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Complete
History
of
Southern
Illinois
Gang War

We Dare You to Read
the First Five Pages

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ILLINOIS HISTORICAL SURVEY



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Complete History of Southern Illinois' Gang War.

The True Story of Southern Illinois Gang Warfare. Written Entirely by E. Bishop Hill

**'WE DARE YOU TO READ
THE FIRST FIVE PAGES.'**

All that is written herein is actual facts that happened during the Ku Klux Klan and Anti-Klan War in Little Egypt and during the time of S. Glenn Young to the trial of Charles Birger in the year 1927 A. D.

This material is carefully compiled and is given in print so the public in general may know in full the details surrounding that terrible period of bloodshed in "Bloody Williamson" from the Herrin Massacre to the end of the reign of "Machine Gun Charlie" Birger.

**E. BISHOP HILL,
Eldorado, Illinois.**

CHAPTER 1.

S. GLENN YOUNG, Raider.

There is hardly a nook or corner of the entire United States where the name of S. Glenn Young is not known.

Many are the tales told of marvelous gun plays, and his ability to always come out with a new notch on his gun. There is hardly a household the country over where stories have not been told of his deeds of daring. His ability to draw first has been illustrated, maybe magnified, by many hundreds of verified and unverified stories.

Ever since S. Glenn Young made his advent in Williamson County, Illinois, there has hardly been a gathering of any sort where his activities did not furnish the chief topic of conversation. Each time the name was mentioned some one always had a new story to tell of something he had said or done.

One interesting story comes to mind regarding the raider's ability to draw his gun first. It is told that one time while the City of Herrin, Illinois, was recovering from the shock of an outbreak, during which the state troops were called out that Young was walking down the street, clad in common civilian clothes. There was nothing about his appearance that would lead one to believe he carried any of the traditional artillery that has made him famous. One of the guardsmen met and asked him if he did not feel a bit uneasy, going about the streets, among enemies, unarmed.

"Start for your gun, sonny," the raider said, and the guardsman reached quickly for his gun. Before

the soldier could bring the weapon from its holster at his side Young had him covered with two guns.

And such were the stories of the life of S. Glenn Young until the time he "bit the dust" as he had seen so many do who had failed to beat him to the draw.

The writer knows Young to have been a fearless man and one who could draw a gun in the time it would take one to wink an eye.

S. Glenn Young to his admirers was a dauntless crusader who feared neither man nor the devil in fighting sin such as he found it in and around Herrin. To those who hated him, he was a swashbuckling inter-loper whose own violences were greater than the crimes he attempted to correct.

Chapter 2 Deals with the Manner in Which Young Came Into Prominence By His Daring Work in the Employment of the Government.

CHAPTER 2.

Glenn Young came into prominence in 1917 when he was employed in running down desperate draft evaders for the Federal government, his work taking him into the most dangerous districts of the Kentucky foothills. He is credited with capturing hundreds of desperate characters, and many was the time he used his gun and shot to kill in carrying out the orders of his superiors.

After the war he was given a place on the Federal prohibition enforcement forces, and again he was assigned to one of the most dangerous districts in the country. For some two years he kept up his warfare

on illicit liquor, and up until he was dismissed, when he was charged with the murder of a foreigner whose home he raided near East St. Louis, he was feared by law-breakers in an almost unimaginable way.

Following this Young dropped out of prominence until the time he was employed by the Ku Klux Klan to conduct the raids in Williamson county. He started his work there in January, 1924, and ever since there has been a vendetta that has been a sensation to all America.

The writer will say here, that the Klan-Anti Klan warfare was a war between two factions, one taking the name of the Klan and the other Anti-Klan so they were distinguishable.

The Klan forces had the enmity of Sheriff George Galligan of Williamson county and former State's Attorney Delos Duty from the start of their raiding activities, and it was between these two factions, the constituted authorities on one side and the citizens who wanted a cleanup of vice on the other, that the relentless warfare was carried on.

One of the regrettable occurrences in connection with the whole affair, outside the actual killings that took place from day to day, was when the automobile driven by Young was fired upon by members of the anti-Klan forces as it passed through the Okaw bottoms near Belleville, Illinois, and Mrs. Young who was accompanying her husband, was wounded for life.

It is said that there are nearly thirty notches on Young's gun, indicating that he has killed that many persons.

Ora Thomas was the greatest enemy Young ever was known to have had. Thomas was appointed as a



CHARLIE BIRGER

deputy sheriff under Sheriff Galligan and had been one of Young's most bitter foes since the noted raider entered Williamson county.

Ora Thomas first came into prominence when he was made one of the principal defendants in the Herrin mine war suits, he having been charged with having taken a leading part in the wholesale killings of the men employed at the Lester strip mine. A jury, however, exonerated him of these charges. Thomas was always prominently mentioned in all the encounters between the sheriff's forces and Young's raiders since the advent of the notorious raiding forces in Williamson county.

Chapter 3 Deals with the Death of S. Glenn Young.

**Much was Kept Hidden But the Main Details are
Given in the Description Following.**

CHAPTER 3.

On the night of January 24, 1925, people all over the United States talked of the terrible war then going on in Williamson county and on that night one of the most terrible battles was fought in the main street of Herrin. The fight in which S. Glenn Young died was incomparable to the fights told in story books of the wild west and the frontier.

It was near 10 o'clock on that fatal night and the war of the Klan and its enemies had been going on about a year. S. Glenn Young and two of his henchmen, Ed Forbes and Homer Warren, and Ora Thomas, a Williamson county deputy sheriff, were killed.

The shooting which was in the form of a free-for-all gun battle, took place in front of the European

Hotel where Ora Thomas is said to have taken refuge after a shot had been fired that he thought had been directed for him.

The writer will mention here that many conflicting stories were given out and those in the best position to give out information of value, claimed they knew nothing of the affair. However, the following story was drawn out at the inquest following the killing:

Ora Thomas, Judge E. N. Bowen and others were leaving a night session of the Herrin City Court and it was then that the first shot was fired. This was about 9:20 p. m., and the shot took no toll nor was the man with the gun found. A stray shot now and then was a common occurrence.

About thirty minutes later as Thomas was standing in front of the European Hotel some two blocks south and across the street from the city hall, Young and some of his followers started across the street toward where Thomas was standing and as they did a shot rang out. Near one dozen men were with Young. It is recalled to the writer at this moment that Young and Thomas had each sworn to "get" the other and that he would not leave the county until the other was dead.

As Young and his men crossed the street Thomas ran into the hotel and took refuge behind a cigar stand. He drew two guns and began firing at the advancing crowd which was led by Young. The notorious raider returned the fire with the speed of lightning, firing from his hip without drawing a gun, the fire spurting in streaks through the hole in the bottom of the holster in which a Colt's .45 caliber automatic revolver stayed.

Young dropped soon after the first shots from

Thomas' gun barked from behind the cigar stand. Two shots had struck him in the right side, causing almost instant death. Thomas also fell.

Warner and Forbes dropped in turn, although the former was not killed instantly. He died a few hours later in the Herrin Hospital. Forbes' death was instant.

Ora Thomas had been shot three times through the head, the three bullet holes through his skull not being more than an inch apart.

Things went on peaceful in Herrin for a few hours following the battle. Then as the news spread and crowds began pouring into the city from surrounding cities, there was every indication of a renewal of the disorder.

Klansmen and others soon filled the streets and many who came into the city were searched for weapons for fear they might be part of an avenging force that would start a new war. Feeling was again at fever heat and the business of keeping a closed mouth and going one's way seemed to be the most sensible thing to do.

So great was this feeling of bitterness that it was thought necessary to ask for state troops and the Headquarters Company at Carbondale was soon on its way to again restore peace and quiet in the neighboring city. This made the third time within a period of twelve months that this company had been called for duty in Herrin.

S. Glenn Young died almost instantly, but in the short time he lived before bridging the gap into Eternity, he asked if Ora Thomas was dead. Those around him said that Thomas had died. The famous raider gasped, grinned, and as he died said: "I die in peace."

Ora Thomas was supported by friends on the floor of the European Hotel. Life had been sweet to him and he knew it was leaving him rapidly and that the end was near. With an almost super-human effort he said: "Did I get Young?" When he was assured that S. Glenn Young had passed into the great beyond, he said: "I am willing to die." The two men known for thousands of miles as the most bitter of foes, died at almost the same moment and was happy that the other was dead. Their oaths were fulfilled. Thus passed another epic or drama in the life of the people of southern Illinois.

Ora Thomas was buried with much pomp by his many friends and great was the ceremony for the fallen deputy sheriff but it was incomparable to that of S. Glenn Young. Thousands of people from miles away came for one glimpse at the famous raider or for a peep at his tomb in the Herrin cemetery. Not until the end of the world will the scene of the funeral of S. Glenn Young fade from history. Neither will the deeds of this man be forgotten. Nor will the war which was carried on by this man be forgotten.

In cities many miles away people who took no side in the affair expressed their opinions and many believed that the warfare was over. Yet it grew in proportion and the name of Herrin and Williamson county was heard in foreign countries.

Chapter 4 Deals with Sheriff Galligan and Happenings in Williamson County.

CHAPTER 4.

February 8th and 9th, Friday and Saturday, 1924,

were busy days for officers in both Herrin and Marion, Williamson County, Illinois.

On Friday evening at 6:30 o'clock persons living in towns around Herrin who had been there on business reported everything quiet. But the Herrin of three hours later was a city of lurking death and murder. Crowds stormed down through the business district and pistol shots, some scattered and some in volume were heard from every precinct.

The cold-blooded shooting of Ceasar Cagle, a constable and justice of the peace of Herrin, was the beginning of the fracas which resulted in the entire county being practically under military restriction.

Cagle had played an important part in the raids made in the county under the leadership of S. Glenn Young, had incurred the enmity of a number of men who had suffered arrest as a result of warrants being served out of Cagle's office. These men, it seems planned to "get" Cagle and dispatched the dead man's son to the Masonic Temple at Herrin to inform his father that he was wanted on important business at the Jefferson Hotel.

Cagle started down the street and had proceeded as far as a corner near the Jefferson Hotel when he was struck down by a man who had been hiding in the shadows. Several persons said they saw a bunch of men fire shots into Cagle's body, killing him instantly. Immediately following the death of Cagle warrants were issued for George Galligan, sheriff, Ora Thomas, deputy sheriff, Hugh Willis, United Mine Workers' official, John Layman, deputy sheriff and several others.

Chief of Police John Ford, of Herrin, together with several other officers set out to arrest the men

for whom the warrants were issued. It was reported at the time that the men had taken refuge in the Herrin hospital. A Dr. Black was said to have taken the men in and when officers demanded they be admitted a fusillade of shots greeted them. The fire was returned by the officers and the windows were shot out of the hospital. The patients were said to have suffered much from the smoke and excitement. The officers drew away from the hospital without making any arrests.

The officers then went to a club hall and when they were refused admittance started a fight and John Layman, deputy sheriff, was shot. The Herrin police officers were later taken to a Perry county jail as a result of the shooting at the club house. S. Glenn Young assumed charge of police activities in Herrin then because Chief of Police John Ford was one of the men locked in the Perry county jail.

When the uniformed soldiers stepped off the train in Herrin citizens breathed a sigh of relief as wild reports about the Flaming Circle, Ku Klux Klan and raids on homes where liquor was stored were concurrent.

S. Glenn Young made the remark at that time that eye-witnesses said Ora Thomas and John Layman killed Cagle.

Sheriff George Galligan was arrested the next day and held on a charge of being an accessory to the murder of Ceaser Cagle. He was lodged in jail but was soon released.

At this time cities in Williamson county organized corps of men armed with machine guns and rifles to help preserve order.

At this time, the 12th of February, 1924, a man

charged with complicity with the murder of Ceasar Cagle was reported to be on the jury at the coroner's inquest into Cagle's death. No one was held following the inquest.

Chapter 5 Deals with Peaceful Herrin and the Sheriff Who Took the Place of Galligan.

ALSO LESTER STRIP MINE MASSACRE.

CHAPTER 5.

In December, 1925, Herrin stood a purged city. Evangelist Howard S. Williams had just finished his campaign. He had preached of brotherly love. Where men had used pistols before, they now used Bibles. Weapons were traded for working tools and books such as hymn books and Bibles.

There were two outstanding reasons for peace coming to Herrin. One was the death of S. Glenn Young and the other the religious revival held in June 1925 by Howard S. Williams. Of course, the death of Ora Thomas aided in bringing peace but not as that of Young. Young, in dying, did what he could not do when he was living.

After the death of Young and Thomas, although a nominal truce was declared, the old enmities snarled at each other, more to keep up appearances than because they really hated. And then came the Williams revival. For six weeks he thrust the picture of peace and harmony before his hearers. Men and women of all creeds came to hear him. There were a few conversions and then the idea permeated that there on the mourner's bench was the place to lay down all the bitterness of the past. Those who had hated, or

thought they had hated, sought mutual refuge in religion. One confessed the error of his ways and others followed. In short, the revival offered the solution of the whole problem. With all confessing their guilt there could be no loss of pride to anyone—and so in the Williams tabernacle was reared again the substantial structure of good citizenship that promises to remain to the end of time.

No attempt is made by anyone to belittle the efforts of the evangelist. He was the medium through which too much good was accomplished for anyone to say that it was not his powers of eloquence but the opportuneness of his visit that led to such far-reaching results. He will always be kindly remembered in Herrin, especially that dramatic night when he induced Sheriff George Galligan, arch enemy of the klansmen, to ride boldly into Herrin and sit on the platform surrounded by hundreds of men who had sworn to kill him on sight. Indeed the situation was a dramatic one. Hundreds were converted that memorable night and thus passed the Ku Klux Klan warfare in Herrin. Southern Illinois again came to light in the news columns when Charlie Birger's gang and the Shelton brothers gang became enemies after being friends and fighting side by side in the Klan war. They were enemies of the Klan together and gambled, raided and killed for a living. Bootlegging was their main occupation for several years in southern Illinois. The havoc they wrought is even greater than the Klan war or the Lester strip mine massacre which is described in the following paragraph.

Over a score of men were killed in July near Herrin at the Lester strip mine in the year of 1922. When the mines in general closed as a result of a strike



ART NEWMAN

union miners continued to work on condition that no coal be shipped away from the mine. When coal was shipped from the mine the union men quit and "scab" miners were brought in from all parts of the country. They were men who roamed about looking for anything to do where they could pick up money in an easy way. A large number of guards were placed around the mine while the miners worked, and for a time all went well.

One morning some union miners started toward the mine and the superintendent of the mine is said to have picked up a rifle and killed one of the leading men. The union miners then left. Before this all kinds of trouble had been stirred up and many outrageous acts had been committed by both sides. After the killing at the mine a crowd of men, armed to the teeth, set out to the mine, ran some of the guards away, killed some of them, and caught about 22 or 23 men. These prisoners they took away and slaughtered as if they had been sheep. Several trials were held following that but no one was convicted of anything as every witness swore that the defendant could not have been near the mine that day as he saw him some where else. The officers of Williamson county were then elected upon the strength of their promises to defend the union men. Taking advantage of promises many men started bootlegging and running road houses knowing they would not be harmed. Then came the Ku Klux and the terrible war which ended with the death of Young and Thomas and the revival of Howard S. Williams. All was then quiet in southern Illinois until the rival gangs of Cahrlie Birger and the Shelton brothers got busy.

Chapter 6 Deals with the Early Life of Charlie Birger.

His First Killing.

CHAPTER 6.

Charlie Birger was born in Russia in 1882, and immigrated with his family when but a child to America where the Birger family settled in St. Louis. While Birger was still a small boy, the family moved from St. Louis to Harrisburg, Illinois, where Birger grew up. At one time during his youth he lived in Hell's Half Acre, New York City, and there learned the life of the underworld. He also spent much time in East St. Louis, Illinois, when a boy, it is said. He escaped the bloodshed of red Russia which was unrivaled for its bloodshed but he did his part in spreading the tinge of red over southern Illinois and personally caused the taking of many lives and the shedding of much blood.

Before reaching manhood, young Birger manifested an interest in adventure and enlisted in the United States Cavalry, serving, he says, during the Spanish-American war, and for several years afterwards.

Coming out of the army, Birger returned to Harrisburg, and took up farming, and judging from his own assertions he became quite a successful farmer. At one time, according to his own statement, he owned 400 acres of land and a home in Harrisburg, although it is doubtful if all these properties came into his possession as rewards for the honest tilling of the soil.

The early years of the twentieth century found Birger operating a small coal mine between Edgement and St. Louis, and in 1912 he lived in Christopher. A year later he was back at Harrisburg.

It was about this time that persons who have

known Birger for a great many years remember him as the proprietor of a restaurant with a shady reputation at Ledford, near Harrisburg.

There was little semblance in Birger then to the gunman and gang-leader that he later became. He operated his lunch room, ran a gambling game and sold whiskey, but that was in the days before national or even state-wide prohibition and there were many such places. Birger's place attracted no more attention than simply being one among many places outside the dry areas here and there where a man could buy whiskey. Birger himself attracted little attention other than for being a little different from most proprietors of such places in that he had certain attributes of a gentleman.

He was kind-hearted and considerate to the unfortunate and the idol of those whom he employed. One Harrisburg girl who was employed in the Birger Restaurant, who had since married and moved away from southern Illinois would not believe that the Charlie Birger whom she worked for at Ledford was the same Charlie Birger of Gangland fame when she returned to southern Illinois on a visit.

During the years from 1913 to 1923 Birger operated various places in Saline county and just across the county line in Williamson county. He did not give the law enforcement authorities much trouble, nor was he troubled by them to any extent until after the eighteenth amendment was passed. It was during the prevalence of local option as to the liquor traffic when Birger was in his heyday. In both Saline and Williamson counties, Birger could usually be found as the center of an oasis just on the outer edge of some area which had gone dry by the voters' choice. Such was

Ledford, and such was Halfway in Williamson county to which Eirger was attracted because of the apparent permanency of the dry rule in Marion.

It was at Halfway on November 15, 1923 that Birger killed his first man in Williamson county, although it was said at that time that Cecil Knighton whom he killed at Halfway on that date was his fifth victim.

Knighton was a boy about 24 years old and an employe of Birger, having come to Saline county to Eirger's employ from Alabama. At that time Birger's place which was the building that formerly stood on the west side of the road at Halfway was not operating and Eirger was associated with Charles, alias Chink Schafer, Nathan Riddle and Ralph Hill in the operation of a place across the road on the east. Knighton was employed there as a bartender. Birger and Knighton slept in Birger's building across the road.

On the night of the killing, witnesses testified at the inquest, Birger and Knighton were in a bad humor. They had been having trouble for three or four days. Their associates professed not to know what the trouble was about. It was said, however, that as Birger left the place that was open to cross the road to where he had been sleeping, Knighton followed him with a gun. Inmates of the former place soon afterwards heard three shots. The first, a revolver shot, was said to have been fired by Knighton, and the next two in rapid succession came from a shotgun in the hands of Charlie Birger. Knighton was dead, lying face down in the road, when the men rushed out of the road house. Birger surrendered and spent the rest of the night in the Williamson county jail. He was exonerated by a coroner's jury the next day.

Three nights later, Birger, himself, was shot and

seriously wounded in a shooting fray at Halfway in which W. G. (Whitey) Doering, Eagen gangster, was killed. At the time it was generally believed Birger killed Doering although no testimony before the coroner's jury indicated such to be true. No eye witnesses of the shooting testified. The two men were outside of the Halfway road house alone at the time of the shooting, according to Birger.

Birger was in the Herrin hospital at the time the coroner's jury convened at Herrin and although the jury did not interrogate him, he submitted a written statement to the jury. In the statement Birger said that Doering came to the place and called him outside saying that he wanted to talk to him. He said that shortly after they got out on the porch, Doering drew a gun and shot him, and that immediately afterwards a fusilade of twenty or twenty-five shots were fired. Birger said that he fell to the ground when Doering shot him, and that fact saved him from being caught in the volley that followed, but Doering who was standing erect was caught in the fire and mortally wounded. He died shortly afterward on the operating table in the Herrin hospital.

Three years after the shooting, Birger told a newspaper man additional details of the Doering killing. He said that after Doering had called him out, the St. Louis gangster suggested that Birger assist him in robbing the payroll of a Harrisburg mine. Birger told the newspaper man that he became indignant at Doering's suggestion and told him that he would not take part in any such robbery, nor would he permit any one else to prey upon the Saline county mines.

Birger said that while he was denouncing Doering for suggesting the robbery, Doering shot him, and

almost immediately through a window in the road house behind him, one of Birger's followers shot Doering down. Birger never disclosed the name of his man who killed Doering.

Birger and Doering had known each other for a great many years, and just what connection there was between the leader of the St. Louis Egan's gangster and the man who later became leader of even a more famous gang was not revealed at that time. Doering died without revealing any of the many gangland secrets which he harbored. Birger recovered from his wounds, however, and throughout the remainder of his career runs the adage proven so conclusively in the death of Doering, "Dead men tell no tales."

CHAPTER 7.

Chapter 7 Deals with Birger as Owner of Shady Rest Before the Opening of the War with the Shelton Brothers Gang.

The notoriety attracted to Birger as a result of the shooting fray at Halfway in which Whitey Doering lost his life and in which Birger was wounded, resulted in suspicion being cast upon Birger as a possible member of the Egan gang which two years before had staged a \$2,000,000 mail robbery at St. Louis. Doering at the time of his death was under conviction for the robbery but was free on an appeal bond. At the time Doering was killed, there was considerable rumor that a quarrel had ensued between the two over the division of the mail robbery loot. As a result two days after the killing, Inspector Keefe of the postal department headed a search of the Halfway road houses in

the hopes of finding part of the loot, but the search was unsuccessful.

According to Birger he had known Doering 22 years before at the time Birger operated a coal mine between Edgemont and East St. Louis.

Whatever were the circumstances which led up to the death of Doering, the shooting affray ending in his death, at least, according to Birger, brought about Birger's meeting with Carl Shelton. Shelton was first to become an ally and then an arch enemy of Birger. The two met in the Herrin hospital while Birger was recovering from his wounds.

Later, as Birger put it, the two joined in the "slot machine racket" in Williamson county, owning jointly the machines which were operated in many of the bootlegging joints of the county. The two of them reaped considerable profits for a year or so, until activities of S. Glenn Young and the Ku Klux Klan began to interfere. Speaking of his connection with the anti-Klan faction, Birger at one time said, "The Ku Klux Klan began to stir things up in Herrin and Shelton and I began to tone down some of the Klansmen, although they got a bunch of our men, too."

Throughout the war with the Klan, Birger and the Sheltons remained henchmen up to and including the last fight on the occasion of an election at Herrin on April 13, 1926. Birger denies that he participated in that fight which resulted in six fatalities, but he admits that some of his men took part in it.

A few weeks afterward came the break between Birger and the Shelton brothers, Carl, Earl and Bernie. Birger's version of the break was that difficulties arose when the Sheltons held up a Harrisburg business man and took several thousand dollars worth

of jewelry and money from him. The business man was a friend to Birger, and Birger said he forced the Sheltons to return the money. After the money was returned, Birger says, the Sheltons planned to kidnap the business man and hold him for \$1,000 ransom. Art Newman learned of the plot, according to Birger, and it was then that Newman allied himself with Birger by informing him of the plot which was blocked by Birger.

The Sheltons, however, have a different version of the break between them and Birger. Trouble between the two factions began, according to Carl Shelton, leader of the Shelton gang, when the latter refused to assist in smuggling some of Birger's relatives into the United States. Shelton said that early difficulties between he and Birger were climaxed by a disagreement over the division of the profits in the slot machine business. Shelton said that Birger had collected about \$3,000 from the slot machines, and when Shelton asked Birger for his share of the profits, Birger declared there were no profits to be divided, claiming that he had expended all the receipts for official protection. Shelton then severed business as well as friendly relations with Birger. When learning of Birger's version of the break between them, Shelton declared that Birger had framed the robbery on the Harrisburg business man in order to make a grandstand play as the protector of Harrisburg citizens.

The beginning of the gang war found Birger as the wealthy owner of Shady Rest, a resort notorious far and wide. The resort was located in Williamson county just about two miles west of the Saline county line. It was located on a 60-acre tract of land which was mostly covered with timber. Near the state hard



RAY "IZZY" HYLAND



road in a clearing Birger had erected a log cabin and installed in it practically every convenience of the modern home. In front of the cabin on the state road stood a lunch stand which served the two-fold purpose of a convenience to travelers and of an outpost to protect the cabin against surprise from the authorities. Built in 1924, Shady Rest however, was not troubled much with official interference during the rest of that year and the next, during which it ran full blast. On summer afternoons scores of automobiles could be seen parked at Shady Rest while their owners were at the cabin. It was the most notorious resort in the southern part of the state, and attracted gamblers and others from far and near. There was an arena for cock fighting, while blooded bull dogs, eagles and monkeys occupied various large cages about the place.

Aside from being a popular place where whiskey, good and bad, could be bought, Shady Rest was also a station of a great booze transportation system that ran from the coast of Florida to St. Louis. Whiskey caravans with smuggled liquor from Florida frequently stopped at Shady Rest, according to Birger's own story, to wait during the day time to complete the trip to St. Louis at night.

Birger admitted that he was a bootlegger, but he declared that the Sheltons had him beaten by far in their organization, which he said transported the smuggled liquor. Birger declared that the Sheltons even used stolen cars in their liquor transportation, and got by with it.

The gang war put an end to profits in the whiskey business for both Birger and the Sheltons. Although the "battle to death" never took place, attacks

and threat of attacks upon Shady Rest as well as the armed crew of some score men which Birger kept there scared his trade away. Patrons became afraid to stop there. Virtually the same thing was true of the Shelton joints near Herrin. In the attacks upon Shady Rest, dynamite bombs thrown from automobiles and an airplane were used as well as machine guns and rifles. Armored cars were called in to use by both factions.

CHAPTER 8.

Chapter 8 Deals with the Murders of Ward "Casey"

Jones, Mayor Joe Adams of West City and Mr.

and Mrs. Lory Price of Marion, Ill.

ALSO THE CONFESSION OF ART NEWMAN,

BIRGERITE.

The body of Ward "Casey" Jones, Birger gangster was found in a creek on October 28, 1926 near Equality, Gallatin County, Illinois. Charley Birger identified the body which was riddled with shot and had Jones buried, paying the bill.

Charged with this murder in a trial held in Williamson county late in June and early in July in 1927 were Rado Millich and Eural Gowan. A man by the name of Rone turned state's evidence and was not charged with the murder. The result of the trial is told later in this book.

Millich was a Montenegrin and had a bullet-shaped head. Gowan was a snappy looking boy of 19 and presented quite a contrast in court compared with the dark, ill-looking Millich. Rone was used as a witness

of the state in the case. He claimed Millich and Gowan used several means of torture on Jones and then murdered him in Shady Rest and then placed the body in a car in which it was hauled to the creek near Equality and thrown overboard. State's Attorney Arlie O. Boswell, a very young man, conducted the prosecution in this trial.

Gowan swore that he was not a gunman but only a flunky and had nothing to do with the killing. Attorneys for Millich said that Millich shot and killed Jones in front of the barbecue stand of Birger's but that it was in self defense. Arlie Boswell said Jones was tortured two days before he was put to death. At this time Charlie Birger was in jail for the murder of Mayor Joe Adams, charged with complicity. While the Jones trial was going on and Birger was awaiting his trial, T. A. King, the builder of the armored car of Birger's, filed suit for \$175 which he declared was due him, and got judgment for that amount.

The Murder of Mayor Joe Adams of West City, Ill.

It was the armored car of the Sheltons that resulted in Birger's intense hatred for 300-pound Mayor Joe Adams of West City. Birger went to Adams' home at West City and told him he wanted the Sheltons' armored truck, which he accused Adams of harboring. Adams refused to turn it over to him and Birger declared he had better deliver the armored truck to him the following morning in order to save trouble. Adams did not deliver the truck, and a few days later two motor cars speeding through West City riddled with machine gun bullets two houses adjacent to the Adams home, which were evidently mistaken by the various members of the attacking party as the residence of the West City Mayor.

A week later a dynamite bomb hurled from a passing automobile landed in Adams' front yard, tearing away part of the home. On one occasion Birger called the wife of the West City Mayor on the telephone, and told her to take out plenty of life insurance on her husband.

It was only a few days after that, December 26, 1926, that the West City Mayor was called to the front door of his home and shot down by the Thomasson brothers, Elmo and Harry, employed, according to the latter, by Charley Birger, to do the deed. Elmo Thomasson burned to death in Shady Rest when it went up in flames.

The Thomassons were but two of the youths attracted to Charley Birger. There were many others, among them being Eural Gowan and Clarence Rone, defendants in the trial slated to open in June for the murder of Ward Jones at Birger's cabin. These boys were loyal to Birger, and Birger himself relates the story of Rone's loyalty to him when Rone would have been rewarded for betraying his chieftan.

Birger said that the Shelton boys captured Rone in Marion one night, and knowing his affiliation with their enemy, debated as to his fate. Finally they decided to free Rone and to pay him to return to the cabin and signal them when Birger was there. Rone, according to the story, was to display a white handkerchief in one of the windows of the cabin when Birger arrived. Instead, he warned Birger of the plot, and the gang leader was prepared to withstand any surprise attack.

During the gang war Birger lived with his wife and children in Harrisburg, seldom staying at the cabin at Shady Rest. At his home a guard was main-

tained about the block in which he lived to prevent surprise by his enemies. Birger's wife, Mrs. Bernice Birger, who is pretty and but 19 years of age, is his second wife. His first wife and the mother of his two small daughters, and Birger are divorced.

The separation of Birger and his first wife came in 1925. Late in 1924 Birger was one of the bootleggers raided by S. Glenn Young, and he was prosecuted in Federal Court at Danville by the late Judge W. C. Potter of Marion on Youngs evidence. Birger stood trial and was convicted. Judge Lindley fined Birger \$500 for possession of liquor, \$1000 for selling liquor, \$1000 for maintaining a common nuisance, and sentenced him to serve one year in the Vermillion County Jail. Just before the Christmas holidays of that year Birger petitioned Judge Lindley for a short parole to spend the holidays with his wife, Mrs. Bee Birger, and their two children. Before the judge had acted on the petition, however, Birger's wife wrote to Judge Lindley not to let Birger out, saying that he had threatened to kill her. The parole was denied, and when Birger was finally released from jail he and his wife lived apart. In February, 1926, he married his present wife who cares for his two daughters, Minnie, age 9, and Charline, age 5. Birger's first wife is also said to be remarried.

Throughout Birger's career two characteristics stand out, his facilities for providing alibis to cover his crimes, and his work as a benefactor of the unfortunate. It is this latter characteristic of his that earned for him the nickname of "Robin Hood."

Through his charitable actions, Birger won the esteem of many of the better citizens of Harrisburg. He was known to have contributed frequently to the

support of widows and orphans. On at least one occasion during the winter, Birger made a survey of Harrisburg to determine the number of widows in need of coal, and he saw that they were supplied with fuel. On other occasions he bought food for the unfortunates.

Birger and his men visited a place in Herrin one night where some armed bandits were said to have been barricaded. They went with the intention, they said, of taking the armed men and turning them over to the law. But when they arrived at the home and entered they found only an elderly woman there by the bedside of her sick daughter. The couple were destitute. Birger took money from his pocket and gave it to them. Acts of this kind were not forgotten and the recipients always stood up for him afterwards. Birger then went from the home to the Elks Club and called Joe Crizzell, custodian, out in the lobby. "I just went out to a house in your town," he told Grizzell, "intending to shake it down, but all I found there was an old woman and her sick daughter on starvation. I gave them some money, but they've got to be cared for and have some food."

When the gangster had gone, Mr. Grizzell, carrying out the charitable program of his order, investigated Birger's story and found it true as he had related it.

Birger's work as a benevolent benefactor and as a gunman and gangster went hand in hand, as the former made alibis easy for the latter. The fact that he could readily furnish alibis and divert suspicion was responsible to a great extent for the long delays about his apprehension. At the time of the slaying of Mayor Joe Adams of West City, Birger was in Marion and

talked to State's Attorney Arlie O. Boswell. He exhibited himself about public places in Marion at the very time Elmo and Harry Thomasson, according to the latter's story, were firing the shots for which Thomasson said they were paid \$50 each for ending the life of Adams. Harry was sentenced to life imprisonment for the act.

When Lory Price and wife disappeared from their home in Marion all the circumstances indicated that the Sheltons were the abductors. Everything was in Birger's favor. Price was reputed to be Birger's friend. He was thought to have a quarrel with Carl Shelton just a few days before he was taken out of his home and killed. Previous to the Price abduction, the Sheltons were generally regarded as the attackers of Birger's Shady Rest when four of Birger's followers died in the cabin.

And not until the lips of gangland were opened and associates of the gangster persuaded to talk did the authorities actually have evidence that Birger kidnapped the Prices and that he had previously burned his own cabin and killed his own followers. These crimes are alleged to have been committed by Birger. all because the victims "knew too much."

Birger also was the "cover up man" in the slaying of Ward Jones. When Jones' body was found in Gallatin county Birger identified the body, gave an Equality undertaker instructions to arrange a funeral with "plenty of flowers" and send the bill to Birger. In the meantime, Birger swore vengeance on the Sheltons and allegedly set about seeking to punish them as the slayers of Jones.

With Birger brought to bay the one question at the time of his trial was, if convicted of any of the

crimes with which he was charged, would he ever speak to clear up the countless other gangland mysteries of which he doubtless knows much.

The Confession of Art Newman, Birgerite.

Following is a part of the confession of Art Newman, one time a great friend of Birger, as given to a St. Louis Post-Dispatch reporter: About 3 p. m., on January 17, Charley Birger got me to his home in Harrisburg. There were present, beside myself and Birger, Connie Ritter, Ernest Balleau, Leslie Simpson, Riley Simmons, Frank Schrorer, Freddie Wooten and Birger's wife.

Birger asked me if I would go with him to see Lory Price, remarking "he has been talking too damn much to Sheriff Coleman about us and I am going to put a stop to that talk."

We then drove to Marion in two automobiles, my Chrysler coach and Connie Ritter's Buick sedan. We drove around Marion and the hard road in that vicinity for about two hours but failed to see Price and returned to Harrisburg about 6 p. m., for supper. We started out again for Price about 9 p. m., and drove to his home. Observing that some one else was there we drove around for a while and returned later to find Price gone. We then drove to a barbecue stand just north of Marion where we remained until 11:30 p. m. At this barbecue stand we saw a pet monkey we used to own at the Birger cabin. They told us at the barbecue stand that Price brought the monkey there about 11 o'clock on the night the cabin was dynamited.

Upon reaching Price's home, we got out and walked to the porch. Birger called Price out and told

Letter Lured Adams to Death

East St Louis Ill.
Jan.

Friend Joe:-

If you can see
these boys please do it.
They are broke and
need work. I know
their father.

P. S.

Comins Hilden

Above is the letter which Harry Thomasson and his brother Elmo presented to Mayor Adams at his home in West City and then shot him down in the door of his home



him that he wanted to talk to him and asked him to get down and get in my car. Birger took Price's pistol from him and laid it on the porch and Price said, "are you going to hurt me, Charlie?" Birger answered, "no, I just want to talk to you."

Price and Birger got in the back seat of my car and Freddie Wooten in the front seat with me. The door was open. Birger started to say something and Price said to me: "Art drive down the road a little way. Let's not talk here." But as I started the engine Birger called to Ritter and the others standing outside, "take that woman out and do away with her."

Wooten then closed the door and we started to move. Price said, with alarm, to Birger: "Charlie, please don't hurt Ethel." Birger answered: "Oh, never mind," and told me to go ahead and drive around Saline county. I drove around Saline county about an hour, during which time Birger cursed Price in the foulest language and accused Price of having sought to prevent Harry Thomasson from talking about the Joe Adams murder in the Marion jail. He also accused Price of telling Sheriff Coleman about the gang activities. Price denied all these things repeatedly, trying to show Birger that he never had sought to hurt him. Birger then began accusing Price of knowing who dynamited the cabin. Price denied this and with good reason, for we knew who dynamited the cabin. It was three of Birger's own men.

Birger ordered me to drive to his home in Harrisburg. When we got there he got out and went inside. He came out in a minute and said:

"Schrorer is still in there with that dope head, Crews. I told him when we left to take Crews out and kill him because I did not want Crews to see us

leave." Birger then got in the car and ordered me to drive to Rosiclare to the Spar mine. I drove down there and upon reaching there Birger got out, machine gun in hand and said: "Price I have a damned good notion to take you out and kill you and throw you in the pit."

Wooten induced Birger to get back in the car, telling Birger that Price was right and was telling the truth. Birger got back in the car and told me to drive back to Harrisburg, where he told me to drive to the ruins of the cabin. "I want to show this the ruins he has caused."

On the way to the barbecue stand where the cabin used to be Birger got kind of confidential with Price and eased up to him saying: "Price I want you to say that the Shelton brothers blew up my cabin and killed those people because I want the post office inspector to think that the Shelton brothers were trying to get you and me, to prevent us appearing against the Sheltons at the mail robbery trial at Quincy. If you tell this it will make things look blacker for the Sheltons at Quincy."

Price declared that he did not know who blew up the cabin and Birger cursed him. By the time we reached the barbecue stand it was raining hard. Birger ordered us to get out. As Birger was getting out Price leaned over to me and said: "Art can you help me now?"

Before I could reply Birger, machine gun in hand said threateningly: "I would like to see some one help you now," and then took Price by the arm and took him in the barbecue stand cursing him and shot him three times in the breast. Price pitched forward on his face. At that moment the other car drove up and

I said: "My God, you have killed that man and look where you have put us. I thought you only wanted to talk to him."

Wooten said: "If I had an idea you were going to do this dirty work I would not have come out here." Then the others got out of the car outside and Wooten said: "Now here is that other car with that woman, what are we going to do now?"

Ritter and the others then came in the stand and said not to worry about the woman, that they had killed her. I said: "Where did you put her?"

Ritter said, "down in an old mine shaft near the Herrin road about 75 feet. We threw her in and heard her hit the water. Then we spent two hours filling it up with corrugated iron, stone, timber and rubble. We filled it up."

Birger said: "All right. I know an old mine near DuQuoin. I will put him there."

They then put Price in my car over my protest, wrapped in a piece of canvas. Birger got in the car and ordered me to drive. He sat on Price's body, machine gun on his lap. We drove for a while around Carbondale and just on the other side Birger ordered me to stop and he got out and vomited. He said: "I can kill a man, but I can't sit on him. I don't know what the hell is the matter with me, it's not my nerve, but when I kill a man it always makes me sick afterwards. It must be my stomach."

He then ordered Ritter to get in my car and we drove on about 5 miles. I thought Price was dead, but he said, "O Connie, you will live to regret this. I am an innocent man." Ritter poked him with a machine gun, cursed him and ordered me to stop. He got out and called back to Birger, "I have had enough."

Then Simpson was put in the car and we rode a little while and he could not stand it under the heavy breathing of Price, so he got out. Birger then ordered Wooten in the car, but he didn't sit on Price's body like the others, but he turned down the front seat and sat on it. We then drove to a mine near DuQuoin. Birger got out but came running back and said there was a watchman there.

We soon came to a little white school house on the left turn of the road and he said he would put Price's body there and burn the building, but it was raining so hard he was afraid he could not have a good fire, so he ordered me to drive down to the spot where the body was later found. Birger ordered me to stop and ordered Price's body taken out of the car and Birger walked in the field. As they took Price from the car his arm fell on my shoulder and I noticed on his finger was a Masonic ring. He said to me: "O Art, I thought you was a friend of mine." And I said: "Lory, I'll kill that for this."

They then took Price's body over in the field and threw it down and I heard Birger cry out when they let him down "you will never talk against any of my boys again." I heard eight shots and Birger came back with the blood stained canvas in his hand. I said to Birger, "what are you going to do with the canvas?"

"I am going to wrap Price's pistol in it and throw in on the burning pile of rubbish at the Dowell mine." Wooten and Ritter got in the car with me and we drove to West Frankfort to Ritter's home. On the way to West Frankfort Ritter told me that they took Mrs. Price away immediately after we left with Price. He said she did not say a word, did not ask where she was going. When we stopped at the mine and ordered

her out Schroeder shot her twice in the back as she stepped on the running board. She screamed and fell on her face. Ritter shot her twice in the back as she lay on the ground. He said they then picked her up and threw her in the pit

The Finding of Mrs. Price's Body.

The body of Mrs. Lory Price, wife of a slain Illinois highway patrolman, was found at 12:10 p. m., on Monday, June 13, 1927, in the shaft of an abandoned mine near Marion.

Discovery of the body appeared to bear out the testimony of Art Newman, former henchman of Charlie Birger, that Mr. and Mrs. Price were slain on the same night by members of the Birger gang. Price's body was found in a field in Washington county in February, 1927, where Newman said it was left after Birger pumped it full of machine gun bullets.

The head of the body was first uncovered. Four workmen were in the pit at the time. When it became visible they called Coroner George Bell and Sheriff Oren Coleman into the shaft. Everyone else left. Oren Coleman was the sheriff who succeeded George Galigan as sheriff of Williamson county. Coleman had a gratifying record before accepting the office as sheriff and did great work as sheriff.

The officials examined the part of the body exposed and announced they were certain of the identification. The remains were removed at once.

The body was badly decomposed. The hair was drawn far back from the forehead. The rest of the remains were kept covered. The body lay face up, apparently as it had fallen when thrown into the shaft.

It is said that Mrs. Price was soon to have given birth to a child when she was murdered.

Tin cans, parts of automobiles and other refuse covered the body. The assassins spent a half hour throwing debris into the shaft over the body. Feeling ran high for some time after the finding of the body of Mrs. Price, and Birger who was in jail in Benton charged with the complicity with the murder of Joe Adams and also with that of Mr. and Mrs. Lory Price, was moved to the jail in Springfield, the State Capitol. Later he was brought back to the Franklin county seat for trial. At first it seemed as if a mob would be organized and tear down the Benton jail and lynch Birger. However, things went smoothly and nothing happened.

A large crowd gathered around the pit and Dale Jones, of Ozark, Mo., Mrs. Price's father, identified the body and had it prepared for burial. The body was found 33 feet 9 inches from the ground level, under a mass of timbers, iron roofing and automobile parts and other debris.

The body was discovered by Walter Schmitt and J. R. Jelly of Royaltown, and Dick McNail and Edward Anderson of Energy. The discovery was made just after the workers had changed shifts.

The task of removing the body from the muck and mire of the mine was a difficult one. It became necessary for the men to discard their shovels and use wooden paddles in removing the remains of the murdered woman from the mud. The odor in the mine became so offensive that it was difficult for the men to continue their labors. There was a solemn atmosphere about the place as the hundreds who had gathered to watch the victim of the most horrible murder that

ever perpetrated in southern Illinois be taken from the mine, bared their heads in respect of the highway patrolman's wife. Unemployed miners helped dig out the body. A large crowd stood near constantly and interest was intense.

A special grand jury indicted Charlie Birger, Connie Ritter, Leslie Simpson, Ernest Balleau and Riley "Alabama" Simmons before the body was found. At this time Harvey Dungey, former friend of Birger, said he had confessed to John Stack, chief of Illinois Highway Police, that the story told by Art Newman was the truth.

Charlie Birger at this time was in jail in Springfield, Illinois, waiting for trial on July 6, 1927, at Benton, Illinois, for the murders of Joe Adams and Lory Price. When asked about his condition Birger told a guard in the jail to leave him alone, that it looked as if the jig was up. Later he declared that Newman was lying to shield himself. Newman came back with the words that Birger was lying and trying to "frame" Newman.

At this time, July, 1927, the trial of Eural Gowan and Rado Millich for the murder of Ward Jones was going on in Marion. Witnesses testified on one side just opposite the testimony of the other side, showing that no one cared to lie about the matter. The defense declared that Harry Thomasson told them that he swore falsely for the state but that the officers were no longer nice to him and he didn't care for anyone knowing he swore falsely.

As this trial was nearing its end and Birger was preparing for his trial on Wednesday, the sixth. It looked as if the trial would be postponed through complaints of the defense. The prosecution announced

it was ready to commence. Birger's wife was staying in Benton and doing everything possible for Birger. It was reported that she tried in many ways to stir up a feeling of pity for Birger. At this time the legislature of Illinois was fighting hard to pass a law substituting electrocution for hanging in cases of the death penalty. In the previous month, June 17, 1927, Joe Chesnas, 22, was hanged by Sheriff Lige Turner at Harrisburg in the Saline county jail yard for the murder of William Unsell, aged mail carrier of Harrisburg. Only a few months prior to the hanging of Chesnas, Joe "Peck" Smith of Gallatin county was hanged by Sheriff Green in the Shawneetown jail yard for the murder of his wife. He was convicted on circumstantial evidence and maintained his innocence to the last. He took his execution very calmly. Joe Chesnas, the Harrisburg youth who was hanged on June 17 in Harrisburg, had pleaded guilty and took death very calmly. He smiled and winked at a spectator just before the black cap was adjusted. Chesnas was supposed to have been a friend of Charlie Birger. The writer of this article talked with Chesnas before his death and the young man seemed to regret his life of crime not at all. He was sentenced by Judge A. E. Somers.

In the trial of Eural Gowan, 19 year old youth, and Rado Millich, Montenegrin, for the murder of Ward Jones, Millich said he was the only one to shoot Jones, this act being in self defense. He claimed he shot four times with a rifle after Jones had fired at him from behind with machine gun. Millich testified Gowan took no part. Others swore Gowan took no part while some swore they saw Gowan shoot Jones with a revolver. State's Attorney Arlie O. Boswell said he would prove to the jury that Jones was tortur-



Mrs. Charlie Birger



GUS ADAMS
(Brother of Joe Adams)

ed and then killed by Gowan and Millich and later thrown in a creek near Equality. Jones was killed following a quarrel and one witness testified that Birger ordered him killed after he had been wounded by Gowan and Millich.

On Tuesday, July 5, 1927, the writer of this article had gotten much information on the trial and wrote in the paper he was with at that time the following sketch concerning the preparedness of Franklin county authorities for the big trial.

Three machine guns and 30 deputy sheriffs, armed to the teeth, were on guard today about the Franklin county jail and courthouse to prevent any possible outbreak in connection with the trial of Charlie Birger, southern Illinois gang leader; Art Newman, his former henchman, and Ray "Izzy" Hyland.

A posse of 1000 men have been placed in readiness to appear at short notice. The authorities are taking no chances of any further sensational developments of a trial that promises to disrupt gangdom in the southern part of the state.

Birger, Newman and Hyland are to be tried, beginning Wednesday, for the slaying of Joe Adams, 300 pound mayor of West City, Ill., who was called to the porch of his home last autumn and riddled with bullets.

* * * * *

And thusly the officers of Franklin county prepared for the big trial. Williamson county at this time was trying hard to get the trial of Birger in connection with the killing of Lory Price and wife to be held in Marion. Birger's men were alleged to have taken part in the killing, had already been indicted by a Washington county grand jury. Price's body was found in

Washington county. Much interest was being shown over the trial of Birger and his men for the murder of big Joe Adams. Thousands were expected to jam the streets of Benton on the day of the trial of the gangsters. Harry Thomasson had already been sentenced to life imprisonment after a confession and plea of guilt. He was to be used as a star witness for the state against Hyland, Newman and Birger. His brother, Elmo, died in the fire that destroyed Birger's Shady Rest. Newman accused Birger of having the place burned to get rid of its occupants who "knew too much." Just before the trial public opinion was that Birger and his gang was guilty—in the first degree—and should be punished accordingly. A few seemed to think that the gangsters who confessed and turned state's evidence should be dealt with lightly, as in the case of Clarence Rone in the trial following the killing of Ward Jones.

CHAPTER 9.

**This Chapter Deals with the Trial of Charlie Birger,
Newman and Hyland in Connection with the
Murder of Joe Adams.**

Also Ward Jones Trial in Marion.

Guarded on all sides by thirty special deputies, "Machine Gun Charlie" Birger, notorious southern Illinois gangster, and two of his former henchmen, Art Newman and Ray "Izzy the Jew" Hyland, were escorted into the courtroom at Benton, Illinois, July 6, 1927, to defend themselves against charges of murdering Mayor Joe Adams of West City, in Franklin county.

The courtroom was packed to capacity long before the three defendants were taken from the jail and brought in for trial. Crowds of curious bystanders thronged the yards below and Sheriff James Pritchard experienced difficulty in taking the prisoners from the jail to the court house.

While no announcement was made when the prisoners were brought in concerning the procedure the defense will take to save the gangsters from conviction, it was understood the attorney for Newman would attack the indictment, charging that the grand jury which returned it was "handpicked." The state was relying upon the testimony of its star witness, Harry Thomasson, former Birgerite, to convict the men. Thomasson made a confession that he and his brother Elmo, now dead, were paid \$50 by Birger to kill Adams.

Birger sat in the courtroom and watched fate. His first act upon entering the court room was to kiss his wife and two children. The work of selecting the jury was begun shortly before noon.

A motion to quash the indictment against the three defendants was introduced by their attorneys shortly after they were brought into court. Judge Charles H. Miller was to rule on the motion later. The defense attorneys presented the motion on the grounds that the grand jury which indicted the men had been illegally drawn and therefore was not vested with proper power. They contended that the venire of the grand jury was issued and returned the same day and only a few minutes apart.

When the court reconvened for the afternoon session R. E. Smith of the Birger counsel was introducing evidence in an effort to support his motion. The work of selecting the jury had not at that time begun.

Attorneys for Hyland were trying to prove he was not the driver of the car as alleged by Thomasson.

State's Attorney Roy Martin of Franklin county believed that he had sufficient evidence to place the noose around the neck of each defendant.

Jury Takes Ward Jones Case.

At this time, July 6, in Marion, the jury in the trial of Rado Millich and Eural Gowan, charged with the murder of Ward Jones, took the case and retired to their room after the final pleas of State's Attorney Arlie O. Boswell.

The state sought the death penalty for Gowan and Millich. It was contended that the two defendants killed Jones at Shady Rest and later threw his body into North Fork creek in Gallatin county. Millich admitted killing Jones in self defense, following a quarrel, while Gowan denied all complicity in the crime.

In the sensational final arguments before the jury State's Attorney Arlie O. Boswell of Williamson county pleaded with the jurors to assess the death penalty and "put an end to the reign of terror created by Charlie Birger and his infamous band of murderers."

"We don't have to go to Franklin county," declared Boswell, "for men to bring our criminals to justice, you men are courageous."

Attorneys for the defendants argued Millich and Gowan were not real offenders but only "hangers on" of Birger's gang while the slain man was "Birger's trusted lieutenant."

Result of Ward Jones Murder Trial At Marion.

Rado Millich and Eural Gowan were found guilty of the murder of Ward Jones, a fellow gangster, at Marion on July 7, by the jury that heard their case in Williamson county circuit court.

Punishment for Millich was fixed at death and for Gowan 25 years imprisonment in the Chester penitentiary.

The jury reached its verdict early on the 7th after 12 hours of deliberation. It was sealed and turned over to the authorities to be read at the opening of Judge Hartwell's court at 9:30 a. m.

The lengthy deliberations were over the penalty to be imposed on Millich, members of the jury told, after their dismissal. The jurors could not agree whether to recommend death or life imprisonment. Millich admitted at the trial that he shot and killed Jones, a bartender at Charlie Birger's roadhouse, but pleaded self defense. Gowan denied any part in the slaying.

Millich by terms of the verdict, would be electrocuted under the new Illinois capital punishment law, electrocution replacing hanging. Millich was the first to be sentenced to death since then the law was passed.

The trial of Millich and Gowan was the first on charges of murder resulting from the long gang feud in southern Illinois which is credited with a large death toll.

A large crowd in the court room rushed forward to congratulate jurors immediately after the formality of reading the verdict.

The defendants were immediately removed to the Williamson county jail, where they were to await sentencing by Judge Hartwell. Gowen made no comment, but Millich protested that the trial was a "frame-up." He cursed all the way back to his cell.

Jones, according to evidence at the trial, was shot down by Millich during a quarrel at Shady Rest, the

fort of the Birger gang. The evidence showed also that he was assisted by Gowan.

Millich, a middle aged Montenegrin, serving a term in the Chester penitentiary, testified in his own behalf, saying that he shot Jones in self defense. His attorneys said they would appeal the case. Gowan's attorneys said he would not appeal.

Throughout the trial, State's Attorney Arlie Boswell pleaded for a death verdict to help clear the name of "Bloody Williamson." There were two ministers on the jury, one of them foreman.

Continuation of the Trial of Birger, Hyland and Newman at Benton, Illinois for Murder of Joe Adams.

The picking of the jury in the trial of Charlie Birger, Art Newman and Ray Hyland for assisting in the murder of Joe Adams, Mayor of West City, began on July 8, 1927, at Benton, Illinois.

Birger's attorneys moved for a separate trial from Art Newman, and Newman made a motion to have a separate trial from Birger. Hyland threw his lot with Birger. Birger then demanded that he be tried before a jury composed of ladies or a mixed jury. Charles Karch of Birger's counsel made a motion for a bill of particulars. A motion to quash the indictment of the three men was made. Judge Charles A. Miller heard all the motions and then denied everyone of them. Continuance of trial was denied and the selection of the jury began. A large crowd was present and the sheriff had a large armed force aiding in keeping order.

The defendants were brought into the court room one at a time under guard. They appeared calm and indifferent and acted as though they did not realize

that the state was trying to exact their lives. They greeted their families and friends and Birger sat with one of his daughters on his lap. He was unsuccessful when he tried to induce her to allow him to pull one of her teeth which was loose. Newman and Birger paid little attention of the other at first. Later they scowled across the table and cursed one another. Hyland sat back and grinned and whispered to one of the defense attorneys. The court room was large enough to hold the crowds. Not so many people attended as was expected. The court then told the attorneys to start examining for witnesses.

At recess of the court Newman told C. E. Hoiles, president of the Bond County State bank at Pocahontas, Ill., that he drove the car used by three robbers some time ago and assisted two of Birger's men in robbing the bank. This happened in November, 1926.

He said Birger sent the men and that Birger got one-fifth of the loot as his part. They took \$10,000 from the bank. Newman displayed a scar on his hand which he said he received when shot by citizens who opened fire on the fleeing car.

Newman also told that Birger killed Shag Worsham and an unknown man found at the home of Ollie Potts of near Marion, whom Newman described as Connie Ritter's sweetheart. Birger cursed and raved at Newman and screamed "women killer." Newman scowled and cursed back and said, "if they don't shut up that rat there's a lot more that can be told." Birger shut up.

Both men then controlled themselves and the trial went on quietly. The process of selecting a jury was very slow and tedious.

The general public throughout the southern end

of the state of Illinois was at this time wondering if much of gangland mysteries would be brought to light in the trial at Benton. The topic of the day was Birger and the trial in Franklin county. Public sentiment was very decidedly against Birger and his gang, although many thought Art Newman should be dealt with less harshly than Birger and his men because he came through and confessed.

CHAPTER 10.

Chapter 10 Deals with More Details Concerning the Trial of Birger, Newman and Hyland Before the Selection of the Jury Was Completed At Benton, Illinois.

Rado Millich Charges Numerous Crimes to Man He Killed.

Rado Millich, in trying to get another trial for the murder of Ward Jones, came out with a statement to the public covering the crime. Millich did not deny killing Jones, but is positive in his stand that it was done in self defense. He tried to exonerate Eural Gowan of any complicity with the crime.

In his statement in broken English, the Montenegrin miner declared that he killed Jones with a rifle belonging to State's Attorney Arlie Boswell, of Williamson county, and when Boswell heard this story he replied: "If Millich got a rifle from me, when did he get it, and why in the devil doesn't he bring it home?" and laughingly commented further that "the story was among the best he had ever heard."



MRS. JOE ADAMS

Millich charged unsolved killings to Clarence Rone Harry Thomasson and Danny Brown Parker, and cited them as the class of witnesses used against him. Numerous killings were recounted by Millich, which included that of "Shag" Worsham, who was slain in Zeigler and his body believed to have been disposed of in a barn that was burned.

Ward Jones, Millich says, tried to kill him, but could not shoot straight enough to do the job, which was the only reason he was not "bumped off" by Jones.

The slaying of "Wild Bill" Holland, 18, is also recounted in the statements of Millich. Holland's body according to Millich, was riddled by 28 bullet wounds.

On the same night Holland was killed Millich declares that it was Ward Jones who shot Mr. and Mrs. Max Pulliam, and that the reason they were not killed was because Jones' machine gun jammed.

Millich denied ever being a gangster or of having worked for either Newman or Birger and that all he had told was the truth. He said that if he was forced to die he would die with a load off his mind.

While the trial of Birger, Newman and Hyland was going on in Benton for the killing of Joe Adams, the attorneys of Millich were trying to solicit funds for his appeal. They went to the local union Millich belonged to and to his friends.

On the 11th of July, 1927, it was declared that all death sentences would be carried out by hanging, only in case where the murder had taken place before the new law for electrocution took effect. Therefore Millich would be sentenced to hang.

On July 9, 1927, Floyd "Jardown" Arms of Her-

rin, Shelton gangster, started an eight year sentence at Chester penitentiary following conviction on a statutory charge.

At this time, July 11, 1927, Monday, much haggling and commenting was going on in Egypt concerning the trial of the gangsters at Benton. The writer, who at this time, was with the Eldorado News, made a trip throughout the entire traversable districts of Egypt and talked with gangsters, officers, good and bad citizens, newspaper men and professional and business men and clergymen.

The writer noticed that progressive citizens and honest business men in Egypt had declared that gang war should stop. And that they would do all in their power to see that it did stop. Two Benton bankers stated that the mine riots, Klan war and gang war had cost the south end of the state over \$20,000,000.00 and there was no exaggeration in the figures.

Although much was brought to light that the gangsters had done and there was much that was not told which they had done, many deeds with which they had nothing to do were credited to them. Old murders and robberies were blamed on the gangsters and wild rumors of confessions swept the country for several weeks. It was the Jesse James scene played all over again.

Birger Denied Every Charge Brought Up by Newman.

Birger at this time, in early July, was charged by Newman with the murder of Jimmie Stone, whose dead body was found sitting upright in a ditch near Marion with a cigar jammed into the mouth, in December 1926. Birger denied the charge. He also denied any knowledge of Lyle "Shag" Worsham murder or of the Poch-

antos bank robbery, in which Newman implicated his former chief during a bitter cross fire of interviews with newspaper men.

Birger contended that he would be able to establish his innocence of all these charges when brought to trial.

Birger, in all his denial, said he had served three years in the U. S. Army and had an honorable discharge. He also claimed that he was a native born American citizen and that the people would know the reason for the many accusations against him before the trial was over.

Jimmie Stone was found dead with a note pinned to his flesh which said: "He stole from his friends," and was signed: "K.K.K." On the night of December 1, 1925, two men called at the home of Ollie Potts, in Harrisburg, called Stone out and took him away and that was the last time he was seen alive by the Potts woman, who was claimed to be the sweetheart of Connie Ritter. Ritter was named in the Pocahontas bank robbery with Newman, Frank Schrader and "Oklahoma Slim" McGuire. The confessions of Millich and Newman seem to run together on this story.

During the selecting of a jury in the Adams case the attorneys for the defense were thrown into a panic a number of times by Birger and Newman cursing and telling on each other. They tried several times to get at one another. At this time several newspapers came out with the statements that the defense would plead insanity as a result of the bitter verbal war of Birger and Newman.

In connection with the Stone murder Newman said to Birger when Birger called him a "..... woman killing" "I'll shut that dirty rat up." "Short-

ly after I got acquainted with the 'great gang leader' (sneeringly) in 1924 he told me that he and Orb Treadway (since slain) were calling on Ollie Potts, who is Connie Ritter's sweetheart. She lived near Marion.

"They found a man there. Treadway forced him into a car and Birger shot him from behind. Then they took the body around and showed it to several persons—never mind who they were. They stuck a cigar in his mouth, sat his body upright in a ditch and left it."

"If that doesn't shut up that rat, tell him I'll speak a little piece about who killed 'Shag' Worsham. There's a lot that can be told. So I'm a woman murderer? We'll see." No more talking, the defense said and Newman shut up. A defense attorney said: "If the stories told by Newman should be true both of these men by their acts, would necessarily prove themselves to be paranoiacs, two maniacs with positive homicidal tendencies, and should be dealt with accordingly."

At intervals of the trial Birger would smoke with his guard and go with him to get a drink and kept up quite a conversation on various topics. He would always address his body guard when he wanted to go get something as "you and I." Harry Thomasson who was a star witness of the state, was anxious to go back to the penitentiary where he was serving a life term so he could study his music. He was playing the cornet. He said Hyland drove the car he and his brother rode in to kill Joe Adams.

As time passed and the jury had not been selected and panel after panel exhausted, crowds jammed the court room and for the sake of giving the lawyers more room the relatives of the defendants were made

move into the space behind the railing away from the defendants.

Selecting the jury was a most tedious job and day after day was consumed by it with one side dismissing those selected by the other side. Birger and Newman kept up their verbal fire. Hyland who had served in the U. S. Navy, paid little attention to anything. His only relative that attended was a sister.

State's Attorney Arlie O. Boswell of Williamson county said that he was still trying hard to land the Lory Price and wife murder trial for Marion. Birger and a gang of his men had been indicted by both a Washington and Williamson county grand jury following the confession of Art Newman to a Post-Dispatch reporter from St. Louis clearing up the mysterious murders.

CHAPTER 11.

Chapter 11 Deals with More of the Adams Murder Trial and Things Brought to Light by Gangsters.

On July 12, 1927, as the trial of Birger, Newman and Hyland continued there was a rumor that Birgerites featured in the Potter tragedy at Marion in the fall of 1926. W. O. Potter was a former U. S. district attorney for eastern Illinois. Potter's wife, two children and two grandchildren were found slain in the Potter home and Potter was found dead in the well outside the house. The heads of all were crushed. The coroner's jury said Potter killed his family and committed suicide. When the rumor started, State's Attorney Boswell started a new investigation to try to

throw light on the tragedy which shocked even bloody Williamson county, when it was discovered.

Since Art Newman turned on his former chieftain, he had been accusing him of the responsibility of one murder after another in addition to the one which he, Birger and "Izzy" Hyland were then standing trial for in Benton. In each instance evidence was uncovered which, at least, in part seemed to confirm his charges.

This latest and most startling development, connecting members of the Birger gang with the death of Attorney Potter and family, could not be traced directly to Newman, but information was sent to Williamson county's prosecutor that if he successfully interrogated Rado Millich, a fellow conspirator, he might uncover the real reason for the Potter deaths.

Potter's fingerprints were identified on the stairway leading to the second floor of the house where the crime was committed. It was also revealed that Potter had encountered financial difficulties and that he was responsible for the tragedies when he became temporarily insane.

State's Attorney Boswell with Sheriff Oren Coleman and Coroner George Bell, questioned Rado Millich in the Williamson county jail where he was awaiting execution. He had been sentenced to hang.

"Millich talked of Birger's activities in gang circles but denied absolutely he had knowledge tending to indicate that Birger was connected with the death of Attorney Potter and members of his family," Boswell declared.

"We also questioned members of the family, but learned nothing to change our belief that Potter alone

caused the deaths of his family while temporarily insane.”

All this time the selection of the jury in the Adams murder case went on very slowly and exceptionally tedious. Absolutely, one who was not at the trial, cannot imagine the red tape which was unwound while selecting the jury. Everything that ever pertained to clauses of law was brought into question and motions were made and turned down and attorneys argued and Newman and Birger cursed each other and Izzy Hyland grinned until the whole thing became so disgusting it was sickening.

Attorneys for Hyland asked each prospective juror his opinion of secret orders, of Jews, and if he had ever read the Dearborn Independent, the paper published by Henry Ford opposing the Jews. The defense attorneys at first turned down every one who was examined if he did not come up to their expectations as how he should determine secret orders, Jews, gangsters and other things which no one thought of before they were mentioned in the trial.

The spectre of the Ku Klux Klan was brought into issue when defense attorneys for Hyland asked prospective jurors as to their affiliation with secret orders, religion, race and so on.

Defense attorneys for both Birger and Newman said that neither of their clients would be allowed on the stand as they were afraid that the defense of one would tear down the defense of the other. If Birger and Newman could have been given a separate trial they undoubtedly would have unloaded much on each other. However Birger said that he had no unloading to do and that he would tell nothing that Newman or any one else had done. He also maintained his inno-

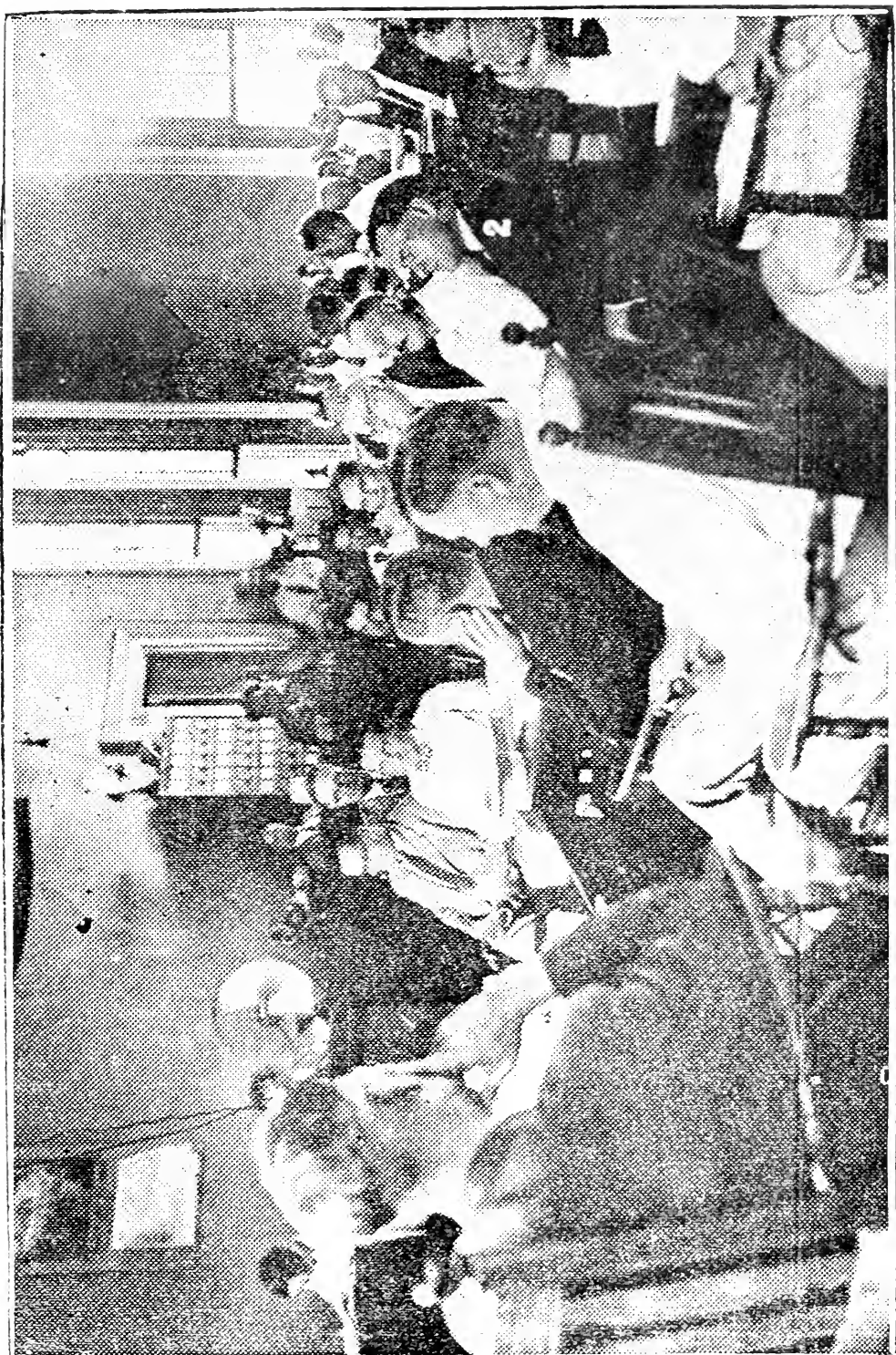
cence in the Adams murder and said he would prove it.

The state's attorney and assistants came out with the statement, while the selection of the jury was going on, that they were ready to combat any plea made by any of the defense. From the questions asked the prospective jurors, it seemed as if the defending attorneys would come out with a plea of self defense, insanity or alibis for the defendants.

The possibility of an insanity plea being offered in Birger's defense made its first actual appearance officially late in the afternoon of July 11 when Attorney Robert E. Smith for Birger began questioning veniremen on their attitude toward insanity as a defense plea to a charge of murder. He was taken up almost instantly by State's Attorney Martin who pointed out to the veniremen that before a prisoner at bar can offer a plea of insanity as defense, he must admit the act with which he is charged. Smith made no reference to it as a possible defense after that during the remainder of the afternoon.

Smith also questioned veniremen upon their attitude toward self-defense should it be made an issue in the trial. Such a plea would likewise make it necessary for the defendant to admit the act charged, and a plea of self defense in this case would be regarded impossible since Birger was not charged with the actual killing.

Alibis, the third defense to be used, was possibly the strongest of the three and was used heavily. All three defendants were preparing to prove their absence from the scene of the killing at the time it occurred. For Birger this could be no difficult task. Birger could prove that he was on the Marion public square



talking to Arlie Boswell when the shots were fired that killed Adams in West City.

Hyland said he would deny knowledge of the plot to kill Adams and that he drove the car which carried the Thomasson boys, Harry and Elmo, to the Adams home. Hyland said he would offer several witnesses in his behalf as would Newman to prove he was other than where Thomasson said he was.

The writer will take time here to tell the reader a few facts concerning the court room while the selection of the jury was going on:

The crowd which occupied every seat in the little court room of the old Franklin county court house in Benton in early July began to lose a little of its tenacity in the swelter of the day as the trial wore on with the attorneys questioning veniremen. Rotating fans played a breeze of cool air occasionally upon the judge, attorneys and jurors, but for the spectators back of the bar railing, there was no relief from the heat. Hearing was difficult, also, and the spectators in the back of the room could do little more than watch the pantomime going on before them as defendants moved or lawyers made gestures of one sort or another, in talking to the prospective jurors sitting in cane bottom chairs upon a slightly raised platform in front of the counsel tables.

Occasionally two, three or maybe a whole row of spectators would get up and walk down the broad center aisle to the steps that lead to the first floor of the court house. Their places, however, were soon filled as the deputy sheriffs at the front of the stairs let just as many people ascend as had descended before them. No crowding was permitted, and no one was allowed to ascend the stairs until the officers were

sure there was a vacant seat upstairs. At the head of the stairway a short, heavy set little man partly gray and partly bald, acted as usher, and he found the vacant seats for those who were permitted to enter. Motioning to the persons as they entered, he walked down the aisle in front of them to their seats. In his right pocket he carried a heavy revolver, the weight of which caused his trousers sag several inches lower on the right than on the left. He was a busy man, this officer-usher, and his job of guiding his ever shifting audience did not stop until the court was over for the day.

Confusion was injected into that little court house while the selection of the jury was going on when one afternoon the newsboys with their papers were turned loose upon the court yard below. "All about Charlie Birger," was their loud cry and they cried it so loud that the noise penetrated the court room and gave competition to the voice of counsel. Attorney Robert Smith of Birger's counsel petitioned the court to stop the noise and Judge C. H. Miller dispatched Sheriff James Pritchard below stairs to quell the uproar. The sheriff evidently had his hands full as it was full thirty minutes before the babel in the court yard ceased.

During the first five days of the trial four jurors were tentatively selected by both sides. They were John Krugg, miner of Christopher; Marion Meeks, miner, West Frankfort; Dave Whitledge, miner, of West Frankfort and Dow Fisher, laborer, of Whittington. Sixty veniremen had been dismissed when these four were chosen.

CHAPTER 12.

Chapter 12 Deals with the Talking of Millich; Also More of the Adams Murder Trial at Benton.

Mrs. Nellie Worsham, mother of Lyle Worsham, visited Rado Millich in jail at Marion, July 11, in hope of getting some information that would lead to the solution of her son's mysterious death.

Millich knew Lyle, better known as "Shag", and Mrs. Worsham was assured by Millich that he would give her the details of the slaying, who did it and for what purpose it was done.

"Me going to die, Mrs. Worsham, and we will tell you all," was the final promise offered to Mrs. Worsham by Millich at that time.

Mrs. Worsham carried a life insurance policy on her son Lyle, but was never able to collect it, owing to the demand of the insurance company for more positive proof of the death of her son that had not then been offered.

While Millich, in his numerous confessions gave out the information that he knew all about the slaying of Shag Worsham, his confession would not be accepted by the insurance company.

While the jury was still being sought to try Birger, Newman and Hyland, rumors were afloat that gangsters would try to rescue Millich from the Marion jail where he was awaiting execution and that the gangsters on trial in Benton would be rescued by friends. As a result sharpshooters with highpowered rifles and machine guns were placed on guard. At Benton seven extra sharpshooters with highpowered rifles were added to the guard force.

From the time that ended the trial of Rado Millich

and Eural Gowan in connection with the murder of Ward Jones, to July 14, 1927 \$5,000 had been raised to finance an appeal from the death sentence imposed by Williamson county circuit court on Rado Millich for the murder of Jones. A vigorous campaign was gone through with in raising the funds for the appeal to Judge Hartwell.

On July 14 a terrific wind storm struck the court house and vicinity and passed on without doing any damage. Birger said, "If the old building had been wrecked, I'd be blamed for it. I've been blamed for almost everything else. I'm glad the old shack is still standing."

On this same day an irate cow attempted to destroy the tireless efforts of state and defense in selecting a jury for the case. Mrs. Charles R. Francis, wife of one of the accepted jurors, hobbled into the court room and appealed to Judge Charles H. Miller to release her husband, as she had been disabled by a cow that trampled her under its hoof. There was no one to take care of the cow, she argued. The judge explained the necessity of keeping her husband in the jury box.

"Your arguments are silly," she replied, "Let me see my husband". The husband was called into an ante-room and they embraced. He agreed with the judge. "All right," she replied in a tone of regret. "I expected that so I brought your clothes. Goodbye."

The decision kept the second panel of four intact.

Art Newman, willing confessor of the bad deeds of his former chieftain, Charlie Birger, on the 14th day of July charged his co-defendant in the Adams murder trial with another crime.

Newman said Birger furnished two pistols to a man hired to shoot Robert R. Ward, president of the

Benton State Bank. The attempted assassination in December, 1926, was unsuccessful, although four shots were fired through the living room of Ward's home, where the bank president was standing. The attacker escaped.

The man who hired the gunman to fire the shots, according to Newman, was angry with Ward because of a foreclosure deal.

Newman had excited newspapermen in the court room with promises of "another startling confession," but it proved to be milder than his previous confessions since the murder trial begun.

Birger, when told of the confession, merely sneered, declaring "the next thing he will charge me with having fired the shot that killed President McKinley."

Newman said, in baring his latest confession of Birger crimes, the gang chieftain loaned the guns to a man who gave them to a negro to kill Ward. The fellow received one gun from Birger and one from Steve George at Shady Rest. The fellow was called "Doc". He wanted to let George do the killing but Birger didn't want George to leave Shady Rest. Steve George and wife were among those who were burned to death in the destruction of Shady Rest.

On the 15th of July, just after the selection of the jury had been completed, two of Chicago's most notorious gunmen, in company with a leading criminal of southern Illinois of ten years' past, appeared at the Birger trial. Their presence, coupled with extra precautions taken by Sheriff Pritchard in stationing expert marksmen about the court, caused considerable apprehension among some attending the trial, and all were on their guard.

A pitiful figure in the courtroom was the elderly

mother of the slain man, who wept during the statement of State's Attorney Martin. The prosecution opened by asking death for all three of the defendants.

At this time, the 15th of July, Robert Torrese, Charles Duchowski and Walter Taleski were hanged from a triple gallows in the jail yard at Joliet, Ill., for the killing of Peter Klein, deputy warden of the penitentiary there. The men were hanged at dawn by the sheriff. Each of the murderers went to their death fearlessly. More than seven hundred persons witnessed the hangings. Blood lust of the Roman arena was present as the mob fought for vantage points to view the death spectacle.

CHAPTER 13.

Chapter 13 Deals with the Beginning of the Adams Murder Trail Just After the Selection of the Jury Had Been Completed.

The selection of the jury in the Adams murder case, in which Charlie Birger, Art Newman and Ray Hyland were on trial for the murder of Mayor Joe Adams of West City, was completed at 11:15 on the morning of July 14, 1927, at Benton, Illinois.

The jurors were: John Krug, Christopher, farmer-miner; Marion Meeks, West Frankfort, miner; Dave Whitlege, West Frankfort, miner; Dow Fisher, Whittington, laborer; Charles R. Francis, West Frankfort township, farmer-miner; L. A. Gunn, Cave township, farmer; Paul Knight, Thompsonville, merchant, the youngest man on the jury, being 26 years of age; F. C. Downen, Thompsonville, farmer; F. Marion Warren, Eastern township, farmer; Wm. Hendricks, Christo-

pher, miner; Milo Hopper, West Frankfort, miner and Harry Simpson, West Frankfort auto salesman.

The last four men were accepted by the defense after they had been tendered by the state following but a few moments of questioning on the part of defense counsel. Judge Charles H. Miller, before whom the case was being tried, at once ordered the jury sworn in.

With the selection of the jury completed after more than four days of interrogation by the state and defense counsel, the stage was cleared for the more dramatic scenes that the trial was to present: Spectators became much more interested. Newspapermen got busy with their cameras and then court was recessed until after the noon hour when State's Attorney Roy C. Martin made his opening plea. The defense said they would make no statements until they heard the prosecution give their complete outline so they would know the nature of their defense better.

The prosecution had carefully endeavored to select what is known as a "hanging jury." The defense had been equally deliberate in an effort to select a jury that would save the defendants from the gallows.

In thundering tones, the state's attorney recited the murder story, as he was to present it to the jury, going back to the day, when according to testimony that the state was to present, the murder of Adams was planned at Shady Rest. He went over the crime, step by step, from the time the murder car left Shady Rest accompanied by another car in which leaders of the Birger gang were alleged to have accompanied the killers as far as Marion.

The prosecutor spoke with grim resolution, as he pictured the cruel, heartless manner in which the mur-

der of Joe Adams was planned and executed. He charged that Charlie Birger, Art Newman and Connie Ritter, the latter under indictment at that time and also a fugitive from justice, planned the crime and paid Harry and Elmo Thomasson for firing the shots that killed Adams, known to have been the friend of the Sheltons, bitter enemies of Birger. The State's Attorney charged that Ray Hyland drove the car and shared equally with the Thomassons in the division of the blood money with which they were paid for the success of their murderous mission.

None of the Sheltons were at the trial or in Benton as Sheriff Pritchard wrote them saying that he did not want them near Benton while the trial was going on. They promised him that they would stay away.

The prosecutor said that he would not introduce the confession of Harry Thomasson, who was serving a life sentence at the Chester penitentiary for his part in the crime. Thomasson was placed on the stand as a witness, however, and through his testimony and that of more than a hundred other witnesses, Martin hoped to end the crime career of Birger and his gangsters by placing the noose around the necks of Birger, Newman and Hyland.

Martin first recited the indictment charging the trio on trial and Connie Ritter and Harry Thomasson with the murder of Adams.

It was Thomasson's confession that resulted in the indictment of the others.

"The evidence in this case will show that Joe Adams never was a member of a gang or had any connection with the gang," Martin said.

"The evidence will show that Newman and Hyland were associated with Birger at Shady Rest at the time Joe Adams was killed."

“It will show Charlie Birger became very angry at Joe Adams on or about Oct. 15, 1926 for some unknown reason. It will show that about this time Birger, Newman and Hyland rode up in two automobiles loaded with machine guns and told Adams ‘You big doughbelly we are going to kill you.’”

Martin said Adams had appealed for protection but it was not furnished. Adams then had some men at his home for protection and Birger charged that he was harboring the Shelton gang.

“Birger often declared that Franklin county was not big enough to keep him from killing Adams,” Martin continued. “This was at a time when Franklin county had a special guard in West City to keep members of both the Birger and Shelton gangs out of this county.”

Martin continued by telling the jury of the threats made to Gus Adams and Mrs. Joe Adams that Birger and his gang was coming over to kill Joe. He continued to shout at the jury that he would hang the defendants.

“We have picked you to kill Joe Adams,” Birger told them, according to Martin. He then described how the boys told Newman they hadn’t killed anyone before. He described the writing of the note which was used as a ruse to get Adams to this front door and the actions of Hyland as the driver of the death car. Birger, the state’s attorney said, forced Elmo Thomason to stay at Shady Rest that night when the boys asked that they be allowed to go home. Birger threatened Harry, Martin charged, that if he didn’t return the next day the gang would come and get him.

Martin then detailed how the boys and Hyland were furnished with guns and given whiskey the next day,—Dec. 1926—the day of the murder.

The courtroom was deathly silent. Not one of

the four hundred spectators made a sound. The women, who comprised almost a third of the audience, waved palm leaf fans as they leaned forward to hear Martin.

Mrs. Birger tapped her fan nervously against the back of a chair in front of her as the state's attorney continued his outline of the case.

Martin went through the entire details and demanded the death sentence. Birger looked more nervous than he did at the beginning of the selection of the jury. This time Birger was facing the law of the state of Illinois—and without the use of machine guns and armored trucks. As time wore on the attention attracted throughout the country was unimaginaire. A fight to the finish had been prepared by both sides. It was rumored at the trial that an assistant of Clarence Darrow of Chicago, noted criminal lawyer, would assist in the appeal of Rado Millich at Marion who was convicted of the murder of Ward Jones. Should Millich's appeal fail he would then be sentenced and hanged. Millich's appeal to the circuit court of Williamson county was turned down. He was sentenced to hang on Oct. 24, 1926.

CHAPTER 14.

Chapter 14 Deals with the Taking of Evidence in the Adams Murder Trial After the Opening Statements to the Court and to the Jury.

On the morning of July 15, 1927, State's Attorney Roy C. Martin started weaving the net of evidence by which he expected to be able to send Charlie Birger, Newman and Hyland to the gallows for the murder of Joe Adams.

The first witness introduced in the state's effort to establish the guilt of Birger, Newman and Hyland and his former aids was Sheriff James Pritchard. He was followed by Sheriff Oren Coleman of Williamson county.

Pinkney Thomasson, 17, brother of Harry and Elmo, supplied the first evidence for the state which made their case look strong. His replies were clear and strong and he was an ideal witness. Through his testimony the state brought out that Ray Hyland was with Elmo and Harry Thomasson on the day of the Adams murder.

Roy Adams and wife, distant relatives of the slain man, told the first direct story of the killing of Joe Adams. They were out walking on the afternoon of the murder and witnessed the shooting. They told of two youths passing them on the sidewalk. The first testimony given in the trial was more damaging to Hyland than to Newman and Birger.

Birgers attorneys at this time came out with the news that Birger would take the stand later in the trial in the defense of himself.

Aviator Admits Dropping Bomb on Shady Rest.

On July 16, it was asserted that Elmer Kane, 26-year-old aviator, had confessed that he was hired to bomb the road house of Charlie Birger, near Marion.

Police of Waterloo, Iowa, said they had a signed statement from Kane to the effect that he was induced by Mayor Joe Adams of West City and Carl and Bernie Shelton, to undertake to blow up the Birger fortress from the air.

He said he was paid \$1,000 and given an automobile for his work. The bombs were prepared at the home of Gus Adams in West City, according to the confession, and plans for the raid were made there.

A member of the Shelton gang, unnamed in the confession, threw the bombs from the plane while Kane piloted it, it was said.

Shady Rest was bombed Nov. 12, 1926. Three bombs were dropped, two of them failing to explode and a third missing the target. None was injured.

Gus Adams, brother of Joe, declared that he knew no one by the name of Elmer Kane and nothing of the transactions which were declared to have taken place in his home in connection with the aerial bombing of Shady Rest.

At the opening of the trial many witnesses pointed out Hyland as the man who drove a Chrysler automobile to Joe Adams' home just as he was killed.

Birger was drawn into the case during the testimony in the afternoon of the 16th when witnesses told of the gang leader having openly threatened the life of the West City mayor. Waddell True, who said he operated a barbecue stand and sold home brew at West City, and Gus Adams, supplied the first direct testimony against Birger, when they told of the gang leader announcing that "I am going to kill that dough bellied _____ and all the _____ law in Franklin county can't keep me from it."

True said Birger came into his place with a number of men, all heavily armed, and ordered him to inform the officers that he (Birger) was going to kill Adams.

True said he told Birger that he would carry no messages, but that when Birger "jammed his machine gun in my guts and said 'yes you will,'" he agreed to carry the message.

True also told of overhearing a telephone conversation between Birger and Adams, in which Birger told the corpulent mayor he was coming over to

get him. He said Adams protested, asking Birger what it was all about and urging him to "let's fix this up."

As True related the incident when Birger's machine gun changed his mind about carrying Birger's message, Birger laughed with the crowd, evidently appreciating as much as anyone the situation in which True told of having been placed.

Gus Adams told of Birger and his men visiting the Adams home one day and with a gang of men keeping Adams covered with rifles cursed the mayor and said they would kill him.

Mrs. Marshall Jones, a tall, straight woman who sat stiffly in the witness chair despite her 61 years, held the courtroom motionless for thirty minutes while she told of the slaying of Adams, her son. She was in the Adams home when the mayor was shot down at his front door.

Her story was one of fear. She told of spending the night of December 11 at the Adams home in company with her husband, their daughter, Adams, his wife and their daughter. They sat up all night she said, because they were afraid to go to sleep.

"Joe" had been threatened by Birger, the bad man from Harrisburg.

When dawn came they felt relieved and Joe and his father-in-law lay down to sleep. "Joe" had been ill and spent the day in bed, although he did not undress. The day was uneventful until 4 p. m.

Then there was a knock at the door, and her daughter-in-law answered it. Two young men with a note were outside. They asked for Adams and he was called out to see them. "Joe said something to them," Mrs. Jones said haltingly. "I didn't catch what

it was. Then he started to read the note. When he took his eyes off them they shot him." "Joe fell and they ran."

Mrs. Jones said that the mayor was a man hounded by enemies against whom he had shown no cause for enmity and forced to sit up at night to guard his home. Much pity for the elderly lady was shown as she tendered the last statement regarding the passing of the mayor of West City.

When word was received in Franklin county of the confession of Elmer Kane who said he bombed the Birger roadhouse from the air. State's Attorney Boswell of Williamson county wired the officials in Iowa who were holding Kane to release him. Boswell said he was not worrying who bombed the hut and would not play into the hands of the defense in Franklin county. Boswell said that if he wanted to question Kane they would pick him up again after the trial in Benton was over.

Rado Millich's attorneys at this time were working hard to raise more funds to carry an appeal to the supreme court for Millich. If this should fail Millich was to hang on October 24, 1927, a year from the time he killed Ward Jones.

Attorney Robert E. Smith, chief counsel for Birger and his former henchmen's defense, only July 18, tried to weaken the evidence of the state by a rapid cross examination of David Garrison.

Garrison, a youth doing time at the reformatory at Pontiac, told from the witness stand of an attempt on the part of Birger to hire him and Alva Wilson to "go to the door of a West City man and shoot him."

Garrison told a clean-cut story of the incident on the occasion of one of four visits to Shady Rest,

where he stopped, the witness said, to "get a shot of liquor." Garrison said Birger told the boys he had a plan for them to make some easy money.

"What do you think I am—a damn fool," Garrison said he replied to Birger's offer of \$100 for the killing."

Smith opened with rapid fire thrusts. "You are a member of the Shelton gang, aren't you," he tore into the witness that brought back a line of rapid-fire responses from the witness.

"You were driving a stolen car when you went to Shady Rest, weren't you?" Smith shouted at Garrison.

"Yes," the witness shot back, without a sign of uneasiness.

"How do you know that it was on December 8 that Charlie Birger made you the offer which you have just told?"

"Because I pulled a job at Albion the next night, and got caught. That is why I am at Pontiac."

The witness did not deviate from his story during the grilling cross-examination. Alva Wilson told the same story as Garrison of the offer made by Birger. He told Birger he would steal but not kill.

On July 19, 1927, Harry Thomasson, star state witness, was called to the witness stand. He took the stand after a delayed conference of defense attorneys and admitted killing Adams for Birger. He told the story as Newman and others against Birger told it. The state expected to finish their case soon after.

The testimony of Harry Thomasson, the killer of Adams, was the most damaging of the entire group of witnesses for the state. As his story progressed the judge had deputies move near him and the very tenseness of the court room could be felt. As he told

his story there was a silence so still as to be almost audible. He went through the entire story without a quiver and when cross examined did not falter at any time. It seemed as if the noose was drawing near to Birger, Hyland and Newman. The testimony of Thomasson was damaging to all three defendants.

Following the testimony of Thomasson, Sheriff Pritchard and other witnesses testified and the state rested its case. Defense attorneys were at a loss, it seemed, to decide what they would do. The court was surprised when defense attorneys asked for a new jury. This appeal was denied them.

The gangland trio it was rumored would take the stand in their own defense. Then came the startling episode. Defense attorneys came forward with the statement that the defendants would not take the stand nor would any other witness for them take the stand. The defense attorneys said they would argue the case with the state attorneys, make their pleas and leave the rest to the jury. The general public thought the noose much nearer to the gangsters. The case was then rested.

The statement of Newman, that he would not testify came as a surprise. His decision caused expressions of astonishment on the faces of Birger and Hyland. Then came the decision that none of them or their witnesses would testify.

Following the decision of the three defendants not to take the witness stand in their own defense the attorneys for both sides made their concluding pleas. The attorneys for the defense pleaded for mercy and tried to lessen the weight of the evidence given by star state witnesses.

State's Attorney Roy Martin and his assistant

pleaded for the death sentence for the three defendants. The plea made by Martin was a great one and following it the judge instructed the jury and it retired to the jury room for a verdict. The jury seemed indifferent all the way.

CHAPTER 15.

Chapter 15 Deals with the Result of the Trial of Birger, Hyland and Newman.

After deliberating 22 1-2 hours, the jury in the Adams mudrer trial at Benton, Ill., returned their verdict to Judge Charles H. Miller.

Charlie Birger was sentenced to hang for the crime, being found guilty by the jury and his punishment fixed at death. He took the sentence stoically and seemed little perturbed. However, his sister showed signs of emotion.

Ray Hyland was also found guilty of the charge and his sentence fixed at imprisonment for the rest of his natural life. He seemed little shaken and was evidently glad that he was not to be hanged. A woman in the court room said he was her son who had been missing for years. She went into hysterics when the sentence was read. Hyland turned pale but said nothing.

Art Newman received the same punishment as Hyland, life imprisonment. He showed little concern over the verdict. The general public was pleased with the verdict. Attorneys for the defense said they would appeal the case for new trial and if not granted would go to the state supreme court.

When the case went to the jury Hyland said to Birger, "The end is near," and Birger affirmed the

statement with a nod of his head. Hyland then said, "It looks like a necktie party for someone." Birger remained silent.

After the verdict and sentences were read it was learned that at one time the jury was in favor of death for all three with the exception of two votes, the vote being 10 to 2. The decision that all three defendants were guilty was gained early. The remainder of the time was given to affixing the punishment.

CHARLIE BIRGER.

A slender strip of a man, 44 years old and endowed with a magnetic personality, has caused the people of the state of Illinois more nights of sleepless worry and the citizens of the lower half of the state more damage than any one individual has ever caused a commonwealth.

Seemingly unconscious, and at the least unworried by the turmoil he aroused, he has gone about his nefarious mission of settling his troubles and imaginary grievances by the enlistment of what he calls "a gang of punks," arming them with machine guns, placing them in armored cars and sending them forth to defy his enemies and the law.

But he has come to the end of his rope. He had gone as far as he could. He had finally discovered the law is bigger than any man, and that those who come or remain after him will laugh at his folly rather than praise his daring. Charlie Birger was done for—after the trial for the killing of Joe Adams.

Where to class Charlie Birger is a problem difficult for those who know him best. Those who did not have his personal acquaintance could easily class him

as a heartless killer, void of a conscience or the least regard as to the value of human life.

But acquaintance with the wary gangster seems to change these opinions in a marked degree. Remembering that he is a hardened criminal who has killed and robbed and looted, there is something back of it all that tells one that perhaps somewhere there is a good trait or two, not enough to overshadow the baser things of his life, but something unexplainable that touches in a spot, that will, if you are not careful, temper your opinions.

This "unexplainable something" has made him a leader of men. True the men he has led have been a type that were of inferior breeding and intellect, but it is not unreasonable to believe that if he had directed his mind and ability toward a legitimate business career, there is no limit to the things he might have accomplished.

But he chose a different route. Some would call it the primrose path. He elected to exert his energies toward the establishment of a little kingdom of his own. He placed himself on the throne, he named his ministry, his captains and his lieutenants and declared himself to the world.

Birger, his attorneys say, was born in or near New York, and came to St. Louis when quite young, growing to manhood there. He served in the Spanish-American war and was a pensioner of the United States government, he told newspaper men.

He came into Franklin county and landed in Christopher where he was known as a gambler. He went to Harrisburg where he built up a wide acquaintance among gamblers, bootleggers, touts and criminals.

Business men, professional men and people of a respectable class were his acquaintances and friends.

His name first came into prominence in southern Illinois, when he "shot it out" with Whitey Doering, a St. Louis gangster, at a joint at Halfway in Williamson county. Doering died, but Birger recovered.

While he was fast to make friends and acquaintances, he made as many enemies. He soon had men gunning for him and he was gunning for them. But those things were little thought of. Those were personal grudges of the underworld that rarely came within the pale of the law until one of the men fell a victim of the other's vengeance.

Birger moved on in this channel. Gambling and bootlegging, going and coming in the element with which he felt most at ease. People generally heard but little of him, and knew less.

Then he conceived the idea of a chain of road houses. He saw an opportunity to "clean up" at booze running and operating slot machines. He might or might not have had some understanding as to the kind of protection he would have from the law. At any rate he began operations.

He acquired a tract of some sixty acres of land on State Highway No. 13, midway between Harrisburg and Marion. There he erected a small barbecue stand, cleared the rubbish and underbrush from a wooded plot nearby and erected an enticing sign near the entrance: "Sixty Acres of Free Camping Ground."

This free camp came to be the site of the infamous cabin that was known throughout the United States as "Shady Rest," the palace of King Birger, the capital of gangland—the eyesore of a nation.

No one will ever know whether or not it was

Charlie Birger's plan to raise an army and declare a state of gang war when he laid out that camp site and built his cabin.

He might have only had an idea of a place to make his headquarters for his chain of road houses. Or he might have had in mind just the thing that resulted—a stronghold and fortress where he could surround himself with gunmen and issue his defiance of the law.

Birger, luring the days following his first arrest, talked freely of gangland, and his version then of what constitutes a gangster leaves the intimation that he has a certain horror for the warriors in his army, detesting their criminal instincts, but yet catering to their whims so that he might use them to whatever advantage he saw fit.

“A man who will get into a gang is just a no-good punk,” Birger said then. “The men who came to me were ignorant, uneducated, lowbred scum. If they hadn't been like this they would never have been gangsters.”

Then there is another question. What drew these men to Birger? His personality of leadership probably had its part and the desire to be a “bad man” like Birger, drew some. Others came for protection from the law, and some saw possibilities of easy money and little work.

Women had their part in helping to recruit the Birger army when some bitter rival made it so hot for the man who was winning the affection of his “sweet mama” that the protection of the cabin was paid for by the sacrifice of the rights a man has to call his soul his own.

Rival gangsters drove others to the protecting

portals of Birger's cabin, and each new day saw some new face within the circle of men who banded themselves together by a code of the underworld.

The daily and nightly parades of armored cars and highpowered motor cars bearing every implement of modern warfare led thru a half dozen southern Illinois counties. Pillaging, burning, robbing, killing, the gang went on, gaining in power and offering a new red-lettered page for the history of Little Egypt for each new day.

Driven to the protection of Birger, Art Newman, former friend of the Shelton gang, came to be one of the trusted lieutenants at Shady Rest. The diminutive soldier of fortune who resents the name "Gangster," was a crack craps shooter, gambler, high-powered bootlegger and whiskey runner, before he took up with the Shady Rest outfit.

He admitted his shrewdness with the dice and is believed to have harbored the secret ambition of some day leading a mutiny that would place him on the throne of Birger.

Any way he went along. He helped in the planning and the execution of big and little jobs and as a result he was picked up and tried with Birger for the murder of Joe Adams. He blames his luck and pleads the story of Old Dog Tray for having landed in the "clutches of this horrible gang." But he is there.

Ray Hyland came to Birger's hut, more as a lark or adventure. He didn't know what he wanted to do, nor didn't care much. He was a happy-go-lucky, care-free man who had nothing at stake and was willing to take what came.

They called him "Izzy the Jew," but he tells you he is no more Jew than Irish, and laughs it off. They

wanted him to drive the Thomasson boys to the scene of the Joe Adams murder, and he did. Perhaps he was compelled to do this to save his own hide, or perhaps he displayed a willingness to have a part in the "bumping off" of the corpulent West City Mayor.

The murder committed in Franklin county was the beginning of the end. The threats that the "damned little Franklin county law" couldn't keep them from killing Joe Adams proved true enough. But that same little law has put a stop to their further murderous activities for all time to come.

They made one false step too many. They failed to reckon with Roy Martin, later heralded as the state's most fearless prosecutor. Martin answered their dare with a warrant that held Birger for the death of Adams because someone testified at an inquest that they knew of Birger making threats against Adams.

Anxious days passed and after overcoming many obstacles thrown in his way, Sheriff James Pritchard succeeded in landing King Charlie in the Benton jail. At that time it would have been a weak case, but Martin was not satisfied to go before a jury with that evidence—that is not his style.

He began a more thorough investigation. With the big chief in jail people talked more and more. They were less afraid of his machine gun and his armored truck. Slender threads were picked up here and there by the prosecutor and before long, and before anyone was aware of what was going on, a new grand jury had been called, a new indictment had been returned, and Birger, who had been liberated under bonds in the sum of \$42,000 on the first charge was picked up again, before he knew what was coming.

He was placed in jail again. Then his jet black

hair began to turn grey. More of his confederates started talking and the net tightened inch by inch on up until the time of the trial, when the mass of evidence piled up by the "damned little Franklin county law" proved too great for him to attempt to overcome by offering any evidence in his own defense.

Newman hasn't stood hitched since he has been in the toils of the law. He has told a lot of things on his former chief and would probably have told more on the witness stand if he had not been afraid that Birger would have unloaded on him.

It has been different with Hyland. He has never had the happy-go-lucky, devil-may-care smile taken from his face. He has joked with reporters about the probability of his having his neck stretched, but he did not break with his chief. He offered his neck as a target for the hangman's noose if it be necessary.

In the words of his attorney who pleaded for mercy in his closing arguments to the jury: "He is willing to die with those who have been his friends."

Since the arrest of Birger his gang has scattered and gone. Many of the members are too in the toils of the law, and most of the others are fugitives from justice. The army that stood by him in his defiance of the law has left him like rats leaving a sinking ship.

Freddie Wooten, Riley Simmons, Rado Millich, Danny Brown, Harry Thomasson, Clarence Rone, Harvey Dungy, Art Newman, Ray Hyland and Birger himself have all felt the arm of the law, and have either been sentenced or are awaiting trial for some crime or another.

Steve George, Elmo Thomasson, Ward Jones, Shag Worsham and Jimmy Stone have been knocked

off and their deaths are being cleared up by the developments following the arrests of gangmen.

Connie Ritter, Frankie Schorer, Leslie Simpson, Jack Crews, Oklahoma Slim, Ernest Balleau and others of lesser importance are at this time in July, 1927, still at large.

Charlie Birger is regarded by some as a shrewd man, but he has not demonstrated it. With the cunning he has displayed in dominating the gangsters of his realm, he surely knew that he could not go on forever defying every law known to man.

Was he too engrossed with the idea of putting his enemy gangsters out of the way to take heed of the law, or was he so enamored of his own power that he thought the law would never bring him to justice?

The way he press-agented his plans of killing his enemy Carl Shelton and others who had crossed his path gives rise to the belief that his insane desire to spill human blood overpowered his faculty of reasoning that the law would eventually have its way.

After the Adams trial several papers stated that attorneys for the three defendants said that the gangsters admitted to them that they were guilty. The attorneys and gangsters denied every bit of it.

CHAPTER 16.

Conclusion Telling of Sentence of Birger. Reward Offered for Connie Ritter.

Judge Miller denied Birger another trial in the circuit court and sentenced him to hang on October 15, 1927. Birger's only hope left was an appeal to the supreme court of Illinois.

Following is the sentence placed on Birger by the court:

"It is the sentence of the Court that you, Charlie Birger, between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon, on Saturday, the fifteenth day of October, be hanged by the neck until dead, and may God have mercy on your soul."

These remarks by the Court prompted Birger to change his mind and make a statement. His statement will follow shortly in another paragraph, concluding this narrative of the greatest gangster known in southern Illinois and one of the greatest the United States has ever known.

Along about this time, late in July, 1927, the law in Franklin county renewed its search for Connie Ritter, also indicted for the murder of Joe Adams. Ritter, it was rumored, had gone south and then had crossed the ocean into Europe. Ritter was the "sporty guy" of the Birger gang and was paymaster for Birger. He was said to have paid the Thomasson boys and Ray Hyland for their part in the Adams murder.

The supervisors of Franklin county offered a reward of \$1,000 for the arrest of Ritter. He was also a figure in the murder of Mr. and Mrs. Price of Marion, it was rumored.

When Judge Charles H. Miller sentenced Birger he made a very beautiful speech to the gang leader and following it and the reading of the sentence Birger made a five minute talk to the court.

Following is the court reporter's record of Charlie Birger's remarks to court upon being sentenced to death:

"Your Honor, that was a very nice talk and I have

listened to you. You have the impression on your mind that I wanted to be chief.

“When I was marked up to be killed since eight men drove up in a Cadillac automobile and were looking for me, and asked for Charlie Birger.

“I called on the state’s attorney for protection; and called in State’s Attorney Boswell, of Williamson county for protection and also on the Sheriff of Salline county for protection. I was by myself and had to go out and get three negroes to help protect me.

“It never was in my heart to kill anybody. I want the public to get a different impression on it. I wanted to keep down the robbing and stealing. I took care of the boys around there—my meat bill ran from \$130 to \$140 a month.

“This man Newman, I wouldn’t believe at all. There is a man that was the cause of a woman’s death. For myself I don’t care—just for my two children.

“Mr. Martin cannot deny that I called on him for protection.

“I laid out in the weeds for nights and days—at one time for seven days and nights I did not have my clothes off. It was never in my heart to be chief, or to kill anybody. I don’t want to kill. There is a man, John Rogers, that came to my house. Him and Newman has conspired and condemned me. If I had been on the jury trying any man in this courthouse, I would have given anybody else the same verdict the jury gave me. Mr. Martin knows down in that evidence that lots of it was framed up. I never did make any confession. I have been shut. I haven’t said anything.

“There is a woman, Mrs. Newman that was the cause of Mrs. Price’s death. I will tell you more of it and tell you who killed those people. As far as the

cabin that was blown up. I was in Dowell and this was the first man (points to Newman) that brought this news to me. I know who blowed up the cabin—two men and two women that stayed at Mt. Vernon the night the cabin was blown up. I will give Martin credit for one thing—that he has brought justice. I don't want to go down in history and be blamed for it. The night that Price was killed I can prove this man Newman was intoxicated and throwed a gun on me. I can prove all this. He was not scared of men, or no other man. I was in Herrin with him one time and he took nine guns from 60 men. He was as busy as a bumble bee in that crowd and came to me and handed me the nine guns. I can prove that by 20 people. I don't want to go down in history as a chief. After I was marked to die, Carl Shelton and I got together and shook hands. I don't want any sympathy because I did not leave the country—that is the mistake I am going to pay for.”

————THE END————

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