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CLARKSBURG, W. VA., JAN. 14, 1904.

SLOT MACHINE SITUATION.

There may be and there may not be a law on the subject of slot machines in this state. As formerly stated by the Telegram the state supreme court has decided that where a city charter does not provide for the punishment of operators of these machines, or in other words, where the charter has no state authority on the subject, the city officers can not interfere with the operations of the machines, but, as has been stated by this paper, the highest court of the state and like one that is final has not passed on the question from the stand point of the state law. There is where some have erred, believing that the recent decision had a state bearing.

As the matter stands in this judicial circuit, it is against the state law, but not against the city law, to operate slot machines. The judge of the district has taken that position, and no one will dispute that he is conscientious in it, though some may believe that he is prejudiced on this particular subject. But whether prejudiced or not, he has outlined what the law is according to his understanding of it and declares that it must be enforced from the position taken by him on the question. He assumes nothing in doing this, but merely does his duty as he understands it. All the courts should do the same and that has generally been the practice, not only in criminal matters but in civil actions as well. They continue to construe laws according to their own comprehensions of them, until the higher court says they are wrong. Then it is they are reversed and must change their construction so as to conform with what the supreme court says is law, or rather the right construction of law.

On the slot machine question there are various opinions among the judges of the state. Some say there is no law on the subject, while others as earnestly insist that they are gaming devices under the purview of the laws of West Virginia on gambling. The opinion of one circuit judge is to be taken no more than that of another, when it comes to ruling on the question. Every one of them is privileged to have his own opinion on the question is reference thereto. Because Judge Mason says they are gaming devices is no reason that Judge Holt should agree with him, nor is it a reason that he should disagree with him. Because Judge Doolittle says they are not gaming devices under the laws of the state is no reason why Judge Mason should not say otherwise. And so it is with all the judges of the circuit and other lower courts.

But there is a court that can settle the question and all under courts will have to abide by that decision. If the supreme court says they are not gaming devices under the laws of this state, then Judge Mason, or any other judge who holds as he does, must submit. In other words there will be no more indictments along this line. On the other hand, if the supreme court says they are gaming devices, according to the laws of this state, then all judges will be compelled in the proper discharge of their official duties to see that the operators of machines are punished.

In consideration of all the circumstances and the unsettled situation, to be on the safe side operators of these machines would do well to refrain until the supreme court passes on the subject, and in this particular district, considering the determination on the part of the judge to punish those who operate them, it would be wise to dispense with them.

Because United States Senator Scott asked that the statement of the mine owners be submitted in the Senate along with that of the miners' organization of Colorado, Senator Patterson intimated that he was not the working man's friend. Scott very promptly denied the insinuation and had no hesitancy in declaring to the world that he is the friend of organized labor. That is his record in east Virginia and no one has yet successfully contradicted his declaration. Furthermore, there is no reason why both sides should not be heard, if the Senate is to be made an arbitration committee, or if it is in any way to influence the difficulty. If consistent with its authority, it should, or rather Congress should intervene and settle the conflict between miners on the one side and mine owners with militia on the other on an equitable basis. Both sides have rights and neither should be deprived of them, nor should they be given powers which are detrimental to the one side and of undue advantage to the other. There is such a thing as justice and every man is entitled to it.

Although there may be a conflict of interests in the tin plate mill litigation, now pending in the federal court, yet there is every prospect that the matter will be so adjusted in the near future that there will be a speedy resumption of operations. The appointment of a receiver is along the line of those that first threw the mills into litigation and parties interested on the other side have acquiesced by bringing other proceedings, which hastened the appointment of a receiver. Both having sought a receiver, it is but fair to assume that the appointment is acceptable to all. The prospects of an early settlement is what the people of Clarksburg hail with delight and all are looking hopefully forward to the time when this splendid industry will begin running again. Such an enterprise in constant and full operation would bring untold benefits industrially and commercially. It is the wish of all that the court may dispose of the case and end it as soon as possible.

Should Hearst come into West Virginia to win the State's Democratic delegation to the national convention for himself he will be counting the number of votes he failed to get and that, the Telegram predicts, will be the whole number this state is entitled to. There are men nearer home, according to the Democratic organs, who are much more acceptable, for instance, Gorman, of Maryland, whom some of the Democratic papers in this section are loving as much just now as the ardent wooer of a fair maiden in the spring time. Hearst is venturesome, however, and no man objects to his dumping his money into West Virginia, no matter how foolishly. The most he will do, if he concludes to come to this state will be to add some yellow journal features to the newspapers he absorbs.

The re-election of United States Senator Hanna by the Ohio legislature by such unanimous vote is more than a deserved compliment. It is a testimonial of the great worth of this leader not only in his own state but in the nation as well. Coupled with the fall election in Ohio it is also one of the most emphatic repudiations of the vagaries of modern Democracy as represented by such fanatics as Tom Johnson that has ever been witnessed in the history of any republic and a rebuke that ought to be felt by the Democratic party for years. It is a chastisement that they will not soon forget, unless they still are inclined to wander away with false prophets and leaders.

The Democratic Committee appears to have been very much afraid of the East and it would not even stop at Chicago with the next presidential convention. It followed Horace Greeley's advice to young men and went west. That used to be Bryan's country and it may be that the committee has decided that, if the voters are to have an influence on the proceedings of the convention, it shall be in favor of the leader who has not yet been deposed. The action on the part of the committee is regarded as more favorable to Bryan than to any other aspirant so far mentioned.

The present grand jury appears to have started off in a lively way, judging from the number of indictments already reported. The public awaits anxiously further reports and several persons are likely quaking considerably over what the outcome is to be. After the adjournment of that body, however, the usual bond will likely go up that the grand jury failed to do its duty. It never has been otherwise for many moons. Some one has an axe to grind and curses the grand jury, because they did not turn the grindstone.

Slot machines are likely to be as scarce in this neck of the woods the next few months as hen teeth, and the latter are very few considering the scarcity of fowls in the market. Most keepers of slot machines will wait to see what the

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state supreme court is going to say about it, as none desire to run the risk of languishing in the county jail, as Judge Mason has indicated they will have to do, if the supreme court sustains him on the question.

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