

Survivor Tells Of False Truce In Herrin War

Office Manager of Strip Mine Recounts at Murder Trial His Capture and Escape From Massacre In Flight as Bullets Rain

Man Who "Arranged" Surrender Admits Safe Conduct Was Not Pledged

Special Dispatch to The Tribune

SIERRON, Ill., Dec. 19.—The most dramatic recital of a witness in the trial of the five men charged with the murder in connection with the Herrin mine massacre took place to-day because a packed courtroom when Robert Lester, office manager of the Lester strip mine, recounted the details of the capture and escape.

He told of the incidents leading up to the trouble at the mine, which broke out on the morning of June 21. Colonel Hunter, he said, had arranged a surrender of the mine property with Hugh Willis, Herrin union official. Hunter, he testified, had asserted he represented the State of Illinois and represented the sanction of W. Z. Lester, mine owner, to a peaceful surrender.

His testimony was interrupted at this point as the jury excluded Colonel Hunter as a corroboratory witness, but he had acted only in a private capacity and not under any authority from the state, and that Willis had not given any pledge of safe conduct, and that Willis merely had said, in fact, that a surrender would be a good idea.

Acting as a Private Citizen

Colonel Hunter's testimony follows in part:

Q—Did you have a conversation with some one at the Lester Mine on the night of June 21? A—Yes. I thought it was McDowell (mine superintendent).

Q—Do you know who it was? A—No.

Q—By what authority did you act? A—Was acting just as a private citizen.

Q—Did you have any conversation with any mine official? A—I talked with Hugh Willis, and thought the battle should be stopped and a truce should be arranged. He said he thought it could be arranged.

Q—What did you say to McDowell? A—I told him to stop firing when the mine officials drove up in a car with a white flag, and to raise a white flag and surrender.

Union Men Agreed Not to Act

Q—What was the agreement that was made? A—I told McDowell that

to stop the battle he'd better close the mine down during the strike, and I told F. C. Hutches, a union official, that the men would leave, and to leave them alone, and he agreed.

Q—What was the agreement with Hutches? A—He only agreed to go out there. He said he thought that surrender could be arranged.

Q—What did you tell McDowell? A—I told them to put up a white flag and surrender when they saw the union official car with a white flag.

When the jury returned Officer continued his testimony.

Vividly he pictured the unsuccessful attempt to surrender that night; the fruitless vigil for the miners' car; Colonel Hunter had told him would arrive with a white flag to take charge of the prisoners.

He told of frantic efforts to resume telephone connections with the outside world.

A fragile fort of freight cars and railroad ties was made for the night. At daybreak Officer and another man again made a futile effort to get a telephone connection with some one to inform the outside world of their plight. A hail of bullets through the thin walls of the office finally drove him back to the cars. The white flag was raised above the cars and greeted with a shower of lead.

Finally a voice shouted: "Come out and the firing will stop." Cautionously they surrendered, unarmed, their hands in the air.

The march down the road; the harangue which inflamed the crowd by a man identified by other witnesses as Otis Clark; the halt while McDowell was murdered, and the final line-up before the massacre at the barbed-wire fence in the woods all were vividly recounted.

Officer said he rolled under the fence with two others. The three ran a mile to a woods, where they hid all day in the underbrush while searchers passed within a foot of their heads and an airplane circled above. Officer testified he was not shot but was injured from kicks, blows and bruises from rifle butts.

In addition to Officer these survivors are to testify:

Joseph O'Rourke, of Chicago, who was riddled with bullets when he, with five others, tied together by a noose around their necks, were shot down in the road; Bernard Jones and William Cairns, of Chicago.

Rumanian Students Beat Jews

BUCHAREST, Rumania, Dec. 19 (Jewish Telegraphic Agency).—A large number of Jews in Jassy were severely beaten, and three of them wounded, when a mob of students attacked a demonstration yesterday which was arranged as a protest against attacks on Jews throughout the country.

Jersey Bridge Decision Soon

WASHINGTON, Dec. 19.—The War Department will decide next week on the application of the Central Railroad of New Jersey to construct a new bridge, costing \$13,000,000, across Newark Bay, Secretary of War Weeks announced to-day.

Palestine to Float Loan

JERUSALEM, Dec. 19 (Jewish Telegraphic Agency).—Announcement is made that the Palestine government has arranged for a loan of £2,500,000 to be floated in London.

Hold Husband And Father in Woman's Death

Brother, Ex-Convict, Sought Following Butler, N. J., Murder; Victim Shot Five Times and Was Stabbed

Daughter Tells of Words Bloodstained Sled Is Believed to Have Carried Body to Spot Near Home

As the result of an investigation into the death of Mrs. Kate Burbol, fifty-one years old, whose body was found on the Valley Road near Butler, N. J., early yesterday, Morris County officials last night held as material witnesses her father, Vincent Maceczek, eighty years old and Charles Burbol, her husband. The police are searching for Louis Maceczek, who was released from the state prison at Trenton on Friday. He is a brother of the dead woman and a son of the elder man now held.

Berman Atlas, walking to work near Butler at dawn, found the body of Mrs. Burbol, face downward by the roadside. There were blood stains on the face and abdomen, most of the woman's clothing had been torn from her and her hair was down. By the roadside, scattered, as if they had been tossed hastily aside, were the woman's corset, skirt and hat and coat. The body lay a few hundred yards from the Burbol home.

Shot Five Times

Atlas called neighbors and summoned Chief of Police Martin McKeon, of Butler. McKeon telephoned Prosecutor Mills, of Morristown, who arrived and arranged an autopsy.

This disclosed that the woman had been shot five times and stabbed in the abdomen and her face crushed by a blow from a heavy instrument.

Charles Burbol, the husband, told Chief McKeon his wife had gone yesterday morning to Paterson to do some shopping. He said he had not seen her since she departed. A daughter, Mary, twelve years old, said her father and mother had quarreled yesterday morning, and that she knew of her mother's intention to go to Paterson. She said that when she returned from school yesterday afternoon her mother was not home. Burbol says he left the house at about 3 o'clock in the afternoon and returned at 11 o'clock at night, his wife being still absent when he retired for the night.

Officials say the shooting was done with a .22 caliber revolver. Five unexploded .22 caliber shells were found in a shed behind the Burbol house, in which the father, Vincent Maceczek lived alone, but no revolver.

Father Housed Apart

The father, it was said last night, was committed by his family to an

Delancy to Explain His Jamaica Bay Plan

Deek Commissioner John H. Delancy will present a plan for the proposed development of Jamaica Bay to the Commissioners of the Sinking Fund at their meeting to-morrow. A bird's-eye photograph and map of the new development accompanies the plan.

The development contemplates the establishment of bulkhead lines in such manner as to enclose and include all the islands, marshes and basins in two large islands, separated by a channel 1,000 feet wide designated as Cross-Bay Channel and surrounded by the Main Channel 2,500 feet wide. The new islands have been designated "East Island" and "West Island."

East Island contains an area of approximately 1,115 acres and when the bulkhead is constructed there will be five and one-half miles of new wharfage. The entire island is in the Borough of Queens. West Island contains an area of approximately 5,369 acres. It is about four miles long and three miles wide, indented at its westerly end by three basins, extending about two miles easterly into the island and each 1,000 feet wide.

When the bulkhead is constructed there will be twenty-two and one-half miles of wharfage. The Long Island Railroad and the new Jamaica Bay Boulevard cross the island at its easterly end. The greater part of West Island is in the Borough of Brooklyn.

Death Comes to Man, 107.

As Almshouse Door Opens

The tiny, wizened figure of Joseph Verneto will not again appear at the window of the little house where he lived with his son, on Motto Street, Patchogue, L. I.

Joseph was one of the sights of the town. He never stirred from the house except on the warmest summer days, and strangers in town were taken past the Verneto house on their walks, so that the little old man could smile and bob his head to them.

"He's 107 years old," the natives would say, with prideful awe.

Joseph had been getting more and more feeble of late. His son, who is seventy years old, could no longer properly care for the patriarch. Arrangements had been made to take him to the county almshouse at Yaphank yesterday, with his wife, Mary, who is ninety-seven.

But now Mary must make the journey to the almshouse alone. The little old man died in his sleep early yesterday morning.

Dancers Stage Court Drama Over Daughter

Pearl Regay and Former Husband Are Awarded Equal Share of Child's Time

Pearl Regay, dancer in "Scandals of 1922," and her former husband, John J. Jaeger, vaudeville actor, staged a tense drama in the Queens Supreme Court yesterday when they appeared before Justice Van Slicen fighting for the custody of their eight-year-old daughter, Catherine. Neither could claim absolute victory, for Justice Van Slicen handed down a Solomon's decision, giving Miss Regay custody half of the time and Jaeger the rest.

Catherine favored her mother and set on her lap most of the time in court. What it appeared that her father was likely to win out she wept and cried: "Mama, I don't want to leave you! I don't want to go to him!"

The Jaegers, who are divorced, were married in 1913 when touring the country in vaudeville. Jaeger obtained a verdict on the grounds of desertion when his wife left him to tour with another partner. Both subsequently married again, Miss Regay to Ward de Wolf, a dancer.

Jaeger was given custody of the child with the decree and took her to Philadelphia, where she lived with a widow. Miss Regay obtained custody when she took Catherine on a vacation and refused to surrender her. The child was put in the Ladycliff Academy, where the court ordered her kept until she is seventeen. Jaeger said he had no funds, but hoped to be booked at \$75 a week. Miss Regay contracted to spend \$1,000 a year on the child, saying she was earning \$550 a week. The court ordered Jaeger, who is now married to his third wife, to pay \$5 a week toward the child's support.

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