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FARMERS IN HERRIN TRIAL PLAY SAFE

Defense Fears Tillers of Soil Secretly Hold Grudge Against Miners

LOATH TO OPPOSE UNION

By a Staff Correspondent of the Evening Public Ledger

Marion, Ill., Nov. 28.—Farmers in Williamson County, in spite of whatever sub-rosa opinions they may have, are not publicly announcing any opposition to organized labor.

Their replies during examination for jury service at the Herrin massacre trial express no resentment toward the union or union miners. Women citizens of Marion whose husbands are not miners whisper that farmers "don't dare express their real opinions for fear the union will get them."

Farmers, with few exceptions, do admit, however, fixed opinions on the "guilt or innocence of the men responsible for the crime." But it is not that opinion which defense perhaps fears so much as the antipathy to organized labor which farmers insist they do not have.

Assistant Attorney General Middlekauff, assisting the prosecution, yesterday examined more than half of the farmer-veniremen whom defense had already challenged for cause.

Middlekauff was reluctant to allow a venireman to be excused simply because he owned up to an opinion based solely on "rumor and newspaper reports." He searched for the source of the rumors he wanted to know whether the venireman was an eye-witness to the tragedy. But, according to the majority of these farmers, first news of the rioting came to them over the phone, not directly, but while they were "listening in" on a party line.

Tells How He Formed Opinion

Defense up till 3:30 o'clock yesterday challenged twelve farmers for cause. At that time Ed Williams, a farmer and ex-miner, whose son is a miner, was called.

Early in the examination by defense Williams owned to an opinion. George Cook, examining for the five defendants, continued to probe, asking the court stenographer to take notes. Williams said he heard that "seventy-five men" had been killed. He didn't know how or exactly when. On that basis he had formed his opinion.

Lawyer Cook deluged Williams with questions, finally instructing him that a juror who is fair will presume a defendant's innocence up until he enters the jury room to render the verdict. Lawyer Middlekauff didn't think it was necessary to wait that long, and he objected.

"Where's the court?" asked the defense.

Judge Hartwell was in the jury room. The contention had to be repeated for the court, and both sides discussed how long a juror should presume a defendant innocent.

Later, Middlekauff questioned Venireman Williams again. His contention was that since Williams didn't know the exact location of the killings—namely, in the Herrin cemetery and at the "power house" and not at the Lester strip mine—he really could have no opinion. Williams told the prosecution that he saw no reason why he "couldn't be a fair juror."

Judge Hartwell next questioned him, and realized that the long grilling had perhaps confused Williams. He told the Judge he had no opinion.

Judge Hartwell then expressed his own confusion over the venireman's replies. He was interrupted.

"To shorten matters," interrupted Lawyer Cook, "defense will challenge Williams peremptorily."

Defense made record-breaking speed in the examination of Floyd Black, a brother of Dr. J. T. Black, of Herrin, one of the prosecution's star witnesses, who treated many of the mutilated strike-breakers after the riot last June.

Robert Cook, one of the defense lawyers, asked Black just four snappy questions:

"Are you the brother of Dr. Black?"

"Have you an opinion as to the guilt or innocence of the men who did the killing at the Lester Strip Mine?"

"Have you expressed it?"

"Is it a fixed opinion?"

To each query Black answered in short, explosive "yes." He was excused for cause.

But defense spent most of the rainy, dark day probing only seven farmer veniremen, who were in the end excused for being biased.

There are no new jurors to add to the four already chosen. The remaining twenty of the new venire will report today. All day yesterday the courtroom was dreary. The few electric lights could scarcely combat the invasion of darkness from the rainy, cold outside.

Mrs. Burt Grace, wife of one of the defendants, and their daughter sat on the prisoners' bench during the afternoon beside the prisoner. Often she touched her eyes with a handkerchief.

PLAYERS STRIKE IN BERLIN

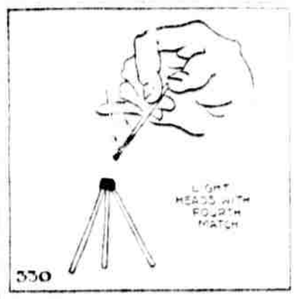
Berlin, Nov. 28.—(By A. P.)—Leading ladies and popular favorites of Berlin's theatrical world, clad in silks, satins and furs, are picketing the city's principal playhouses in sympathy with the strike of stage artists.

Virtually all of the legitimate theatres have shut down.

$3,000,000 LEFT TO CHARITY

Richmond, Va., Nov. 28.—Three million dollars of the $8,000,000 estate of the late Major James H. Dooley is bequeathed for endowment of a hospital and two orphanages for girls, according to terms of the will filed for probate yesterday.

After-Dinner Tricks



No. 330—The Match Tripod

Three matches are placed so that their heads lean together, the matches forming a tripod, as shown in the diagram. Taking a fourth match, the performer states that he can lift all three of the matches in the tripod with the single match, without disturbing the tripod. This appears impossible.

To do the trick, light the fourth match and set fire to the heads of the matches forming the tripod. Blow out the flame immediately. The three heads of the tripod matches will be welded together, and they can then be lifted with the fourth match.

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BUILDING OPERATION TIE-UP IN NEW YORK IS AVERTED

Lockwood Committee Negotiates Truce Between Men and Employers

New York, Nov. 28.—(By A. P.)—The Lockwood Legislative Committee today averted a threatened tie-up of building operations in the metropolitan area and idleness among 100,000 laborers by negotiating a truce between building employers and union workers.

Under the terms of the proposed truce union bricklayers now on strike on eight jobs will return to work and the mason builders' organization will recall its lockout order.

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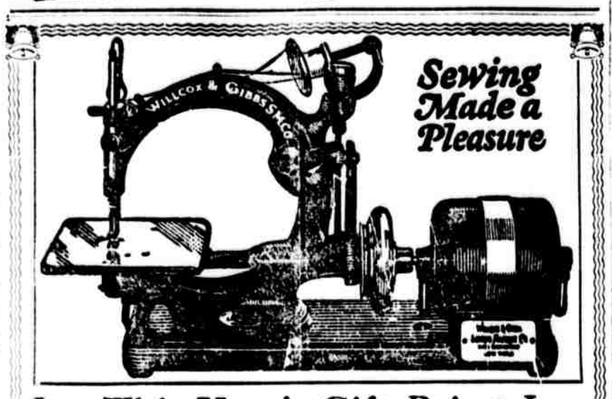

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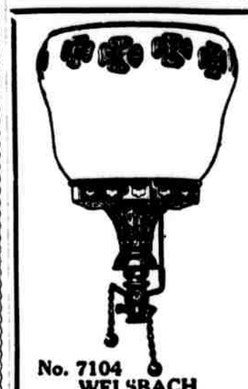

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