

Constable
Shot to Death
in Klan Fight

Illinois Guardsmen Take Control—Gun Battle Starts When Officers Caution Anti-Ku Klux Meet.

Herrin, Ill., Feb. 9.—Herrin, scene of the miners' riot of 1922, was taken over by state troops today as a result of a near riot last night between "wets" and "drys," in which a constable was killed and a deputy sheriff wounded seriously.

Murphysboro, Ill., Feb. 9.—Miners in 12 mines in the territory between Herrin and Murphysboro walked out today, with the intention, according to reports here, of organizing to "oust the klan from Williamson county."

Miners from the Herrin district, were the first to quit, according to reports here.

sheriff, who with Sheriff George Galligan went to the anti-klan meeting to remonstrate with the conferees to disperse and go to their homes in the interest of peace, was shot. He was taken to a local hospital by Mayor C. E. Anderson and Ora Thomas, an anti-klanman, and the trio is being guarded at the hospital by national guardsmen.

Battle Waged.

Immediately after Layman was taken to the hospital a crowd gathered outside and began firing into the institution. Persons inside the hospital responded to the fire, and a miniature battle waged for a short while.

The first guardsmen arrived from Carbondale at 4 a. m. and the "drys" then established headquarters at the city hall. Several blocks from the hospital. The guardsmen are patrolling the hospital to protect the mayor, Layman and Thomas.

Five companies of troops had arrived this forenoon.

The crowd which visited the meeting hall of the anti-klan conferees was headed by three of the four police-men of Herrin, and when shouts of "lynch them," "string 'em up" were heard, Sheriff Galligan commanded an automobile and rushed the trio to Murphysboro. The three are: Chief of Police John Ford, and Police-men Harold Crain and Slim Stephens.

Searched for Weapons.

Sheriff Galligan en route from Murphysboro to Herrin, was placed under arrest at Carbondale, in connection with Cagle's death.

Before the arrival of the troops the raiders, armed with revolvers and shot guns, patrolled the streets of Herrin denying anyone they considered "suspicious" to pass. All unable to give the klan password were searched for weapons.

Before attacking the hospital, the mob shot out the street lights so those within the institution could not see where to aim.

A number of the patients in the hospital became panic-stricken, and were reported as highly nervous to day.

A number of windows in the hospital were shot out, and the building showed other "battle scars," such as bullet punctured drain pipes and wainscoting.

Just as the trouble in Herrin was at its height, Leonard Sterns, deputy circuit clerk, and son of Cyclops Sam Sterns, was fired on as he was riding in an automobile in Marion, the county seat. A bullet grazed his back, but he was not injured seriously. He is the klan candidate for circuit clerk. An automobile owned by John Whiteside, also an admitted member of the klan, was fired on at the same time.

Oath of Vengeance.

At an undertaking establishment, where Cagle's body lay, a crowd today took a solemn oath to avenge the death. Cagle was shot in the back and side.

Sheriff Galligan explained he had been "tipped" that the Flaming Circle was to meet in Herrin, and fearing trouble, attended the meeting with Layman to exhort the members to be peaceful.

Shortly after the meeting got under way, some one shouted the "klansmen are coming" and he and Layman went to the door and were met by the mob, the sheriff stated.

The sheriff said he grabbed Crain and Layman got hold of Ford. Several shots were fired, and Layman cried: "they got me."

The sheriff then placed Ford and "ain under arrest, and just outside the hall took Stephens in custody.

Cries of "lynch them" then went up and the sheriff commanded a passing automobile, drove to Marion, where he telephoned the adjutant general for troops, and then took the three prisoners to Murphysboro in Jackson county.

Pupils to Present Light Opera



Jack Kerschner will have the part of Thaddeus and will sing "When Other Lips," in "Bohemian Girl," to be presented in Central High school auditorium next Friday and Saturday nights and Saturday matinee. Josephine Koory will be seen as the kypsy queen, and will sing "I Dreamt That I Dwell." Marjorie Jones will have the part of Arline, kypsy girl. "The Heart Bowed Down," will be rendered by Charles Steinbaugh.



What of America? (Continued From Page One.)

Was above human justice. This king, if crossed in his purpose, exhibited the rage of a savage, and would roll upon the floor, and tear at the rushes with his teeth.

We can understand how these high pretensions aided and crushed opposition. It is no wonder that a subject, venturing into the presence of one of these Angevin kings with a remonstrance, should have fallen dead of fright at his feet.

The personal government of the Norman kings and their successors gave little indication of legal principles underneath the surface. Yet such principles there were. The king's office was elective, as it had been under the Saxons, but this did not prevent the king naming his successor, nor the succession being set aside by the barons, nor the crown being snatched by a rival, nor a king being deposed. All these things happened. The barons set Matilda aside for Stephen. John seized the crown. Edward II was deposed. Richard II was deposed. Henry VI was deposed. Edward V was proclaimed and then set aside. Legal maxims took early form if they remained ineffective. Henry VI's chief justice pointed out that the king's office had a dual nature, one regal and the other political. In his regal capacity, if that were his only one, the king might alter the law of the land, but, having a political responsibility as well, he was debarred from doing it. This is the basis of the modern British constitutional maxim that the king reigns, but does not rule. It dates from the 15th century. The force of the maxim was resisted by kings for hundreds of years, but it stuck.

Kings ruled, whether by force, by craft, or by bargain. Charles II made himself absolute by mere blandness. Under constitutional forms he ruled like a Turk.

The relations he established with his subjects, by which he was enabled to be one of the worst kings England ever had, may be illustrated by an example of court repartee.

Ashley (earl of Shaftesbury) was a member of the cabal, one of the most corrupt instruments of government ever employed by a king.

"Shaftesbury," said Charles, in admiration of his minister, "I believe you are the greatest scoundrel in my dominions."

"For a subject, your majesty," replied Shaftesbury with equal truth and impudence, "I believe I am."

It was out of such an unpromising state of affairs that our ancestors worked and fought their way, with ceaseless expenditure of toil and blood, to the institutions of government that we have today.

It has been said that it is in the nature of Englishmen to assemble. Thomas Hutchinson, recording the meeting of Virginia's first assembly, wrote, "This year a house of burghesses broke out in Virginia." It was spontaneous. This habit of Englishmen is what gave birth to the English constitution, "the most subtle organism," as Gladstone said, "that has proceeded from progressive history." Before they began assembling in parliament—and frequently afterwards—they assembled with arms in their hands, because it was long before their kings learned to respect

it was likely to stick. Thus Henry II introduced the institution of scutage, or shield money, by which a tax might be paid to the king in lieu of military service. As this offered a way out of going to the Crusades it was rather a popular institution than otherwise. But what the subjects of Henry did not see was that the king had obtained a power of taxation. More than 400 years later the subjects of Charles I were to see it, when that monarch made use of that precedent to levy ship money.

This time the English people—whose habit of assembly had grown, while grown—resisted; at first in the courts where they lost, and then in the field where they won. The English constitution had grown again.

Edward IV had learned from his legal advisers that the sovereign could not arrest a subject by personal mandate. But in that age it was only a legal maxim. The Plantagenets did arrest without authority of law and so did the Tudors who came after them. But when Charles I attempted to arrest five members of the house of commons he found that the ancient maxim had become a force. Charles entered the house in person where he had no right to be. The house rose and uncovered. But when Charles demanded where the members were the speaker fell on his knee and declared he had neither eyes to see nor ears to hear except as the house directed. The English constitution had grown again.

What we have to remember is, that it was this long and slow growth of the English constitution that supplied the political education of the Englishmen who founded the American republic. The English constitution is the parent of the American. English law is the basis of our law. When Washington was president of the United States and the government sought to enforce his neutrality proclamation, American lawyers found there was no statute under which prosecutions would stand up. As Mr. Beveridge has pointed out in his admirable "Life of John Marshall," the prosecutions were brought under the English common law.

These are facts to be kept in mind as we go on.

Boy Diphtheria Victim.

Daniel Nerod, 6, son of Mr. and Mrs. Charles Nerod, died Saturday morning at his home, 5214 South Twenty-second street, from diphtheria.

In addition to his parents, he is survived by three sisters. Private funeral services will be held Sunday at the Korisko funeral home. Burial will be in Graceland Park cemetery.

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