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Cotton's Weekly

W. U. COTTON, S.A., S.C.L., Managing Editor
ROY WINN, Associate Editor

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Judicial Injustice Rampant Within a Mile of Cotton's

Union Workingmen Seeking a Master Railroaded to Jail on the Trumped up Charge of Vagrancy

Where the Wolves Gather

I have come to the conclusion, comrades, that if Cotton's Weekly dare not fight the battles of the tramped working class right at its doors, it is not worthy to fight the battles of the working class afar off.

There was a case of flagrant injustice pulled off at Sweetsburg Court House, less than a mile from the place of publication of Cotton's Weekly. This case smells to heaven of class prejudice, of capitalist tyranny. This case was put through by Mr. Joseph A. Boisvert, High Constable for the District of Bedford, and H. W. Mulvena, District Magistrate.

On June 21st four men were arrested at Farnham, P. Q. Farnham is a railroad centre. Eight lines of steel rails run out of it in various directions. Naturally it is a place where men travelling from place to place hunting work are apt to meet.

Where the prey gathers, there gathers the wolves. The constables and petty police, who rake in a dollar or two from arresting some poor devil out of work, watch Farnham like a hungry cat watches a mousehole. What to the luckless wight who falls into their hands, who has no money to employ a lawyer, for he will be hauled before H. W. Mulvena, District Magistrate, and a rough sentence will be handed out to him.

A Visit to Sweetsburg

On July 7th in the afternoon I went up to Sweetsburg to the court house for a little visit. There I heard the officials talking about the case of the four men above referred to. They pitied the poor devils and felt that justice, even capitalist justice, had gone wrong. H. W. Mulvena, the judicial henchman of the capitalist class, had just sentenced four workingmen to \$10 fine each or sixty days in jail. He had sentenced them under the vagrancy act, that savage law that gives a beast hearted judge almost absolute control over the liberty of the unemployed working class.

Upon hearing the savage sentence handed out to these four men, I went and interviewed them. Mulvena had stamped them as common tramps, vagrants, loose, idle and disorderly persons. He had marked them as criminals. I have been in Mulvena's court when my blood has boiled. I thought I would look and see what real justice this magistrate had committed.

I found four workingmen. They were not tramps. They were unemployed. Here is their record:

Four Workingmen

Edward Burke, condemned as a tramp by this henchman judge. He is 31 years of age. He is a car inspector by trade. He showed me his union card. It ran as follows:

"No. 112 Brotherhood of Railway Carmen of America. This certifies that Ed. Burke has paid to San Joaquin Lodge No. 420, at Fresno, State of California, the sum of \$1.80 dues in full to Oct. 1st, 1913. Signed, H. Steitz."

He showed me his paid up receipts in the union for the past two years. He was thrown out of work when a strike was called on the Southern Pacific on September 30th, 1911. The strike has been going ever since. He has worked as an elevator operator, and on other railways. He has not begged, and when arrested had \$3 on him. What did it matter to Mulvena? Away with him to prison. Soak him. A common workingman who is hunting work must needs be jailed.

Another of the four is Weldon Belyea, 18 years of age. He is of Moncton, N.B. He worked there in the Intercolonial railway shops as a helper. He was there eight months and filed his application to join the Brotherhood of Boilermakers and Iron Shipbuilders and Helpers of America. He left Moncton to get a job in the navy yards of Boston. He got none, and in Farnham met the other men looking for work. He was dubbed as a common tramp, and Mulvena sentenced him to \$10 fine or sixty days. His father is provincial constable at Moncton. He is a nice smooth-faced boy. Yet to Mulvena, prejudiced by sitting on the bench, arrogant with a record of having convicted many, sentenced this boy to \$10 fine or sixty days in jail.

Another of the four was Jas. Garvin, 18 years of age. He is 26 years of age. He is a laboring teamster. He worked on the city waterworks. On the 12th of June he was laid off with nine others. Hard times struck the town. So he got out and headed for Canada. He had heard there were better times here. Maybe he had heard an echo of some of the lies our official immigration agents tell. He came to Canada, and on the 21st he was arrested as a tramp. He had \$1 on him. He had not begged. He was looking for work. Mulvena gave him \$10 fine or sixty days in jail.

When asked if he had ever been in jail before, he said yes. That was enough for Mulvena. Ah, a jail bird. Away to the pen with him. He was jailed six months for breaking into a camp when he was fourteen years of age. That made him

bitter. Mulvena made him more bitter. Mulvena, by sentencing him again may have made a permanent criminal. It is such sentences that create a criminal class that men like Mulvena can get a fat job sentencing them to the pen.

Last of the four is Charles Feeley, also of Natick, Mass. He is twenty years of age. He had worked in Dean's shoe shop at Natick for two months putting on the heels of shoes. The lasters struck, and their strike tied up the shop by June 12th, throwing the rest of the employees out of a job. Feeley headed for Canada, was arrested for a vagrant and sentenced to \$10 or sixty days. He had not begged, and had \$4 on him when arrested.

Interview With Mulvena

When I got the record of these men, I went and interviewed Mulvena. I went from the bare corridors of the jail to the well carpeted office of the private room. I went from the bare table of the workingmen to the roll top desk of the judicial agent of the capitalist class of Canada. I rapped and entered.

I was received courteously. I told him about these men. Mulvena said he could do nothing. They were found on the railway tracks. A charge of trespass had been laid against them. Probably they would be arrested for breaking into a car. One of them had been very impudent in court to him.

I told him I was a Socialist, that it was my duty to protect the workers, that his sentence was unjust, that the so-called impudence was an effort to make him hear, that the high constable, J. A. Boisvert, had called the judge by unparliamentary names in the court room and he did not hear.

The judge said he could do nothing. The sentence was given, and he could not reverse it, that is his opinion it was a just one, and that I was at perfect liberty to publish what I liked in the paper.

Impudence

When the cold-faced judge told me that one of the prisoners had been impudent, I took the mental caliber of the judge at once. I had just come from interviewing that impudent prisoner. He was a railroad man. He had lived in the sun and the open. His eyes were blue, and they looked at you without fear. He had a merry carefree laugh. He said what he had to say straight and without equivocation.

He had appeared before the judge, and had been willing to plead guilty to trespass, but manlike, would not admit he had been a vagrant. The judge suffers from deafness. Burke spoke. The judge asked him to speak louder. Burke replied, "I am hollering at you now to make you hear."

That was impudence. The straightforward talk of a railroad man. As I looked at the judge sunken in his chair, I thought, "Good God. Is this the man to try honest men?"

Had Burke come before the judge and cringed, like I have seen so many others do; had he admitted he was a vagrant and pleaded and whined for mercy, the judge would have read him a stiff lecture and let him go on suspended sentence. But as he refused to plead to something he was not, he got \$10 or sixty days.

There sat the High Constable, and as the judge rose to go, the names he called the judge were simply unrepeatable. Ladies were present.

Boisvert could get away with such a stunt. Was he not High Constable? But what right has a slave to be manly and stand on his dignity in a court at Sweetsburg? None. Let him cringe and respect the little mould the capitalist class have appointed to carry out their nefarious laws.

The Vagrancy Law

The vagrancy law of Canada is harsh. Section 238 of the Criminal Code of Canada, says in part:

238. Every one is a loose, idle and disorderly person or vagrant, who—

(a) not having any visible means of subsistence, is found wandering abroad or lodging in any barn or outhouse, or in any deserted or unoccupied building, or in any cart or wagon, or in any railway carriage or freight car, or in any railway building, and not giving a good account of himself, or who, not having any visible means of maintaining himself, lives without employment;

(b) being able to work and thereby or by other means to maintain himself and family, wilfully refuses or neglects to do so.

The other paragraphs define a vagrant as one who gets from door to door begging, unless he has a certificate from a minister of the gospel, and so on.

These men were walking the railway track. It was the C.P.R. railway track. The C.P.R. pays \$43,000,000 a year net profits. One of the men is a railway worker out of work. And a savage judge throws them into jail as tramps, vagrants, the lowest of the low, according to society's present conditions.

Four Affidavits

I publish below four affidavits, one from each of the workingmen in question.

They speak for themselves.

PROVINCE OF QUEBEC.

Affidavit of Edward Burke.

I, Edward Burke, of Yonkers, N. Y., late of Fresno, Cal., being duly sworn, do depose and say,

(1) That I am a car inspector by trade.

(2) That I worked for the Southern Pacific eight years.

(3) That I am a member in good standing of the Fresno Lodge, No. 420 of the Brotherhood of Railway Carmen of America.

(4) That a strike called by the Federation of the Allied Crafts of the Southern Pacific was called and put into effect on the 30th of September, 1911. The strike is still on.

(5) That I am a skilled mechanic in search of work.

(6) That I was arrested as a vagrant on the 21st of June, 1913, at Farnham, P. Q. That I was taken to Sweetsburg jail and kept till the 7th of July without trial. That I had no money to pay a lawyer with, being in possession of \$3 at the time of my arrest.

(7) That the High Constable, who laid the charges against me, declared, on divers occasions, that he would get the four of us off, who were arrested together, for \$5 each.

That the judge was deaf, and could not competently try the case.

That the sole ambition of Mr. Jos. A. Boisvert, the High Constable, seems to be to get money out of men thrown out of work by strikers, or under the unfortunate necessity of hunting work.

That the judge who tried me was savage, did not investigate my record, could not hear what I said, and called me impudent because I shouted to make him hear. That I am not a vagrant.

And I have signed, Edward Burke. Sweetsburg, July 8th, 1913.

PROVINCE OF QUEBEC.

Affidavit of Weldon Belyea.

I, Weldon Belyea, of the city of Moncton, N.B., Boiler Makers' Helper, being duly sworn, do depose and say,

(1) That I am a boilermakers' helper by trade.

(2) That I worked in the Intercolonial Railway shops at Moncton, N.B., for seven months and a half, till June 1st, 1913.

(3) That I took out an application to join the International Brotherhood of Boilermakers and Iron Shipbuilders and Helpers Union of America.

(4) That I went to Boston, Mass., in search of work in the government navy yards, but could get none.

(5) That I was in Farnham on my way to Montreal in search of work, when I was arrested as a vagrant, on the 21st of June, taken to Sweetsburg, tried on the 7th of July, and sentenced to ten dollars fine or sixty days in jail as a vagrant.

(6) That Jos. A. Boisvert, the High Constable of the District of Bedford, frequently asserted on divers occasions that he could get me out for \$5 or \$6. That I had no money to employ a lawyer.

(7) That the judge was deaf, and could not competently hear the evidence.

(8) That the sole ambition of the High Constable, Mr. Joseph A. Boisvert, seems to be to get money out of unfortunate workingmen who are hunting a job.

(9) That I am not a vagrant, have never begged, and have been railroaded to jail in an unjust manner.

And I have signed, Weldon Belyea. Sweetsburg, July 8th, 1913.

PROVINCE OF QUEBEC.

Affidavit of Charles Feeley.

I, Charles Feeley, of Natick, Mass., being sworn, do depose and say,

(1) That I am a shoemaker by trade.

(2) That I worked in Dean's shoe shop for two months till 13th of June, 1913.

(3) That upon the Monday previous, the lasters went on strike, tying up the shop at the end of the week and throwing me out of employment.

(4) That I came to Canada hunting for work, thinking I could get a job better.

(5) That upon the 21st of June I was arrested in Farnham, P. Q., taken to Sweetsburg and tried on the 7th of July, where I was sentenced to \$10 fine or 60 days in jail as a common vagrant.

(6) That Mr. Joseph A. Boisvert, High Constable, frequently asserted he could get us off for \$5 or \$6 apiece.

(7) That Mr. Boisvert's ambition seems to be to squeeze money out of unfortunate workingmen out of work and hunting a job.

(8) That the judge appeared to be deaf and could not properly hear the evidence.

(9) That I am not a tramp, that I had \$4 on me when arrested, and had not begged.

(10) That I was railroaded to jail unjustly, without reasonable excuse. And I have signed, Chas. Feeley. Sweetsburg, July 8th, 1913.

To You Mulvena

I want to talk to you, Mulvena.

I want to talk where the hundred thousand people of Canada who read this paper can understand and appreciate your conduct. I want to show you in your true colors. I want to show you to yourself so that you can see yourself as a respectable man would look at you.

You have been a lawyer. You are now district magistrate. You draw \$2,500 per year salary for sentencing the poor devils who come before you.

Like all men who have had power, who have been lifted up to do the human sewer work of the labor thieves, the capitalist rulers of Canada you have come to look at all men as suspects. You read the letter of the law, and you satisfy the vengeance of the masters upon the luckless individuals.

So the masters say, "Mulvena make a good judge." They say you clear the district of criminals.

Particularly with regard to tramps. This class you show no mercy to. The workers are slaves and should remain in that condition. When one happens to be masterless and is hunting a master, you look at him with cold eyes.

You have got so no man out of work is safe from your vengeance.

The High Constable knows you. He knows his fees are safe. He is a fee hunter. The blood money the capitalist law allows him as a tramp chase is as income in his nostrils.

You sit on the bench and sentence, sentence, sentence, and it is fee, fee, fee for the High Constable, Mr. J. A. Boisvert.

Thousands of men are being thrown out of work in Canada. In Montreal the building trades are closing down. All over Canada men are hunting for work. With your narrow vision and capitalist mind, these men are criminals. You sentence, sentence, and it is fee, fee, fee for Mr. Joseph A. Boisvert, the High Constable.

You draw \$2,500 a year. This is four or five times what many of the poor, masterless slaves you order behind the prison bars get for long hours of toil.

You hand out sentences in fines which you know the working class cannot pay, and in default of payment you give them two months up to six months, with hard labor.

While those four boys are in jail for two months, you will draw down in salary \$415. Your family will go well clothed, while these will go in prison garments.

That Boy-You Sentenced

Among the four you meted out your harsh judgment upon was one, a boy of twenty, Charles Feeley by name. You have branded him as a criminal when he was innocent.

Judge Mulvena, read this letter this boy received the day after his conviction at your hands.

22 Plain St., Natick, Mass. July 5, 1913.

Dear Brother,—I was speaking to Mr. Church this morning, and he told me that he had received a communication from Quebec, and that you were in some trouble up there. Now, you have always been a good boy, and I cannot conceive how you should get that way. You had plenty of money when you left, and could get more by sending for some. Mother is very much worried about you, and is wondering why you do not come home, or write.

Please answer immediately, and let me know your condition. I will not speak to anybody about this until I hear from you.

Be a good boy, and don't forget your prayers, and be sure and answer.

From your loving brother, Daniel E. Feeley.

Now, Judge, you claim to uphold the rights of humanity. Think of that mother's breaking heart to whom you have brought unmerited

shame, and crawl away and talk to yourself as you should.

Those Laboring Hands

I give herewith, your honor, the form of commitment which you gave to the jailer as his warrant for keeping the prisoners in custody for two months.

CANADA

Province of Quebec.

District of Bedford.

Special Sessions of the Peace.

Before H. W. Mulvena, Esquire, District Magistrate.

Whereas Edward Burke, of parts unknown, was on the 7th day of July, 1913, convicted before me, H. W. Mulvena, Esquire, District Magistrate for the said district, for having been on the 21st day of June, 1913, a common vagrant, wandering about, with no visible means of support,

And whereas the said accused was condemned to pay a fine of ten dollars and in default of immediate payment to be imprisoned in the common jail for the district of Bedford at the village of Sweetsburg for the term of two months, unless sooner paid, And whereas he has made default in to pay such fine.

These are therefore to command you, the said Sheriff, Constables, or Peace Officers safely to convey to the Common Jail at Sweetsburg, afore-said, and there to deliver him to the said keeper thereof, together with this precept; and I do hereby command you, the said keeper of the common jail, to receive the said Edward Burke into your custody in the said Common Jail, there to imprison him and KEEP HIM AT HARD LABOR for the space of two months, unless such fine is sooner paid, and for so doing this shall be your sufficient warrant.

Given under my hand this seventh day of July, 1913, at Sweetsburg, aforesaid.

Signed, H. W. Mulvena, District Magistrate.

"Edward Burke, of parts unknown" you say in your commitment. The four commitments read the same. You make these workingmen out to be men of no standing, vagrants of no place of abode. You insult them. Every man of them had a place of abode. Each was willing to tell where he came from. But no. In the prison records you heap indignity upon them.

You may say that this was the way the prisoners were brought before you, this was the style given them by the tramp chaser who arrested them and was the only title officially before you.

If this be so, then why do you listen to the whisperings of the High Constable? Why do you allow him to poison your mind by telling you of breaking into a car could be laid against these unemployed? You can not stand officially correct and judge the sentences of these men by the vague rumors brought before you by men whose ambition is to get fees, fees, fees.

You say in your commitment that these men had no visible means of support. Each man of them could lift up evidence before you that gives the lie to your statements. Each of them can lift up two hands stained by labor.

Great Heavens, Judge Mulvena, what do you mean? Did you look at those laboring hands of theirs? Their hands and the hands of their fellow workers are the only means of support of the whole world. Those hands feed you, clothe you, build your shelters for you, convey your body from place to place, and you dare say these men have no visible means of support?

No visible means of support? What support have you but the hands of working men? If they ceased their toil, your belly would go hungry, your back would go naked. Shame, judge, shame.

But you are not to blame altogether. You want that \$2,500 salary coming in per year, the money you get for shutting the members of the working class away from God's free sunlight and the chance of wandering on a Sunday afternoon, out on the green hills.

You need your salary, judge, but why be savage? Why be more harsh than you have to be? Why condemn innocent men to jail? Why?

I do not want to be unjust or without mercy for you. I have mercy and compassion for snakes and frogs and venomous insects, but I do not want them to bite me. I have mercy and compassion upon you in your miserable condition, but by the living God of the Universe I want your fangs pulled so you can no more sink your judicial injustice into the living flesh of the working class with whom I stand and for whose emancipation I fight.

Joseph A. Boisvert

Joseph A. Boisvert is High Constable. He should be dismissed from office.

Joseph A. Boisvert was a barber, and a Liberal political heeler. As a reward for his services he received the appointment some years ago of

High Constable for the District of Bedford.

Joseph A. Boisvert is a tramp hunter. Anything that looks like a tramp will feel his hunger for fees. For he is paid by the number of persons he arrests.

He is overweening in his attempts to convict masterless slaves who are hunting a job. He will haul them before some ignorant person who can hardly write his name, and yet who has been appointed Justice of the Peace by our Quebec government. Before such an individual he will drag his victims. Then he will act as clerk of the court and prosecuting attorney and complainant, drawing up the documents, giving evidence, and he will shove the whole prosecution through. All the J. P. does practically is to sign the documents Joseph A. Boisvert has prepared. Under such circumstances what chance has a prisoner?

This is at the preliminary trial. When the real trial comes off, Mr. Boisvert is not inactive. He is buzzing round the prisoners, asking them if they cannot get a little money from home. For a few dollars he will be able to get them off. Mr. Joseph A. Boisvert may be as innocent as a newborn babe, but when a High Constable comes round the prisoners asking them how much money they have got, it looks very much as though he, a sworn official, was trying to cause a miscarriage of justice for the sake of the dollars he can get out of it.

The prisoners all state the same thing. Mr. Boisvert, the High Constable, wanted to know how much money they had, how much money they could get from their relatives. He would get them off, etc.

Mr. Boisvert is an active individual. If he is in favor of a prisoner, he will buzz through the court house and tell what a shame such a person, such a nice fellow, should be sentenced. He is pouring oil upon the troubled waters. He uses his "influence" upon the side of the prisoner.

On the other hand, if he is against a prisoner, he will go buzzing round the court house telling the officials how the prisoner is a rogue and a devil, and should be shut up. He talks to the lawyers and the officials and maybe the judge. I am not there when he is closeted with the judge, but I know Mr. Joseph A. Boisvert well enough to know that he is at work with the judge in the same manner.

What business has the High Constable to talk to the prisoners about money? What business has he to find out how much money they can raise?

Mr. Joseph A. Boisvert is not the proper person for High Constable. If he were elected instead of appointed, he would be snowed under by an avalanche of hostile votes.

Mr. Boisvert looks at a man in the light of possible fees. ECONOMIC DETERMINISM makes this so. That poor union man, let out on a strike, ah, here comes fat pickings. Nab him, nab him. Get him before a justice of the peace and make sure of our fees.

This Must Stop

So far Mulvena and Boisvert and the Justices of the Peace have worked their will upon the hapless workers who fall into their clutches. We are a country district, and no one has raised a complaint.

I want to tell Mulvena and Boisvert that RAILROADING WORKING MEN TO JAIL ON THE FLIMSIEST OF PRETEXTS FOR THE SAKE OF SAVAGERY AND FEES HAS GOT TO STOP.

If it does not stop, I will demand the government to remove the judge and high constable from office.

I have no power. These men are appointed, not elected.

But there are over a hundred and sixty thousand union men in Canada, and they will back me up.

There are tens of thousands of Socialists, and they will back me up.

There are scores of thousands of men neither union nor Socialists, but whose hearts are sick of our rotten courts, and they will back me up.

Now, Judge Mulvena and Joseph A. Boisvert, I want to give you a word of warning. The light of publicity is upon you. Your district, by the mighty power of Cotton's Weekly, is flung open to the gaze of the whole of Canada. You have no more the change of hole and corner actions.

Those Four Men

Judge Mulvena, what are you going to do about those four men? What are you going to do about it? You have sullied their names by a prison sentence. You have hung them in the pillory of public shame. With the aid of Cotton's, your attempts fail and they emerge clean, and when they come out, men will greet them as men.

I talked to you and you said you could do nothing. YOU CAN. Judge Mulvena, YOU CAN PAY THEIR FINES.

It will cost you forty dollars. You get \$2,500 per year. Surely

(Continued on page Two)