HON. ANTON J. CERMAK

Member of the City Council from the Twelfth Ward, Chairman of its Committee of Railroads, Industries and Compensation; member of its Financial Committee and other important committees of that body, who recently had the moral courage and the manhood to freely speak out in behalf of the colored people residing in this city when they sadly needed a friend at court and for doing so the editor of this newspaper desires to heartily thank Alderman Cermak.

(Concluded from page 2)

ern Pacific stable at 8, so as to be on time. It was after ten, when an automobile car carriage pulled up toting the men who were to go, and I went through the gate with them to that bed car. They had a little house in it. I heard them call it a drawing room, but I did not see anything to draw, except water. White folks looked at us when we got on, but we went right on as if we had been doing that kind of business for years.

After they put us on, a boat toted us over the Mississippi river, then turned that old iron horse to do his grunting and puffing again, we went to bed and slept all night. Bright and early next morning we were up, and had crossed into Texas. Well, some of the friends knew that I was passing thru and they met us at the station in Houston, with lunches.

There was a lady from the Mme. Franklin Beauty Parlor, of Houston, with a basket filled with good things. She had been instructed by Mr. W. L. Holloway to prepare for us. He is the business manager, but was in Chicago. They toted themselves from Houston to Chicago in an automobile car carriage and are going to locate their manufacturing plant right in Chicago.

I went out to get the chicken and we ring after another, and when I returned found that the white folks had ordered us out of that bed car, and believe me we got out, but they had also ordered all the white folks out too, because there had been a washout west of San Antonio, and that meant we could not get through. We were told that we could get on a full bed car carriage leaving that night. It was called 101, Solid Pullman. We all went out and called on the General Passenger Agent, Mr. Joseph Hellen. He had his office on the eighth floor of the Southern Pacific building. He made us as welcome as his office as April showers and May flowers. Mr. Holloway told him all about it, as did Stewart, and he told them that everything would be all right, and he would get us thru on that carriage in question. He had one of the number to return at 4:30, and he was put in touch with the assistant general passenger agent. He said that he could not get one of them little houses (drawing rooms), but that he had secured two compartments. I never heard of such a thing, and thought that he meant what is known as two sections, but when we got there, behold it was a little house, or two of them, and they were connected by doors. I will not take up time to tell you about the trip. We rode in that all night—Monday night; all day Tuesday, and all night Tuesday night, reaching El Paso, Wednesday morning.

Now, here we are in Los Angeles, and while I am stopping with N. G. Pitts, who used to live in Gurdon, Ark., the other men have special headquarters, and are the guest of the Rev. Dr. L. B. Brown, secretary of the general local committee, which is going to entertain the National Baptist convention in this town September 6.

We did not come together, for at El Paso I left them and made my ride from there over the Santa Fe, and they came over the S. P. I reached town at 12:30, went to the home of Dr. N. G. Pitts, and then used the hello box to call up Rev. Brown. There was a female voice who answered, and before she would tell me a thing, demanded to know who I was, or at least my name, and I furnished her with a name, and proceeded to ask some questions, and she answered them all with "I don't know." I said to her, "Madam, you are the most know-nothingness woman I have ever heard." She got back at me, put up the receiver.

In the evening I met the lady, and she declared that I was the one who told her my name was Johnson, and referred to what I had said, and we had a friendly laugh over it.

Again I used the hello box, and this time I called up N. D. Thompson, at his home. His wife answered, and told me he was not at home, and desired to know if I wanted to leave any message, without asking who I was. I told her that I was his Cousin Charles and wanted to talk with Cousin Noah D., and she at once gave me his business number, and I was soon in touch with him.

Noah D. Thompson is a regular reporter on one of the daily papers here, and right in the office he has his desk, and is a business man. They give him all kinds of assignments. He is writing news, and not just merely writing about my people, but about all things that can be turned into something new. He is a great chap, and he has a wonderful wife and son. I am proud of him.

Next found me out of town, and I got in touch with a real doctor. Dr. S. S. Turner, formerly of Shreveport, La.; but is right here doing business. I am sure that you will remember I told you about her. She is one of the finest medicine and cutting doctors in this country. She has a fine office, and they all take off their hats to Dr. Turner. She examined my head, put on her apron, and soon was cutting on me. She knows her business. It seems that I am not going to get through suffering.

Next found me in touch with Booker T. Washington, Jr., who is a real estate man in this town, and I am real proud of the success he is making. Without a doubt he is the son of his father, and some day the world will know that Booker T. Washington, Jr., is in it. His wife is found right by his side, and they are making friends and are strictly business. He owns a fine home, a fine car, and, like his father, is extending his hand to the fellow that is down. He is making it possible for so many of our people to own homes out here, and if you want to get in touch with good bargains, you have only to get in touch with young Washington, and a square deal will be yours.

Just think—this young man has, since he has been out here, accumulated real estate in the names of himself and wife valued at $20,000 and it doth not yet appear what he will do. I am sure that the people down home will be glad to know this. He is not sitting down depending on living on the reputation of his father, but he himself is doing something. He will make his own record.

Going down the street I had the pleasure of meeting George R. Martin, who is way out here from Knoxville, Tenn., accompanied by his wife, and they are doing well. He shook and shook my lily black hands and assured me that he was glad to see, in California, Charles E. Stump.

I am here to tell you that everything is now ready for the National Baptist convention, which is to meet here September 6, and the people are getting ready to come here. So many people are going to make their vacation about this time, and will come right on here. I will have something to say about it from time to time. I will now bring this letter to a stop.

CHARLES E. STUMP.

MRS. PATILLO MOVES

Mrs. Grace Patillo, well known fraternally, most excellent queen of Fidelity Council, A. U. K. and D. of A., has moved from 3741 Indiana avenue to 3810 Grand boulevard, where she will be pleased to have her many friends visit her.

HON. JAMES W. BREEN, THE ABLE FIRST ASSISTANT CORPORATION COUNSEL OF CHICAGO, PREPARED THE FOLLOWING CLEAR CUT AND LOGICAL OPINION, WHICH WAS TRANSMITTED TO HON. JOHN A. RICHERT, CHAIRMAN OF THE FINANCE COMMITTEE OF THE CITY COUNCIL OF CHICAGO, RECOMMENDING THE FINAL SETTLEMENT OF THE TWENTY-SIX RACE RIOT CASES, AS REPRESENTED BY ATTORNEY AUGUSTUS L. WILLIAMS.

Chicago, Ill., May 2, 1922.

Hon. John A. Richert,
Chairman Committee on Finance.

Dear Sir:

In response to your communication of recent date, in reference to the pending riot cases, in which you state that your committee will not consider these claims except upon an opinion of liability on the part of the City and a recommendation from us, we desire to advice you that 16 of the cases involved in the resolution of the City Council, passed on November 23, 1921, are suits brought against the City for the death of persons as the result of injuries inflicted by a mob during the so-called race riots which occurred in this city during the months of June and July, 1919, and the remaining two cases are suits for the recovery of damages for personal injuries sustained by the plaintiffs at the hands of mobs during the so-called race riots.

Section 4 of paragraph 256v of an Act to suppress mob violence, approved May 6, 1905, in force July 1, 1905, provides as follows:

"256v. PENALTY FOR INFLICTING DAMAGES—LIABILITY OF CITY AND COUNTY. Sec. 4. Any person or persons composing a mob under the provisions of this act, who shall by violence inflict material damage to the property or serious injury to the person of any other person upon the pretense of exercising correctional powers over such person or persons, by violence and without authority of law, shall be deemed guilty of a felony, and shall suffer imprisonment in the penitentiary not exceeding five years; and any person so suffering material damage to property or injury to person by a mob shall have an action against the county or city in which such injury is inflicted, for such damages as he may sustain to an amount not exceeding five thousand dollars."

Section 1, of Chapter 70, Hurd's Revised Statutes, 1919, page 1663, of an Act entitled, "An Act requiring compensation for causing death by wrongful act, neglect or default." Approved February 12, 1853, in force February 12, 1853, provides as follows:

"Be it enacted by the People of the State of Illinois, represented in the General Assembly: Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who or company or corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony."

Under the Statutes of the State of Illinois, any collection of individuals, five or more in number, assembled for the unlawful purpose of offering violence to the person or property of any one supposed to have been guilty of the violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person or persons by violence, and without lawful authority, shall be regarded and designated as a mob. Where such a mob inflicts injuries upon an individual on account of his religion or race, it will be, in all likelihood, successfully contended that the injuries inflicted by said mob are for the purpose of exercising correctional or regulative powers over such person, and the action of the mob constitutes a denial to him of the right to life, liberty and pursuit of happiness as guaranteed by our constitution; and, where it is proved that a mob, within the meaning of the Statute, has inflicted such injuries, the court will, in our opinion, be inclined to hold the City liable and that, if a person so injured survives the injuries inflicted, he would have a right to maintain an action against the City under the provisions of section 256v, above quoted. Where death results from the injuries inflicted, as above described, it is our opinion that, under the provision of section 1 of Chapter 70 of Hurd's Revised Statutes of 1919, page 1663, a cause of action survives, and that the next of kin of the said deceased would have a right to maintain a suit for damages for the death of such person, and that the individual, firm or corporation who would have been liable for damages to the injured person, had death not ensued, would be liable to the next of kin, and, under the law, should be required to respond in damages to the defendant heirs at law or next of kin of the said deceased.

The case of Louis Phillips is a suit for the recovery of damages for injuries inflicted upon the plaintiff at the hands of a mob at 39th and Halsted streets. The plaintiff in this case was shot in the head and his right eye put out, and has been permanently crippled as a result of the injuries sustained by him. If this case is settled, the attorneys for the plaintiff are asking $5,000.00.

The case of William Stewart is a suit for the recovery of damages for personal injuries sustained by the plaintiff at the hands of a mob at 35th and Wabash avenue, who shot him through the body and broke one of his legs. The plaintiff's attorney feels that the City should pay the sum of $3,000.00 in settlement.

We desire to advise you that three of the so-called riot cases have been tried, and in each case the jury has returned a verdict of guilty, and the courts have entered judgments upon the verdicts; one for the sum of $2,300.00, one for $3,500.00 and one for $5,000.00.

Since our former communication to you, the Appellate Court has passed upon the question of the liability of the City for a death resulting from injuries sustained at the hands of a mob during the so-called race riots.

In discussing the liability of the City in the case of Barnes v. City of Chicago (decided April 18, 1922), the Appellate Court said:

"Plaintiff in error brought an action against the City of Chicago predicated upon 'An Act to suppress mob violence' in force July 1, 1905. (Ch. 38, pars. 537 to 542, Cahill's Stats.) The City's demurrer to the declaration was sustained and plaintiff elected to stand by her narr.

"The declaration was in two counts. The first charged an assemblage of five or more persons in said city for the unlawful purpose of offering violence to the person and property of any one supposed to have been guilty of a violation of the law, and for the purpose of exercising correctional and regulative powers on any person or persons by violence and without lawful authority, and that said mob, composed of such persons while so assembled did fall upon, lynch, shoot, wound and kill one John W. Simpson, the son of plaintiff, a single and unmarried man, who left plaintiff, his mother and lineal heir, who prior to his death was dependent upon him for support.

"The second count set forth the same matters, with averments that Simpson was a police officer, exercising his duties as such when so victimized by the mob.

"It is contended by counsel for the City that the declaration is defective in that it does not allege that the mob assembled for the unlawful purpose of offering violence, etc., to said Simpson, 'supposed to have been guilty,' etc., or, 'for the purpose of exercising correctional powers or regulating powers over said Simpson by violence.'

"It is argued that 'such other person' suffering death by lynching, as referred to in section 5, relates back to the particular person supposed to have been guilty of a violation of the law to whom the mob purposed to offer violence, or to exercise correctional powers over; in other words, that the declaration should allege that the mob assembled to offer violence to the particular person who was lynched.

"We think this construction violates the intent and purpose of the act, as defined in its very title, 'An Act to suppress mob violence.' As measures to that end it penalizes by a fine any of the persons composing the mob, whether injury results or not, and by imprisonment in the penitentiary if damages to property or serious injury to the 'person of any other person,' etc., results, and furthermore, gives a right of action against the municipality, in which any such injury is inflicted, to 'any person so suffering' such damage or injury, and to certain dependents of a person lynched by the mob. In other words, the act penalizes not only persons composing the mob but the city wherein it does violence. In this respect the act is both remedial and penal; remedial so far as it provides for compensation to the injured parties, and penal so far as it renders the city responsible for the results of mob violence.

"Such an act is a police regulation, and should, of course, be construed with reference to effecting its object, which, among other things, is to hold a community responsible for the effects of mob violence within it. It is said in County of Alleghany v. Gibson, 90 Pa. St. 397, 418, where the subject is ably discussed, that the theory upon which penalizing a municipality in such a case is based, is that with proper vigilance acts of violence may be and ought to be prevented, and that a political subdivision of the state should be held responsible for the public peace and protection to life and property from mob violence.

"We fail to see in the act a purpose to limit its provisions in case of lynching to a dependent of the particular person lynched. The result of lynching is no less serious to community, or persons affected, whether the mob expends its violence on a particular party against whom its purposes vengeance, or some innocent bystander. The instances are not few where mobs have taken into their own hands the punishment of one who was unquestionably guilty of the crime which provoked the assemblage. But can it be said that the dependent of such criminal is more entitled to consideration and compensation, so far as the act is remedial in its nature, than a dependent of an innocent party, or that the purpose of the act, the suppression of mob violence, will be conserved in one case and not in the other? We think the restrictive construction of the act by the city's counsel in this respect, is not in harmony with its manifest purpose to impose responsibility upon the community itself for mob violence of that character.

"The contention of defendant in error is that the phrase 'such other person,' in section 5, should be carried back to section 1 for its antecedent. Such strict construction would leave the words 'or persons,' immediately following, with doubtful reference, and if given to the same words in section 4, would limit the felony to damaging the property of, or injuring the particular person against whom the mob had assembled for violence and none other. It would be strange, indeed, if such a construction should prevail when the following part of section 4 gives the right of action against the county or city for such damage or injury to 'any person so suffering' damage to property or personal injury. It must be admitted that a less cumbersome phraseology might have been employed. But as 'such other person,' referred to in section 4, is a party whose property or person is injured, and the same phrase in section 5 refers to a person 'lynched,' it is manifest the two phrases can not refer to the same person. While the language is somewhat ambiguous it should be interpreted with reference to the intent and purpose of the act. If the word 'other' in section 5, which seems to have no logical connection, be treated as surplusage, the construction of the section is simple and conforms to that contended for by plaintiff in error. In fact its ambiguity is emphasized when considered in connection with the same word in the relative clause following it, to-wit, 'upon any other person who shall hereafter suffer death by lynching at the hands of a mob.'

"Such a construction is also in conformity with the elementary principle that a person must be held to intend the natural consequences of his act and that, therefore, the victim of mob violence may be said to be the object of the unlawful purpose of its assemblage.

"In an action brought under a similar law to recover against a county for the lynching of one Mitchell, in Commissioners of Champaign Co. etc. v. Church, Admr., etc., 62 Ohio St. Rep. 318, 348, the jury were charged that the lynching did not raise a presumption of law that the mob assembled with that intent. The court held the instruction was erroneous, referring to the ancient doctrine of the criminal law, that although the assembly were lawful, the persons assembled might unite in unlawful conduct and thus become rioters. So we think it is inferable from the declaration that the assemblage was for the unlawful purpose of exercising violence or correctional powers upon any party lynched as the result of such assemblage. Hence we think the court erred in sustaining the demurrer. Accordingly the judgment will be reversed and the cause remanded."

In the face of the opinion in the Barnes case, it will be rather difficult for the City to defend the so-called riot cases. While the rule is that the decision of the Appellate Court is binding only in the case in which it is rendered, nevertheless, we have no doubt that the nisi prius courts will follow this opinion in all cases reached for trial before there is a final expression on the point at issue from the Supreme Court. Hence, while there may be some object in waiting for such an authoritative decision as would be rendered if the matter of settlement were held in abeyance until then, it will necessarily cost the City a great deal more if the Supreme Court takes the same view as the Appellate Court. Many cases will have matured into judgment and no settlement for a smaller sum than the amount of the judgment may then be accepted. Even those claims that have not been reduced to judgment will, in that event, probably have to be settled on a higher basis.

In consideration of the foregoing, we believe the interests of the City can best be served if an effort is made to adjust amicably the so-called riot cases now pending in court.

Yours very truly,
JAMES W. BREEN,
First Assistant Corporation Counsel.

Approved:
SAMUEL A. ETTELSON,
Corporation Counsel.

HON. LOUIS B. ANDERSON

Member of the City Council From the Second Ward; Valuable Member of Its Finance Committee, Who Worked Very Hard to Make It Possible for the City of Chicago to Finally Settle the Race Riot Cases.

THE DYER ANTI-LYNCHING BILL WAS UP BEFORE THE CITY COUNCIL OF CHICAGO

WHEREAS, Eleven persons citizens of the United States, have been lynched in this country during the past sixty days without due process of law, all being victims of mob violence, and

WHEREAS, Lynching and mob violence is the one great stain upon the escutcheon of the United States of America and should be effaced by the congress of our nation, and

WHEREAS, The bulwark behind which the adversaries of Federal anti-lynching legislation have entrenched themselves is the Tenth Amendment, which is: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," and

WHEREAS, By a parity of reasoning, when both the United States and a State expressly are forbidden to take the life of any person, "without due process of law," most certainly a mob should be forbidden to take the life of any person "without due process of law"; therefore, be it

RESOLVED, That the City Council of the City of Chicago hereby condemns the lynching and burning of human beings and in the sacred name of law and order urgently requests the members of the Senate of the United States to pass the Dyer Anti-Lynching law now pending before that Honorable Body.

BE IT FURTHER RESOLVED, That a copy of these resolutions be forwarded to the President and Vice-President of the United States, the clerk of the Senate and the members of the Senate representing the various states of our American nation.

ROBERT K. JACKSON,
Alderman 2nd Ward.

Every member of the City Council voted for the passage of the above measure at its last meeting, Thursday, June 29, 1922.

IN OHIO

Mrs. Lucille G. Robinson, 3727 Elmwood avenue, is now at Ironington, Ohio, where she went on last Saturday to remain indefinitely.

CLUB MEETS

Cornell Charity Club, of which Mrs. Elizabeth Thomas is president, met on June 30 at the residence of Mrs. Lou Ella Young, 4114 Calumet avenue, and after the transaction of much business, its members and friends were entertained.

RECEIVES PRAISES

Mrs. Leonore Graves, 15 West 36th street, is being praised very highly by her many Virginian friends for the splendid program rendered at the meeting of the Virginia Society on June 21st, under the auspices of the program committee, of which Mrs. Graves was chairman. The society is growing and every Virginian in the city is invited to attend these meetings.

SPENDS TWO DAYS IN CITY

Rev. H. W. Jameson, national grand master of U. B. F. & S. M. T., while en route from Pittsburgh, Pa., to his home in Peoria, Ill., during the past week spent two busy days in the city on business. While here, Rev. Jameson stopped at the Y. M. C. A.

MRS. JOHNSON PLEASED

Mrs. Eliza Johnson of Ravenswood has returned to her home much pleased with a pleasant week's stay in the city as the guest of Mrs. Lou Ella Young, 4114 Calumet avenue, head of the Household of Ruth of Illinois and jurisdiction.

BAILEY ON THE JOB

M. T. Bailey, president, The Bailey Realty Co., 3638 S. State street, spent the entire day of July 4th in Morgan Park, where he was of great assistance to the hundreds of people who came in the park to look over the choice lots for sale and many making purchases. Mr. Bailey is always eager to serve the general public.

HAS LUNCHEON GUESTS

Mr. and Mrs. Earnest K. Settles, 44th street and Langley avenue, had as their luncheon guest on last Sunday afternoon Mr. and Mrs. Hilliard Settles of Morgan Park, Mrs. Elizabeth Settles, and Mrs. Alice Johnson of Ripley, Ohio.