

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

CALENDAR OF THE IDAHO STATE AUDITOR'S CORRESPONDENCE RELATING TO THE COEUR D'ALENE MINE LABOR PROBLEM, 1899-1900

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After the dynamiting of the Bunker Hill and Sullivan concentrator at Wardner, April 29, 1899, Governor Frank Steunenberg sent state Auditor Bartlett Sinclair to the Coeur d'Alene mines as his representative in the affected district. A file of correspondence relating to the mine labor problem there during the period of martial law, reserved in the auditor's office, was discovered by State Auditor N. P. Nielsen in 1956. Most of the correspondence relates to operation of the bull pen at Wardner (where miners were confined during much of the period of martial law) and to legal cases in Montana where two Idaho agents (Robinson and Rose) got into trouble trying to arrest refugee miners who had fled to Montana after the dynamiting. Hugh France of Wardner, Shoshone County coroner who became sheriff while martial law was in effect, acted as agent for Bartlett Sinclair in the mining region and handled arrangements for the Montana cases. John M. Evans of Missoula served as attorney for Robinson and Rose. Tony A. Tubbs, who had operated the Bunker Hill and Sullivan boarding house, managed the bull pen during the period of martial law; J. C. McDiarmid and George F. Edmiston of Wallace were two of the county sheriff's deputies appointed as issuers of labor permits during the martial law episode. Without an employment permit, no miner was allowed to work in the region during the martial law period. M. A. Patrie, secretary of state, received some of the letters sent to officials in Boise concerning the episode.

9 May 1899: Hugh France, Wardner, to J. C. McDiarmid, Wallace.

The following information and quotations are from a form letter of appointment of a deputy to examine "applicants for permits to seek employment in the mines of Shoshone County." McDiarmid got permits numbered 801-2060. "Before issuing any such permit you will satisfy yourself that the applicant has neither participated, aided or abetted the riot which took place on the 29th of April at Wardner, and that he is neither a member of the Miner's Union nor other labor organization participating in such riots or fostering and encouraging the same; or that, having been a member of such Union, he is prepared to renounce and abjure his allegiance to said Union." The applicants were to fill out or sign a blank form requesting permits: "A list of

these applications must then be made up by you in the order in which they are presented and acted upon. Should you, after a careful and conservative examination of the applicant, become satisfied that he is entitled to the permit you will issue the same. . . . I beg of you that you will in the conduct of these examinations exercise due and conservative caution without seeming to act arbitrarily. If a man makes an application for a permit who has been employed during the recent troubles at any of the mines in Shoshone County, before issuing the permit you will communicate with me at Wardner by letter, for the purpose of ascertaining whether or no he was at work at the mine on Saturday, the 29th of April last. Prima facie every man underground at any of the mines participating in the riot, who was not at his post of duty during the commission of the crimes at Wardner, is disqualified from receiving a permit. If permits are to be issued to men of this class they will only be issued upon personal instructions from me, or each case as presented will be subject to individual investigation, and you will be advised accordingly. . . . The state authorities at whose instigation I am acting, enjoin upon me the necessity of exercising a wide discretion in the issuance of these permits. The Mine-Owners have been advised of your appointment as deputy, and have been advised to refer to you all applications tributary to the district where you keep your office."

20 October 1899: A. L. Mohler, President of Oregon Railway and Navigation Company, Portland, to M. A. Patrie, Secretary of State, Boise.

Refers to the great amount of free transportation which the railway provided state officials during the Coeur d'Alene mine labor difficulties.

30 October 1899: John M. Evans, Missoula, to Hugh France, Wardner.

Evans needs a telegram, 29 October, asking him to defend Robinson and Rose in the justice's court at Thompson Falls. He will make a fight, but there is no hope to win the case in the lower courts.

8 November 1899: John M. Evans, Missoula, to Hugh France, Wardner.

Evans is a Missoula attorney retained to defend one of the Idaho deputies in State *v.* Robinson at Thompson Falls. He went there November 6; the case was heard in the justice of the peace court November 7. Robinson was convicted (60 days) for exhibiting a deadly weapon: "The only damaging testimony given in the case was given by Corporal McDermott. He was inclined to be vicious about the matter and took occasion to relate as much as possible concerning the alleged arrest of Murphy and the felony cases now pending."

"The State had no evidence in the case except the evidence of Corporal McDermott. . . . I take it, however, that testimony or no testimony Robinson was to have been convicted at Thompson Falls. He is now in jail awaiting action on habeas corpus proceeding."

Evans will apply November 8 for habeas corpus as the district judge is to arrive: "If I a[m] successful it will cost the Justice of the Peace forty of fifty [sic] dollars, and pave the way for a good damage suit. If by any chance I fail I shall immediately put up an appeal bond and retry the case in the district Court."

"The fight grows very bitter here and I again caution you if corporal McDermott returns to your state, to take steps to see that he does not return to the State of Montana, as I suggested, he has already shown a disposition to give damaging testimony in the felony cases." District court convenes November 13, 1899, and Evans will attend the session.

11 November 1899: John M. Evans of Missoula to Hugh France of Wardner.

Applications for writs of certiorari and habeas corpus were granted (8 Nov), and are returnable 13 November. "Mr. Robinson, as you know, is in jail on a 60 day sentence. I could take him out on appeal but if he was taken out of jail I could not apply for writ of habeas corpus, and for that reason have advised him to remain in jail. He understands this situation and takes the matter philosophically. In event of my failure in my present proceedings I shall immediately take him out of jail on appeal bond.

I observe that corporal McDermott remains in Missoula. The enemy seems to have out generated [sic] you so far as he is concerned."

13 November 1899: John M. Evans, Missoula, to Hugh France, Wardner.

France must be prepared to come to Missoula to testify that Robinson is his deputy in the felony case. The certiorari/habeas corpus hearing succeeded. The case is ready to commence again in the district court. He filed suit for Rose against W. C. Adams (justice of the peace) for \$1150 damages.

13 November 1899: Hugh France, Wardner, to Bartlett Sinclair, Boise.

An explanation of the Burke shooting Friday night.

15 November 1899: Hugh France, to Bartlett Sinclair, Boise.

Evans filed suit against the justice of the peace to force a change of venue in the other case.

15 November 1899: John M. Evans to Hugh France.

The Court upheld his demurrer. On 14 November the state filed a new information charging that Rose and Robinson "pretended to be deputy sheriffs of Montana." Soldier Grant won't help us to be here, but the other two must be on hand to testify. Public sentiment is improving somewhat.

16 November 1899: John M. Evans to Hugh France.

His last demurrer against information filed 14 November was sustained, "the Court observing that the County Attorney, assisted by four other attorneys, had been practicing on these men for two months and was not willing that they continue further. . . ." Robinson's two misdemeanor cases in Thompson Falls and Horse Plains are all that are pending. Evans will defend those cases after returning the defendants home. We will be defeated "before any" justice of the peace in Missoula county, so those cases will have to be appealed.

17 November 1899: John M. Evans to Hugh France.

McDiarmid says he has an official letter recalling him to Idaho, so the testimony matter is taken care of. The justice of the peace at Horse Plains has reconsidered and will affirm Evans demurrer when Evans came to arrange removal to the District Court. Doubtless the justice of the peace in Thompson Falls will do the same. "In justice to Mr. Robinson permit me to say that while he might have been a little indiscreet at Thompson Falls, he committed no offense there that would warrant his arrest and prosecution."

25 November 1899: Hugh France to Mart Patrie.

He employed a Spokane physician to care for the men in the bull pen; the weather was "raw and cold. There were consequently a great deal of sickness, principally bad colds, several cases of pneumonia and typhoid fever."

17 December 1899: T. A. Tubbs, Wardner, to Bartlett Sinclair, Boise.

Tubbs built the bull pen for \$200 and supplied the prisoners. He itemized his heavy losses on the transaction in detail. He is steward of the Bunker Hill and Sullivan boarding house.

24 December 1899: George F. Edmiston, Wallace to Mart Patrie, Boise.

His expenses while serving as issuer of permits.

8 March 1900: J. L. Rivers (New York), Spokane, to S. H. Hays, Boise.

His statement of compensation in the Coeur d'Alene cases, with a list of cases argued.

24 June 1900: H. P. Knight, Wardner, to Mart Patrie, Boise.

As attorney for Tony A. Tubbs, Knight enclosed a statement for \$7828.49 expense of operating the bull pen to 1 July 1899.

24 July 1900: H. P. Knight to Mart Patrie.

Tony A. Tubbs statement summarized:

1 Jun	7828.49	
6 Jul	5518.80	
5 Aug	4595.92	
2 Sep	2946.72	
3 Oct	2364.32	1951.52 Allowed
7 Nov	1394.96	
5 Dec	404.88, plus 712.12	669.40 Allowed

8 December 1900: J. C. McDiarmid, Wallace, to Mart Patrie, Boise.

His claim as deputy to Hugh France should be allowed even though he was also deputy sheriff. France approved the claim, because it was extra work.