

ROBIN HOOD IS HANGED

BY W. A. S. DOUGLAS

A BUNCH of the boys—and girls—were whooping it up in the Pistol Hill roadhouse which, not so long ago, stood midway between the cities of Herrin and Marion in the barony of Egypt, Southern Illinois, adjacent to the Missouri and Kentucky borders.

There was draft beer flowing from the spigots; there was bottled beer in big ice-boxes behind the bar; there was bum Scotch and even bumper rye lined in containers along the shelves; there were jars of corn liquor and port wine below the counter, ready to the bartenders' hands for the mixing of what is known as an Egyptian cocktail.

The bar itself was lined ten deep with miners from the Herrin field. The pits had been opened two months before and the debts incurred during the strike had been almost cleared off. So there was plenty of money being tossed across the mahogany at Pistol Hill. Rough men and rough women; rough acting and rough drinking of the roughest sort of liquor. Off the big main room there opened two other smaller rooms. From one came voices whose pitch informed the listener that this must be the portion of the roadhouse reserved for "ladies," accompanied or unaccompanied. From the other came the crack of dice bounced against the wall—the only manner in which a wily Egyptian will ever shoot craps.

Truly a festive and merry scene in this the year Eight of the Prohibition era. As the poet once put it:

There's corn in Egypt;
There's whisky in the jar.

The slot-machines were jingling and

the mechanical piano was doing its worst. The bartenders were working like ants. Suddenly, kicking the door open ahead of him, there marched on to the scene the eminent Charley Birger, Baron of Egypt, and America's own Robin Hood.

Did the noise and the hilarity, the guzzling and the dice game all halt in terror? Did the ladies in the backroom, whispering lies of love to drunken miners, squeal their fear as the Baron's silver spurs clanked on the wooden floor? Did the bartenders duck before the rifle that he carried carelessly but ominously under his leather jacketed arm? Did Bob, the boss, make a dive for his bankroll, carried on his hip, in an effort to conceal it from the King of Three Borders?

Everybody should have done these several things. But it has to be recorded that nobody did. Instead a joyous shout went up from almost every throat, male and female.

"Hey, Charley!"

The Baron stood there a moment, on his face a frank smile of pleasure at the welcome. Booted and peculiarly spurred he was, as always when he rode through his domain of Egypt, never knowing whether he was out for a fight or a frolic, but ready for both. A handsome man was Charley—he was hanged last April, God rest his soul! Murderer and all that he was, I consider myself privileged to have enjoyed his friendship, to have walked and talked with him, and to have learned something of what was inside such a man.

Well, there he stood on the sanded floor, a medium-sized, wiry man in his early forties, but not looking a day over thirty.

He was dressed, as always, in a soft brown leather coat and riding breeches. These latter were made for him by one of Chicago's best tailors, and did credit to both cutter and wearer. A leather hunting-cap perched on his thick black hair. Brightly polished yellow army boots and jingling, sparkling spurs completed his romantic make-up.

Charley was a ringer for Tom Mix, as I remember Tom Mix a dozen years ago. He was a full-blooded Jew but had hardly any of the Semitic facial characteristics outside of the nose, and that was more Roman than Israelite. He had come up—if the word "up" may be used—from the East Side of New York, a peddler's son. From an enlistment in the United States cavalry, which had concluded with a sergeantcy, he had passed into an apprenticeship with Egan's Rats, once a far-famed East St. Louis gang.

Concluding that service, he had hired out as a gunman to the forces opposing the dictatorship of the Ku Klux Klan in the bloody Herrin riots. Charley rendered good service on this job. But suddenly the opportunity that the Anti-Saloon League had opened up for bright young killers cleared before his eyes like the morning's glory.

He would be King of Egypt, he would. And so concluding, with a revolver on each hip and his rifle under his arm, he became a monarch over night. And he held his sceptre, despite long and bloody conflicts with the gangs that unsuccessfully dared his might, until a clever lawyer and a wily sheriff talked him into a net which changed into a hempen rope, a six foot drop, and a meeting with the angels.

II

Through the doors of the Pistol Hill saloon behind their leader, streamed the Baron's army, a score of ragged boys; wild-eyed and the majority of them more than half drunk. Other chroniclers have called Charley a dope fiend. One of these who was

sent to interview him for a nickel magazine never went nearer to him than twenty miles. At that safe distance he crudely revamped the story of an encounter between Charley and myself which had appeared over my signature in the *Baltimore Sun*, adding, as his only piece of originality, his conclusion that the Baron was not only "a sniffer" himself, but also fed coke to his army.

"Seems you told this guy the same things you told me," I observed to the Baron the first time I ran into him after the publication of the article.

"Why, I've been laying for you for months about that coke stuff," he replied. "I thought you wrote that story. It was all about what you and I did except the sniffing part."

I explained the mysteries of the re-writing art.

"Well, I heard that bird was in town, now you remind me," said Charley, "but he never came nearer to me than Harrisburg. I've been blaming you and Doc Dwyer of the *Chicago Tribune* for feeding him that stuff. You and the Doc know I stop short at hard drinking. All I can say is, that baby had better keep out of Egypt as long as my trigger finger is working."

As far as I was able to judge, the Baron actually confined the pepping up of his troops to plenteous rations of corn liquor. They had all they wanted at any time they wanted it, and any person who knows anything about the corn of Egypt is well aware that enough of it will make a man or boy ready and willing to step up to a man-eating tiger and attempt to pull out its toe nails.

But back to Pistol Hill.

Behind their chief the ragged boy-army stood waiting the order to either break and join the merrymakers or line against the wall and cock their guns. It was all up to Charley. The crowd of miners and lights of love had sensed something now, and stared in wonder. Surely the Baron and Bob, the boss, were buddies? There could hardly be any killing here, as there was

last week at Carbondale or the week before at Stebbins' roadhouse near Cairo!

Robin Hood, with his rifle still hanging loosely under his arm, pushed slowly through the mob, which made way for him as he came. Now he stood before the keeper of the roadhouse. The bandit grinned and the boss grinned—and then the crowd grinned, but nervously. They weren't quite sure of things yet.

"Got it, Bob?" asked the Baron, leaning now on the mahogany.

"Sure thing, Charley," replied Bob. And with that he yanked the roll from his hip and passed it over. Charley tossed it into his own pocket without giving it a second look.

"Line up, boys and girls," he shouted, lifting his rifle in the air and banging the butt on the bar, "Charley Birger's buying."

And so the miners and their ladies and the troopers foregathered for a riotous half hour, paid for with almost half of the wad of bills which the boss had handed over—his tithe to Robin Hood. The contribution had to be made weekly if the Pistol Hill roadhouse was to continue—and if its boss and its bartenders and in all probability most of its customers wanted to remain alive.

Pleasant moments pass speedily and all too soon Charley's gun butt again rattled on the bar.

"Let's go!" he shouted to his army.

So the soldiers, drunker, more reckless, and about five times as dangerous as when they came into Bob's place, mounted their cars and were off—to the next place on the collection list. Another party or another killing—what did they care? High-powered engines roared in "hot"—which means stolen—cars. Cut-outs rattled like machine-guns. One soldier, a little drunker than the rest, and scheduled to suffer heavily for his lapse in the morning, fired a bullet into nowhere at all. If it hit a man or a woman what matter? Wasn't Charley Birger Baron of Egypt and didn't sheriffs run like rabbits at his approach?

With the autos roaring a defiance to the three borders, Robin Hood finally drove off and Pistol Hill renewed its drinking, its dice game and its love-making, adding, for extra entertainment, hair-raising stories of the latest exploits of the Birger gang.

III

I first met Robin Hood a day or so after the Shelton gang, his rivals for the booze-running rights and the saloon tithes of Egypt, had bombed his fortified country estate, "Shady Rest," from an airplane but had done no other damage than to kill an eagle and a bulldog, two of Charley's pets. I had been sent down by my paper to find out what all the shooting was about. At Marion, ten miles from "Shady Rest," I called up by telephone.

The call was answered by Art Newman, now doing a life term for complicity in the killing which brought about Charley's own doom. I explained that I wanted to get a story for the *Baltimore Sun* about the bombing.

"Sure you're not one of those — — — gangsters?" he asked.

I had to give a minute description of my personal appearance before I was told that I could come out. Before he hung up Art warned me again not to bring any gangsters with me.

A taxi driver drove me out along the fine concrete road and halted his car four hundred yards from the entrance to the Birger fortress.

"We can't drive any nearer and stop," he explained. "That's Charley's orders. If I was to stop the car in front and you'd start to get out you and I would be wearing angels' wings right away. But you're O.K. as long as they told you so. I'll wait for you here."

I walked on till I came to a lane entering a wood. At its end, a quarter of a mile down the road, stood the fort, which I was to examine later. In front of me, twenty feet across the driveway, was a shed with the sign, "Barbecue," hanging

from it. Something wiggled behind the screen-door and as I drew unsuspectingly nearer I made it out as a machine-gun pointed straight at me. Now, when a man gets that close to one of those things all he can do is go ahead. Turning back is suicide. A voice pulled me out of a blue funk.

"I guess you're the guy, all right. Come on in. The nose is down."

As I moved on I noticed that I had company. On both sides of me men walked with me who had appeared noiselessly from the bushes on either side. I have said they were men, but rather they were boys. They wore bullet-proof jackets and they were armed with Thompson machine-guns.

"You got to be careful," observed Mr. Newman as he greeted me with a hearty handshake, "what with all these — — — gangsters around here trying to blow a few decent quiet bootleggers to Hell and gone."

I found myself in a large room down the center of which ran a bar behind which a young Negro with one eye shot out was busy serving whisky to a group of armed youngsters who had apparently just come off guard. The wooden sides of the place were about four feet high. Above them came a wire screen which ran to the roof. All round the floor and resting against the walls were steel plates.

"The — — — might try to shoot us up any time," explained Mr. Newman after he had given me a drink of excellent liquor. "That's why we got the plates. We keep our best shots in here on duty all the time."

Robin Hood, I now learned, was out rabbit-hunting.

"Real rabbits," explained a boy gunman, "not the sort as is trying to blow us up."

Presently the Baron came in—all in leather as usual, but without his spurs. Under his arm he carried a sporting rifle instead of the army gun he affected when in the field. He came forward and greeted me like one gentleman bidding another

welcome to his club. In the barbecue stand there was now gathered together Charley, his chief lieutenant, Connie Ritter, Art Newman and nine troopers. Of this dozen, Charley and two others have now been hanged; Newman and three more are serving life terms, and four others are in prison for periods running from ten to twenty-five years. The only one of my amiable hosts who remains at large today is Connie Ritter, a ne'er-do-well scion of one of Egypt's best and oldest families. He is hiding somewhere with a price on his head.

After another round of drinks Charley took me on an inspection trip. Standing on the road between the barbecue stand and the fort was an armored car, equipped like a tank with gun slits and firing chairs. The Baron opened a drawer beneath the floor and showed me a dozen high-powered rifles reposing there beside an ordered pile of packaged bullets. He was most affable and kind. The drinks had mellowed him, he was bursting with grievances, and we had found a common ground, being both ex-cavalrymen.

"Look at that pup," he said pointing to the dead body of a pure-bred bulldog which lay beside that of a large eagle. "Believe me, if I had known what I know now I'd have shot the Sheltons out of Egypt."

"What do you mean, what you know now?" I asked.

"Why, that the juice was no good," he replied. It appeared that he referred to the nitro-glycerine that had been put in the bombs. "I knew all the time they had a stock of it and that's what kept me away from them. But here they come along in an airplane and drop duds all over the place. One hit the roof and made the sort of a hole a rat would. Another lit right over there"—he pointed at a hole about six inches deep—"and you can see all the harm it did. Yes, sir, if I had known that glycerine was on the fritz, I'd just have driven over to the Shelton joint in my armored car and naturally filled them and

the joint full of bullets. But all the time I'd been afraid of that juice! Say, you ought to see that armored car in action!"

"It's not too late now, as long as war has been declared," I observed.

"The hell it isn't! They've skipped clean out. That's why they're using an airplane."

"Well, if they're gone why keep the guard on duty and the steel plates in the barbecue stand?"

"I see you know nothing about this sort of fighting. They've still got that airplane and I didn't build this fort with flying-machines in mind. So I did a foolish thing in cutting all the trees down that were around. So it stands out for a flyer like St. Paul's Cathedral in London did for the Germans. That's why I backed the boys down to the barbecue stand, which can't be spotted from above. I keep the plates and the guns there because the Sheltons are hiding in East St. Louis, and it would be just like them to come driving along the road in the dusk and pour a few hundred shots into the stand and then come on and put a match to the fort."

The road that Robin Hood referred to,—it was just four hundred feet from where we stood—was the main highway between Chicago and the South, and was being traversed as we talked by peaceable citizens—who had voted for the Eighteenth Amendment and thus brought the Birgers into being—whizzing past at the rate of about three automobiles a minute.

In the main room of the fort was a rifle-rack, filled. Along the walls were gun slits for offensive and defensive warfare. Downstairs in the cellar was a complete bottling outfit for beer and whiskey.

"We blend it right here," Robin Hood explained to me. "We bring over the alcohol from St. Louis in the armored car. Sometimes we don't have to bring it. We just get tipped off that some wise guy thinks he can smuggle a load through to Chicago without seeing me about it. Well, he tries it and we get the alcohol. He's lucky if that's all that happens to him.

Then we bottle and label the stuff and deliver it to the customers. The folks around here are satisfied. If the Sheltons were out of here this would be just as peaceable a spot as you'd like to lay your eye on. I'd have a nice quiet business and there wouldn't be any killings at all worth mentioning."

"What do the Sheltons do, buck you?" I asked.

"Not so much," he replied. "You see, I have things organized pretty well. The boys that sell know they've got to buy from me or else—" he paused and laughed. "And those that don't buy from me get the chance to cut me in. They can do one thing or the other. If they don't, there just has to be trouble. Now, the Shelton boys aren't organized and don't give service like I do. They just light down on a man and take all he's got. Live and let live is my motto."

I started to say goodbye.

"Come round next Summer and see me in Harrisburg," he said as we shook hands. "Bring that old bum, Doc Dwyer, down with you. I like him, even if I don't like his newspaper. I've got a big farm and I'm going to build a swimming-pool. Plenty of good liquor and *not* made in my cellar. Imported stuff!"

IV

I promised I would, and I did come down to see him next Summer. But instead of sipping highballs with him on the edge of his swimming pool Doc Dwyer and I sat in a musty old courtroom and listened for ten days to the slowly progressing trial of Robin Hood on the charge of murdering a saloonkeeper who had refused to pay his tithes on liquor sales and crap games. And in the cool of one evening which could most conceivably have been spent visiting roadhouses with Charley in his powerful and expensive roadster we heard, instead, a judge tell him that he was to be hanged by the neck until dead "and may the Lord have mercy on your soul!"

It was a tousle-headed country boy who brought about the downfall of Egypt's robber baron. Just a village lawyer of the sort they make into Governors, Senators and Presidents. Roy Martin had been State's attorney of Franklin county for several years before he succeeded in getting a strangle-hold on Charley Birger.

Martin could get no coöperation from the county sheriffs. Everybody was scared stiff of this buccaneer—except Martin himself, and he could not possibly do the thing alone. So he started in with guile, and as he was progressing slowly the county elections came along and he got a new deal in the matter of a sheriff in his own bailiwick—an ex-soldier who was willing to do what he was told.

The State's attorney had been quietly gathering in rear-rank privates in the Birger army, fellows of no consequence, so thought the Baron. They were jailed on all sorts of charges, from stealing automobiles to highway robbery. Birger gave the matter little if any consideration. But on each and every one of these misguided boys Lawyer Martin went to work, gathering a little here and a little there, and building up his case against Robin Hood.

And then Charley made his greatest error. A saloonkeeper and crap game operator who was also mayor of the town he lived in refused to come across with the tithe. Birger, busy with the Shelton feud, ordered two of his soldiers, who were brothers, to kill this man. This they did, pumping the necessary bullets into Joe Adams of West City on a Sunday afternoon. Just another killing, but the tactical error lay in the fact that West City is a suburb of Benton, the State's attorney's own home.

A coronor's jury was summoned and, as in the case of all similar killings over the length and breadth of Egypt since Birger had become its over-lord, it seemed certain that a verdict against "an unknown person" would be brought in. But that jury was sitting in Roy Martin's own home and he sat with it, not once but four times

before he got it into the state of mind that he was in himself. Finally it named Birger.

Meanwhile, with the slender clue that the killers were brothers, Martin went through the Birger army that he had scattered around the jails of the county and lit on a boy called Thommason, a pink-cheeked country lad whose brother had been burned to death a few days after the killing, when Robin Hood's enemies had finally penetrated his guard and had put the torch to the fortress, "Shady Rest."

Thommason confessed to the killing of Joe Adams and said that his brother had been with him at the time. Instead of publishing the facts and gaining a temporary credit for good sleuthing Martin kept the whole thing quiet and sent his sheriff, Jim Pritchard, to arrest Charley Birger on the charge of being a party to the killing. This was a joke to Robin Hood. He was positive he could beat that charge, for he knew nothing of the confession. Replying to the sheriff's telephone call to surrender, he said he would if he could come in with his machine-gun.

"Why not, Charley?" answered the sheriff. "I don't think there's anything to this."

And so Charley stepped blithely into jail with his weapon ready to his hand and stayed up all that night playing poker with the sheriff and his deputies. These fellows had a job to do over and above the card game, and that was to convince the Baron that the case against him was a lot of what is termed hooley. How well they succeeded is shown in the fact that Charley went with them to court next morning—and left his trusty machine-gun behind.

There they had him in their net. With forty deputies gathered around him where only one had stood as court opened, Robin Hood was nabbed—and stayed so till he swung last April. Other Birger soldiers had added their confessions to those of the slayer of Adams, and State's Attorney Martin went into court with an open and shut case.

V

I think it was Judge Miller's announcement that Reuben Rotramelle would guard the jury that first tossed my train of thought back into the Middle Ages. It was dusk outside and it was getting darker inside that bare high-ceilinged courtroom every moment.

The dingy place was packed with washed and unwashed Egyptians, the latter in the great majority. They had gathered there to see their erstwhile overlord tried for murder.

There is a Rotramelle in the Domesday Book. A Rotramelle sent his minstrel wandering over Europe, playing Richard Coeur de Lion's favorite ditty under prison walls until he finally found the English king. A Rotramelle carried the hunchback monarch's shield at Bosworth. The breed has died out in the Old Country, but here it was again in an Illinois country courtroom in the person of a fine old white-haired man guarding the arbiters of the fate of the New World's Robin Hood!

And Robin Hood himself—he didn't seem to give a whoop in Hell what happened. He and the judge were the two best-dressed men in court. They were the aristocrats of the entire proceedings. So would the King of Sherwood Forest have appeared before the Lord of Nottingham if the original Robin Hood had ever been

caught. Two gentlemen arranging an unpleasant business in the necessary presence of middle-class squires, low-bred yeomen and a mob of serfs and vassals. That's the picture one got from reading about one robberbaron and associating with the other.

They hanged Charley on a sunny morning in the presence of more than a thousand people. That barbaric touch went back also to the early Middle Ages. They thronged from all over Egypt to watch his last moments. And as was to be expected from the reincarnation of Robin Hood, he gave them a good show. He marched through a lane of gaping countrymen, shaking a hand here, waving a farewell there. And he went up the steps to the gallows with a smile on his face that no man who saw it could call forced.

It took more than ten minutes to get him ready for the drop. His nerve stood with him till the end. I am writing no brief for Charley but if it had not been for the Anti-Saloon League, which first opened up for him the opportunities which he took, he would in all probability be today an excellent and highly prized top-sergeant of cavalry.

"I'd have gone back to the outfit if it hadn't been for this easy grift," he once told me. "The one mistake I made was in not having had them make me a Prohibition agent. They could never have touched me then."

THE MOVIES TRY TO TALK

BY ROBERT F. SISK

THAT art referred to so often as the silent one—motion pictures—seems to be in considerable danger of losing its character. From the time the firm of Warner Brothers first consorted with the Vitaphone device for the synchronization of sound with pictures, the moguls of the industry have paid close and eager attention to the new invention, and now their interest has reached so rabid a point that the major portion of the film business is determined to make its pictures talk. The Warners have already released three films which do this trick—"Tenderloin," "Glorious Betsy," and "The Lion and the Mouse." In the former there is the shriek of a lady about to be attacked. Her cry is, "No, not that!" The first-night audience in New York tittered, but the magnates are undismayed. In the studios of William Fox the talking news-reel has been a regular thing for over a year. Such events as Lindbergh's take-off on his European flight, with the accompanying noises, have thrilled audiences from coast to coast. Short films, depicting Beatrice Lillie, Raquel Meller, Robert Benchley and other such diverters of the public mind in the act of being dramatic, have been regularly released. All these have been experiments. Now a rush of talking films is on us, and it will be the first stage of a revolution which is going to do either one of two things—remake the movie industry or ruin it.

With almost the unanimity of Pennsylvania Republicans the film boys have agreed to make talking films. Most of them are using the Western Electric Company's device, the Movietone; a few are

to use the Radio Corporation's, the Photophone. Thus it will be common, before long, to show a movie actor in the thrilling process of audible love-making and we shall hear both the sighs of the lady and the snorts of the gentleman as their passion increases. All this, of course, will be a Great Step Forward.

The reason why the moguls of the films are thus going hot-foot after talking devices is that they need something to fill the great number of vacant seats in their cinema palaces. These palaces, as everyone knows, exist in all sections of the land, and have, in addition to highly polite, bend-from-the-belly ushers, a great many pews, and hence a pressing need for reliable box-office attractions. Films in themselves, it has been proved, no longer serve to attract the morons in sufficient numbers. Having built all the new theatres to market their own product, the great operators have discovered (or they will before long) that they can't make films on a factory basis and turn out anything capable of bringing in throngs. Only one firm, the United Artists, produces as few as fifteen pictures a year. Mr. Zukor's company, the Paramount, turns out about seventy-five, and believe it or not, some of them aren't so good. The same thing goes for the other big firms, the Metro and the First National. To offset the deficiency in quality and drawing power the Hollywood master-minds have been putting great orchestras into their cathedrals. Also, they have begun digging up singers, dancers, jokesters and that strange anomaly, the master of ceremonies. Some of the more adventurous, such as Roxy, have