three days at one time without the consent of the other House. Yet Speaker Wetzel, after once refusing, entertained the motion of Delegate Smoot and adjourned the House of Delegates sine die before the announcement had been received from the Senate that it was ready to adjourn. And then, to cover up the violation of the constitution and his oath of office, the Journal of House of Delegates was falsified to make it appear that the proceedings of the House had been regular.

MacCORKLE AND McINTIRE

Opposed Direct Election of United States Senators at the Regular Session.

Since the failure of the recent special session of the Legislature to enact a direct primary law, it is idle for Senator Wm. E. Chilton and his law partner, State Senator Wm. A. MacCorkle to proclaim that they favored the enactment of the Oregon primary law. The people know better. They know who is responsible for the failure of the Legislature to pass the legislation Governor Glasscock recommended. They know the attitude of Chilton, Watson and MacCorkle who repudiated their party pledges to defeat primary legislation. The attempted "explanation" of Chilton does not explain. It is a shameful attempt to deceive the people of West Virginia who were denied the right to name their own candidates for public office because of the activity of Chilton and Watson against a primary law.

MacCorkle's sincerity on the primary question is shown by his record in the regular session of the Legislature. In the Senate Journal of February 3, 1911, Senate Joint Resolution No. 8, asking the Federal Congress to submit to the States an amendment to the Federal Constitution proposing the direct elections of United States Senators is shown to have come before the Legislature for consideration.

Senator McIntire, of Morgan county, moved to indefinitely postpone the resolution. McIntire voted by himself for his motion.

Then the resolution came before the Senate for passage. On that vote Senator W. A. MacCorkle, law partner of Senator Chilton, was the only member of the State Senate who voted against the adoption of the resolution.

More recently this same question came before the United States Senate and Senators Watson and Chilton voted for the proposed amendment. The Watson-Chilton press of the State heaped encomiums of praise upon the two Senators for thus favoring the direct election of United States Senators. The Wheeling Register, unintentionally shows why the two West Virginia

Senators were safe in voting for the resolution. Editorially, in the issue of June 19, it says:

"It will be some years before the new order of things becomes effective as the amendment must first be ratified by the States."

The two West Virginia Senators, Chilton and Watson, well knew they were not voting for a resolution which would require Watson to submit his candidacy for re-nomination and re-election to the voters of West Virginia.

A DEMOCRATIC DELEGATE

A. A. Meredith, of Tyler County, Places Responsibility for Defeat of Primary Law.

Among the representatives who came to Charleston to attend the special session of the Legislature, who were strongest in their advocacy of a direct primary law, was Delegate A. A. Meredith, of Tyler county. He had been a staunch supporter of the primary law at the regular session of the Legislature and at the special session his vote was always cast against the corrupt combine which desired to defer primary legislation.

In a statement issued from his home at Sistersville on June 1, Delegate Meredith, without an effort to shield those members of his party who were opposed to primary legislation, placed the responsibility for the defeat of the primary election law, where it belonged. He was on the ground, a member of the House and conscientiously fought for the primary law. He knew who opposed such a law and has the courage to make a truthful statement. In this statement Dr. Meredith says, writing to the editor of the Tyler County Star:

"When I arrived at Charleston I found the boys in splendid spirits. After the usual hand shake I was invited to a hotel room to meet the boys as they came in. I went to the hotel and found several of the boys already present and something else. This was a gallon or more of firewater. There was something else more damnable than the fire water. It was a certain paper calling for a Democratic caucus and this caucus was to be binding on all of those who signed it. After I had been offered the firewater and the trick caucus call, I began to take the hint and smell a mouse, I do not pretend to say how many of the boys were fooled by the trick caucus call, but I firmly believe that if some of the boys had kept their names off that paper and used their own judgment we would have today a primary law.

The Special Committee.

"At the regular session of the Legislature we had a Com-

mittee on the Judiciary composed of 15 of the ablest men in the House. Ten of the members of this committee were in favor of a primary law. This committee did not suit the enemies of a primary and they succeeded in having the Speaker appoint a committee composed of 21 members. Fourteen of that famous committee were and are enemies to the primary. So you see, the enemies of the primary, in the House, had it all their own way. Every bill, every resolution, introduced in that House must go to this Committee. What chance had any good primary bill in the House when fourteen members of this committee were openly opposed to any primary bill of any kind, at any time.

The Gilkeson Resolution.

"What is wrong with the Gilkeson resolution? This resolution was fostered and supported by the enemies of a primary. It was a resolution to defer all legislation relative to a primary to the next regular session of the Legislature. Why appoint a Committee, which might be composed of enemies of the primary, to draft a bill when we had such good men in the House, who by their votes, proved they were friends of the primary? Why put the primary into the hands of the enemies?

The Referendum Clause.

"What was the referendum clause? What was its purpose? What effect would it have upon a primary bill at this time? It would have the same effect as the Gilkeson resolution. In fact it was the Gilkeson resolution over again, except in different form. It was a subterfuge of the cheapest kind. Do you think for a moment that the enemies of the primary want the people to say who shall be nominated or to let the people say what bills shall become laws? If so, why did not these same fellows pass the referendum bill at the regular session?

"I am perfectly satisfied if the Democrats had passed the French bill without the referendum clause that the State Senate would have passed it. The referendum clause killed the French bill in the State Senate."

DEMOCRATIC NEWSPAPER

The Pan-Handle News Holds Chilton and Watson for Defeat of Primary Election Law.

The Pan-Handle News is a Democratic newspaper, published at Wellsburg, Brooke county, by George C. Curtis. It cannot be controlled by Senators Watson or Chilton. It is a progressive newspaper which does not hesitate to criticize the members of the Democratic party who violate their pledges to the people of the State.

After the recent session of the Legislature, Senator H. A. Zilliken, who lives at Wellsburg, and who was a bitter opponent of a direct primary law, went home and in a lengthy statement tried to explain to his constituency why he had opposed primary legislation. Excuse after excuse was given by Zilliken, and the Pan-Handle News in publishing this statement, has the following comment:

"Elsewhere we print an interview of Senator Zilliken as a matter of fairness to him, and that our readers may be informed on the legislative situation. But Mr. Zilliken, in the lengthy, exhaustive defense, does not get at the kernel of the nut he attempts to crack—the real reason for not passing a primary bill that would have been acceptable. The majority of the Democrats did agree upon a bill but, although, the bill was in the main an unobjectionable one, it contained one clause that would prevent many from supporting it—the referendum clause referring it to the vote of the people, which was, according to the decision of many able lawyers, unconstitutional, preventing the bill going into effect before 1912.

"The reason why it was not intended to go into effect before 1912 is what the Democratic voters want to be enlightened upon. If there can be a reason given, other than that the delay in going into effect until after 1912 was in the interest of the re-election of Senator Watson, the voters want to know it and must know it before their representatives are excused. They have not forgotten their betrayal in the election of United States Senators in the regular session. It should be understood that a

majority of the people, not a majority of their representatives, should rule. Representatives are elected to voice the sentiments of their constitutents, not their own. The fact that a majority of our representatives obeyed every order of the leaders of the Chilton-Watson-Special Interests combine is certainly calculated to arouse suspicion that is hard to down.

"The most vital issue before the people is still whether the people or the special interests shall rule. Mr. Zilliken has, as a majority of the Democrats in the Legislature have, NOT reflected the wishes of their constitutents and their constituents wants a reorganization."

FOR PLATFORM PLEDGES

Col. John T. McGraw Appealed to Legislators to Pass a Primary Bill.

Among those who came to Charleston and sincerely advocated the enactment of a direct primary law and appealed to the Democratic members of the Legislature to redeem their party pledges was Col. John T. McGraw, for many years the Democratic leader in West Virginia, whose defeat in the Democratic senatorial caucus was accomplished by the corrupt alliance between Wm. E. Chilton and Clarence W. Watson.

Col. McGraw appeared before a Democratic conference of the Legislature and discussed primary legislation, insisting that the Democrats of the Legislature, if they desired to redeem their party pledges, should pass such a measure. Senator Wm. E. Chilton, who had left his duties at Washington, to come to Charleston and oppose the passage of a primary bill, also, was invited to address the Legislature, but he dodged the meeting with McGraw and was content to meet the legislators under his control in the secret recesses of the hotels where his peculiar brand of argument could be offered without being exposed.

In a public interview at Charleston Col. McGraw was asked if he favored a State-wide primary law. Here is his response to that and other questions:

"Certainly, I am. And no Democrat who feels himself bound by his party's pledge can be otherwise.

"It is understood that you joined with others in asking the Governor to reconvene the Legislature for this purpose?

"When the question of calling the extra session was being agitated, when Democrats and Republicans alike differed as to the advisability of this action, I wrote the Governor saying I thought it a public as well as a non-partisan duty that he convene the Legislature for the purpose of passing a primary bill and to take up and consider the threatening attitude which the Virginia debt question presents.

"Do you believe the Democrats in the Legislature will pass a primary election law?

"I do. The Democrats in the Legislature are high grade, honorable men. The party has promised the people of the State it would enact such a law. This question was one of the cardinal issues involved in the last campaign, and I think at least 75 per cent of the Democratic voters of the State are in favor of it. This State in my judgment will not be found recreant to its Democratic pledges.

"What do you think of a scheme for the appointment of a commission to consider the question and report to the next legislature?

"I am opposed to it. I think it a subterfuge. The Democratic party is opposed to government by commission, government by proxy or government by injunction."