

THE VIRGINIA ENTERPRISE

Virginia, Minnesota

October 11, 1912

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I had remained the night at Randolph Mason's house. It was very warm, and at daybreak Pietro opened all the doors and windows to invite in what little breeze there was. I was disturbed by this, and presently arose and took a cold shower bath, after which Pietro brought me a Continental breakfast served on a tray.

It was early then, doubtless not later than six o'clock, when I left my bedchamber. As I turned the landing of the stair, I noticed a man standing in the street door. He was a tall, slender young man, rather well dressed; the lower part of his face was hidden by a handkerchief, which he held pressed against his mouth; there were blood spots, widening on the handkerchief, and an unmistakable expression of fear was in the eyes. It was evident that he had met with some injury.

I led him at once into the office and rang for Pietro. In a moment the latter was at the door, and I directed him to bring a bowl of water as quickly as possible. So far, the injured man had not spoken. I doubted if he could speak, the wound being evidently in the mouth or throat. The moment he got into the room he lay down at full length on the floor, perfectly motionless, his head back, his eyes closed, still pressing the bloody handkerchief to his lips. When Pietro set the bowl of water on the floor beside him, he dipped the handkerchief into it, squeezed out the blood and returned the damp cloth to his mouth. I saw the blood coming slowly from between his lips; it was very bright—arterial blood, a little frothy.

I turned to Pietro and directed him to call a surgeon. At the word the bleeding man shook his head and opened his eyes with an expression of protest. This refusal of medical attendance in one so desperately hurt was to me highly significant; it subjected him instantly to suspicion. I determined to see if he could speak.

"Do you want a physician?" I asked.

He shook his head.

"Are you badly hurt?"

Again he replied with the same negative sign.

"What is the matter with you then?" I purposely phrased the question so that a nodding would not answer it.

"A ruby," he said thickly behind the handkerchief. The reply was unintelligible to me. It was doubtless some term current among criminals. I was now convinced that the man belonged to the criminal classes. He was certainly injured and he refused a surgeon—yet I

could not leave him to die on the floor, in this quandary. I turned to find Randolph Mason standing behind me.

"Pietro," he said, "this man is having a hemorrhage. Leave him alone."

Then he went back into the next room.

Instantly the mystery cleared. The poor fellow was merely a consumptive, doing the only thing possible for a slight bleeding—to lie stretched out motionless. The hemorrhage had doubtless come on him in the street, and he had noticed our open door and come in. The flow of blood had now about ceased, and I went to my table to examine the morning's mail.

Presently the man got up and sat in a chair by my table.

"Was that Randolph Mason?" he asked.

"Yes," I replied.

"I thought so," said the man. "I came to New York to see two great specialists, Dr. Ashby Clark and Randolph Mason."

He tapped his breast with his finger.

"Clark says no good. I wonder what Mason will say."

"You were looking for his house then?"

"Yes; I was coming up the steps to it when I got the 'ruby'." This he explained: "That's what we call the hemorrhage, the blood is so bright, you know—a technical term for the 'lunger'."

"I thought you were a wounded burglar," I said. "If you wish to talk with Mr. Mason, you would better go in now while there is an opportunity."

The man arose and went into the private office. I heard Mason direct him to be seated and order Pietro to give him a glass of whiskey.

"I came over to see you and Dr. Clark," began the visitor; "Clark, because I have consumption; you, because no man ever has simple consumption. He always has another trouble with it—a bad heart that won't stand high altitudes, a wife who won't leave the home folks, or no funds. My fix is the latter. Clark says I will last six months in an American climate; but if I will go at once to the Marquesas Islands, my

lung will probably heal and I will hang on until some native pinks me with a fish spear.

"I guess the place isn't so bad; it's under the French and quite a garden of Eden, Clark says. But it is away off in the South Seas. It would take a thousand dollars to get there and a check arriving regularly every pay day to keep me going. I have read about the beach-combers on these Pacific islands—there's no hobo worse off. And no way to make a cent there. Copra is the only trade stuff, and the natives have that. Everything fit for a white man to eat is tinned. You've got to buy it when the ship lands. You've got to be a government Johnny, a missionary or a native, otherwise you live on money from home or the French deport you for a convict. That's Clark's garden of Eden. I got the facts at a tourist joint uptown. So, there I am! I can't live if I don't go; I can't go: I can't live if I could go! Nice, comfortable bunch of alternatives that! I had little money, but a court down in Virginia skinned me out of it. Now I haven't enough to pay a doctor. That's why I shook my head on the floor a while ago."

"You mean," said Randolph Mason, "a legal decision rendered against you in a suit at law?"

"Not a bit of it," replied the man. "I mean what I say—skinned out of it. I had no lawsuit. I was standing in a crowd of rubes before a courthouse when the blind-fold lady stepped out with a little shell game and lifted my wad."

"This," said Mason, "is the jargon of a cab driver. What do you mean?"

"I'll cut it out," replied the man, "I will begin over. When my father died he left me ten thousand dollars in bank stocks. It paid a dividend of about four per cent, and no taxes. Being naturally smarter than my father, I at once determined to take that money and get rich. I sold the stock, pocketed a check book and got busy. One bright morning, in a little town on the Monongahela river, a commissioner was selling a tract of land before the court house. In my hunt for good things I happened by accident to know about that land. It is a rough mountain tract, not worth ten dollars an acre but it is under laid with the Pittsburgh vein of coal, standing up eight feet thick, clean and solid like a ledge of sandstone. A corner of the land comes down to the railroad and there is a little mine, opened and operated by the old farmer who lived on the place. He had a pole-tipple, wheeled the coal out by hand, and got off about a car a day. The tract contains some two hundred acres.

"I stepped up to the commissioner and inquired about the sale. He

told me that the owner was broke and the court was selling the land. I inquired if the coal was included and he said, 'Yes from the sky to the center of the earth.' Then I asked the bid. When he answered fifteen dollars, I nearly threw a fit! Fifteen dollars! The coal was worth two hundred an acre. Now, I had been knocking about the coal country for a good bit and I was no greenhorn. I knew that this was the Pittsburgh vein and I knew what it was worth. The court was selling the land, so there could be no doubt about the title. I would not have trusted any dealer about a land title if it had been a private sale; but here was the court—the old blind lady herself—selling the land, so the game was bound to be straight. I bid twenty. The commissioner called it a moment, and a big man, out a little way in the crowd, with a nose like your elbow, bid twenty-five. I let the thing hang to see if there was another bidder then, just before the 'going,' I bid thirty. Nosy looked me over, snorted and finally bid thirty five, and 'five more,' I said. He stamped around for a while and finally lifted it to forty-five. 'All right, Nosy,' I said to myself, 'I'll just throw a good, stiff bluff into you and end it.' 'An' five', I said, 'an 'five more every time you raise it.' He looked at me for a good minute. 'You're a damned fool!' he said, and then he walked out of the crowd. Nosy was right about that but I didn't know it just then. The land was knocked down to me at fifty dollars an acre. I paid cash and got my deed, all signed, sealed and delivered.

"When I got home, and opened my package, I had as nice a box of saw dust as you ever saw. The old girl in the blinkers had double-crossed me like an expert. No street fakir could have cleaned a smoother job. My title to this land proved to be only a life estate. I hunted up a lawyer. He said that a court did not guarantee a title when it sold land. I remember his language—it cost me money and I shall always remember it. He said, 'The doctrine of caveat emptor obtained at judicial sales; the purchaser bought at his peril.' That is, 'Your eyes are your market.' The court sells land through its officer to the public, sells the title for a good one, takes your money; and, if the title is defective, you are stuck, you can't get your money back. The old lady comes out to her door and sells you a pig in a poke. If there's no pig in it, the joke's on you. If it's somebody else's pig, the joke's still on you. I've been up against the shell and the little pea, the five-dollar bill and the soap box, the glad gent who knew my Uncle Ephraim in Potunk, and all kinds of crooked faro, but for the real thing, give me the old blind girl in the courthouse."

I leaned my elbow on the table and looked through the open door at the narrator of this tale, indifferently sipping his glass of whisky and flippantly spinning out his story like a tipsy sailor. This sanguine temperament goes surely with this disease; no other dying men whistle this cheerily in the face of death.

"So there I was," the man continued, "no money, no land. I had bought only the right to use this ground as long as the old farmer lived. A goat with creepers on his feet would have starved on the top of it. I tried to sell out to Nosy. I discovered then that he was a capper for the Union Fuel company, a little branch of one of the two soft coal combines of America.

"'Nothin' doing,' he said. 'Our company put up that little job to catch just such suckers as you are. We bought the fee simple title to that land; then we picked up the debts of the old farmer, who was supposed to own it but had only a life estate, as we knew. We got the debts for ten cents on the dollar, when we showed the creditors that the rube had no title. Then we brought a creditor's suit to sell the land. I expected to buy it in for the face amount of our debts, but when you butted in and bid it over our debts, I side-stepped. We made about nine thousand dollars on your cut-in. No, we will not pay out any good money for your old life estate. Not us; our heading won't get up to this land for the next ten years. I guess we'll just set back on our hunkers and wait till the old man dies. So long! I may not see you again. You're a lunger, ain't you?'

"That was two years ago. The bugs haven't knocked off any time, Clark says, and, unless I can get to the South Seas, I'm all in."

Randolph Mason leaned over and made a little calculation with his pencil on the corner of the writing pad.

"In your condition of health," he said, "ten thousand dollars should easily buy a six per cent annuity. Could you live in the Marquesas on six hundred a year?"

The sick man's eyes snapped. "With all the comforts of home, and money to invest in the funds, as the French say. Outside the grub, you only need a sleeping mat and a pair of pajamas. Fifty plunks a month? I should say yes."

"Very well," said Mason, "you shall have twelve hundred dollars down for expenses, and six hundred payable semi-annually as long as you live."

The facetious youth made a wide, ludicrous gesture with both arms as though gathering up a great heap of bundles.

"An' a motor, an' a private car, an' an insurance directorship, an' the young princess, my daughter, for a wife, an' twelve she asses laden with gold—where from? "

Randolph Mason looked down at him as one does at a pert, gibing bootblack.

"From the Union Fuel Company," he answered.

The cheerful consumptive snapped his fingers. "Stuff's off," he said. "You might get it from the Fresh Air Fund or Uncle Abdul of Turkey, but not the coal trust."

"We shall get it from the Union Fuel Company," said Mason. "Mr. Parks, have Pietro call a carriage and come with us."

The young man arose, waved his right arm in a great gesture of assent.

"All right, Governor," he said, "have it your own way but when you wake up don't take it out on me."

Then he cocked his hat on one side of his head and followed out to the carriage behind Randolph Mason.

The offices of the Union Fuel Company are at the foot of Broadway, an entire floor, reached by a great semicircle of elevators, banging, rattling, clicking, in their amphitheater of cages. The business carried on here is of necessity stupendous. It has to do with modifying the temperature of the whole country. The forces, too, that labor everywhere under a man's fingers, are sold here, stored in a block of carbon. The companies housed under this roof, and the rival ones occupying as great a building across Broadway, practically own the available coal beds of America, the virgin sources of all the energy used commonly by man, from the fire cooking his egg to the fire driving his steamship. That there should be two well-defined groups of such companies thus in rivalry, standing like duelists with the street between them, arises from the fact that there are two great railroad systems, as yet uncombined, leading into the storehouses of America's coal, each railroad greater in its authority than an empire, having its retinue of operating companies attached like feudal dependencies bound to the overlord under penalty of ruin, and coming and going at its beck like the servants of the centurion. The two buildings are thus packed with the chief offices of coal companies having mines on the thoroughfare of these roads. Any one of these companies would find an alert rival, across the street.

It was quite an hour before we got into the office of Andrew Flint, the president of the Union Fuel Company, although it was one of the smallest companies in the combine. He was a man magnetized by the rubbing of gold coins; he seemed to point constantly to the financial

North, no matter how the needle were flung, it swung finally back there. The very physical type of the man was matellic.

He was thin and sharp, with iron hair, eyes blue like the points of a drill, and a manner as of a constant clicking. He had abridged the courtesies of life to a formula of brief conventions but in the discussion of dollars he was almost voluble, his voice raced. He waited, seemingly hung on a string like a suspended pendulum, while Randolph Mason in a dozen sentences stated the gist of the unfortunate's story.

Mr. Flint spoke a monosyllable to a clerk, who brought a case of papers and laid it open on a table before him. For a moment he ran his eyes through the file.

"Correct," he said, "your Mr. Hopkins owns a life estate in these lands. We own the remainder. What do you want? "

"I want you to buy the life estate."

Mr. Flint looked again at his papers.

"The advice here is against it," he answered. "This tract is a patch attaching to the eastern corner of our field. Our main openings are four miles west; the coal won't be available to us for ten years. This life estate may be terminated then. Why should we buy it now? "

"For the very reason that it may be terminated then," answered Randolph Mason.

A smile flitted across the face of Mr. Andrew Flint like the sun over gun metal.

"You have come to the wrong place," he said. "This is not a charity bureau."

"Pardon me, sir," replied Randolph Mason, "we have come to the right place. By the use of the machinery of the law, you have taken this man's money. You must now purchase his title to the land, pay him in cash the two years' interest already due on his purchase money, that is, twelve hundred dollars, and the interest semi-annually hereafter, that is, six hundred dollars per year until his death. This is not an unreasonable proposition, because, in the present condition of Mr. Hopkins's health, it is not likely that he will live for a longer period than the farmer at whose death the estate terminates."

The president of the Union Fuel Company laughed, his voice cackling like a spinning cog-wheel.

"Really," he said, "you amuse me."

An ugly sneer gathered in the corners of Mason's mouth.

"You do not amuse me," he said. "You annoy me."

Mr. Andrew Flint flushed and turned sharply in his chair.

"I believe this conference is ended," he said.

"Not quite ended," replied Randolph Mason. "Listen a moment, if you please. It is the law of the State of West Virginia that a life tenant—that is, one owning a life estate in lands—cannot open mines and remove coal or minerals from such lands during his life, but must get his living from the surface and pass over all the wealth beneath his feet to his successor. He may be sick, weighted with debt, starving, the wealth of the indies may lie beneath the sod of his lands like a buried treasure, yet it is held in certain decisions that he can not touch it. Does such a rule seem to you to be justice?"

It was now Andrew Flint's turn to sneer.

"I am not interested," he replied, "in the justice of it."

"Perhaps," continued Mason, "you may be interested in a further provision of that doctrine, quite as curious. It is also the law of the State of West Virginia that, if at the time the life tenant comes into his estate there is a mine opened on the land and in operation, then this person with the life estate can not only continue the operation of the mine, but he can also work it to exhaustion. He can gut the land of every ounce of value. If a way be cut to the door of the storehouse, he can rifle it to the last penny. He can disembowel the land and leave his successor only a worthless shell. Does this seem to you to be any sounder justice?"

The president of the Union Fuel Company fell back into his attitude of business interest, as by the snapping of a lever.

"What! What!" he said. "Let me understand you."

"You shall understand me exactly," replied Mason. "There is a little mine in operation on this land. If you do not choose to make this contract with Mr. Hopkins, I shall take him to the coal company across the street, which also operates in this region. I shall lease the

land to it for any royalty it suggests, even a cent a ton. This Pittsburgh vein is eight feet thick. It will yield ten thousand tons to the acre. At one cent a ton that would net Mr. Hopkins a royalty of one hundred dollars per acre. Ordinarily any company would take out ten acres every year. Under the existing conditions, this company will take out twenty. This will yield Mr. Hopkins, some twenty thousand dollars in the end, and the company a profit of a hundred thousand and you at the farmer's death will have a shell of broken rocks to inherit as your estate. Does my proposition seem now a matter of so much amusement?"

Mr. Flint saw that the matter had reached that practical status which he called business, and after his custom, he prepared instantly to meet it.

"Just a moment, please," he said.

He turned to his telephone on the table and called up one of the great law firms of the city. He stated in a few rapid words the legal question involved. We could not, of course, hear the answer, but the jerky expletives of Mr. Flint were eloquent.

Presently he placed the receiver on its horn.

"We will take Mr. Hopkins's title at your figure," he said.

But just then the sick man emphatically thrust into the conference.

"No, you don't!" he cried, bouncing out of his chair. "I've got the harpoon in you, an' I'm goin' to jump on it. You pay me a thousand dollars a year, and every minute I raise it five hundred."

Randolph Mason reached over his hand, caught the excited Mr. Hopkins by the arm, and replaced him in his chair.

"Your silence," he said, "will oblige me. You shall receive exactly the sum I have named, neither a dollar more nor less. I do not intend that either you or this company shall take an advantage."

I do not know which regarded Mason with a greater wonder, the humbled fellow or Mr. Andrew Flint. The one, no less than the other, expected an advantage to be pressed home; it was the first law of commerce, as they knew it; all else was a theory of churches.

I think the sick man would have broken into protest, but the manner of Randolph Mason was not to be misread, and, too, in the former's

eye he was something of the magician in the fairy book, and not to be set in anger lest the gold in sight vanish.

A deed was swiftly written, executed, and a check for twelve hundred dollars passed over to Mr. Hopkins.

I shall always remember the comment of that erratic but cheerful person as we left the building. He walked along through the corridor beside me, his eye traveling in sort of childish wonder over Randolph Mason, who strode before him, doubtless like a Providence. Finally, as we were coming to the door, he plucked my sleeve and spoke his comment, which, phrased differently, was, indeed, the comment of us all.

"The old boy's a terror! ain't he?"

For the legal principle involved in this story see *The Law of Mines and Mining in the United States* (Barringer & Adams, page 15), also the following cases: *Koen v. Bartlett*, 41 W. Va., 559 especially 567; *Williamson v. Jones*, 39 W. Va., 231 *Wilson v. Yost*, 43 W. Va., 834.

"The rule is well settled that a tenant for life, when not precluded by restraining words, may not only work open mines, but may work them to exhaustion," p. 567, *Koen v. Bartlett*, *supra*. Opinion.

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Afterword

The saga of the tubercular young man who is aided by Randolph Mason begins in the coal fields of West Virginia. Melville Davisson Post knew this region well because this is where he was born, raised, lived and wrote. The following is a sketch of Post by Charles F. Moore of East Tennessee State University in *The West Virginia Encyclopedia*:

Writer Melville Davisson Post (April 19, 1869-June 23, 1930) was born in Harrison County. He became immensely popular as a writer starting with his 1896 short story collection, *The Strange Schemes of Randolph Mason* (Putnam). He continued to publish until his death. Much of his work is set in the 19th-century West Virginia countryside.

His best-known works are the Randolph Mason series, published in three volumes, and the more successful collection, *Uncle Abner: Master of Mysteries* (Appleton, 1918). Post wrote other short works, mostly detective fiction, including the



Monsieur Jonquelle series and the *Walker of the Secret Service* series and many articles, essays, and treatises. Among Post's longer works are *Dwellers in the Hills* (Putnam, 1901), *The Mountain School-teacher* (Appleton, 1922), and *Revolt of the Birds* (Appleton, 1927), which are all underrated but indicative of Post's varied and huge talent. His total output was approximately 230 titles.

Post's love of the outdoors, the forests, and the weather shows through in all his major works. In "Woodford's Partner" in *Strange Schemes of Randolph Mason* (Putnam, 1896), Post takes six pages to describe the Valley of Virginia as if he were standing on a mountaintop delivering a

lecture. It is a tribute to the farmers, the cattlemen, the traders, and businessmen who lived and died and prospered in the land between the frontier and the East Coast.

From a long line of Western Virginians, Post's forebears date back to 1773 when Daniel Davisson settled in the heart of future Clarksburg. With a law degree from West Virginia University (1892) and the successful launching of a writing career with Randolph Mason, Post married Ann Bloomfield Gamble Schoolfield in 1903 and together they traveled the world and the East Coast before settling down at the "Chalet" in

Harrison County. Their European adventures helped Post find settings for much of his other work. Their one child died shortly after birth, and Mrs. Post died of pneumonia in 1919. Still rising in skill and fame, Post loved to ride and while riding in 1930, he fell. He died of the injuries and was buried in Harrison County.

This sketch by Professor Moore is available online: "Melville Davisson Post." e-WV: The West Virginia Encyclopedia. 22 October 2010. Web. 09 January 2015.

"The Life Tenant" appeared on page 2 of *The Virginia Enterprise*, Virginia, Minnesota, on October 11, 1912. The box with the case citations is in the original. ■



Posted MLHP: February 1, 2015.