

DEFENSE IN HERRIN TRIAL OPENS TO-DAY

State Rests After Devoting Eight Days to Recital of Massacre.

HUNDREDS TO TESTIFY

Counsel for Defendants Says He Has Great Array of Witnesses Ready.

MARION, Ill., Dec. 21 (Associated Press).—After eight days spent in the introduction of evidence, the prosecution rested to-day at the trial of five men charged with murder in connection with the slaying of twenty non-union miners during the HERRIN riots last June. The defense will open to-morrow morning.

In the testimony of its last few witnesses, the State completed its evidence of the events from the time three mine guards were shot while driving in a truck from Carbondale to the Lester Mine on the morning of June 21 to the attack on the mine that afternoon, when three union miners were killed, the surrender under a white flag the next morning of forty-eight non-union men in the pit, and the slaying of twenty of the prisoners.

All five defendants have been pointed out in court as having been seen with guns during the riots and some of them have been named as having shot down some of the victims. Four survivors of the massacre have testified.

The cross-examinations have been brief and apparently designed to bear out the defense contentions that the non-union men in the mine and their employers had no quarrel with the State troops would be called out to protect the pits, that the guards in the mine were armed, and that they disregarded warnings that the operation of the mine would result in outbreaks.

In their cross-examination attorneys for the defense repeatedly referred to the non-union workers in the mine and the guards as "scabs," "quakers," "private detectives" and "spies."

A. W. Kerr, chief counsel for the defense, said he expected to prove the "guards or summer" were the aggressors in the riots and brought on any attack by their acts of provocation and challenge.

He said he would impeach the testimony of some of the witnesses for the State and would present hundreds of witnesses to testify the defendants now on trial had no possible connection with the killings.

PREMIER OPENS NEW HOTEL AT MONTREAL

Mount Royal Said to Be Largest in Empire.

MONTREAL, Dec. 21.—The Mount Royal Hotel, said to be the largest in the British Empire, was formally opened by Premier W. L. Mackenzie King at a banquet last night at the Hotel de Ville, the United Hotels Company of America, with branches throughout the United States and Canada, and is said to be one of the best equipped hotels in the continent. Vernon G. Ardy is manager of the hotel company and George H. O'Neil general manager for Canada.

The cornerstone was laid by Sir Lomer Gouin, Minister of Justice, in March. The building occupies an entire block and is ten stories high.

There are 1,046 bedrooms and elaborate suites. The safe, palm room and private dining rooms are on the main and mezzanine floors. The cafeteria and grill rooms are on the ground floor and the banquet room, a ballroom and conference rooms on the ninth floor.

William M. Birks, president of the Montreal Board of Trade, was toastmaster at the banquet. Among the guests at the speakers' table, besides the Prime Minister of Canada, were Sir Lomer Gouin, Frank A. Dudley, president of the United Hotels Company of America; W. A. Mackenzie King, Premier of Ontario; Walter Mitchell, controller of the Metropolitan Life Insurance Company; E. M. Tierney, president of the American Hotel Association; John H. Dodgson, Toronto; Walter Mitchell, Sir Henry Thornton, president of the Canadian National Railways; the Right Rev. J. C. Farthing, Bishop of Montreal; Sir Arthur Currie, McGill University; Senator Dandurand, Sir F. Williams, Taylor, president of the Bankers' Association of Canada; Herbert M. Marler, M. P., and Alderman H. B. Seybold, representing the Mayor of Montreal.

Other guests were Lord Shaughnessy, W. J. Shaughnessy, Brig.-Gen. F. S. McHugh, Senator Smeaton White, George C. Verhill, Gordon G. Cushing, Gen. J. B. White and Gen. Leslie Kincaid of New York.

Among hotel men from New York were Thomas D. Green, Robert B. Blackman, George W. Sweeney, Claud R. Nott, George T. Stockham and Charles E. Gehring.

\$20,000 GIFT FROM TIGER

Donates Surplus Money Made in United States to Fellowships.

WASHINGTON, Dec. 21 (Associated Press).—Former Premier Clemenceau's American visit added \$20,000 to the American Field Service Fund Fellowships, Stephen Bonsal, who managed the tour, announced to-day. The amount is the surplus of money received from lectures and newspaper articles by "The Tiger" after defraying the expenses of his trip.

The wartime Premier, it was explained, was unwilling to accept financial assistance for his mission and his own means were inadequate, so he accepted lectures and writing contracts to pay his way. He expressed the desire that any surplus be devoted, in memory of his student years in the United States, to the fellowships, which are intended among other things to stimulate friendship between France and America through the education in each country of young men from the other.

The American Field Service was organized and directed by Representative A. Platt Andrew of Massachusetts to enable young Americans to do ambulance work in France before the United States had entered the war.

NEW EDISON PHONOGRAPH

Latest improvements. Entirely different from any other phonograph. Investigate if you intend to buy an instrument. EDISON SHOP 473 FIFTH AVE.

Two and a Half Dollar Gold Pieces at Premium

TWO and a half dollar gold pieces were in brisk demand at the banks yesterday for Christmas gifts. At most of the banks a substantial premium was asked for the coins. Some savings banks sold \$2.50 gold pieces for \$2.90 and \$3. Gold pieces of this small denomination gradually are being called in, and each year they become scarcer. The last issue of \$2.50 gold pieces was made in 1915. They are in demand now as curiosities, and soon will be in the hands of collectors only.

ARBUCKLE AT WORK TO RETURN TO FILMS

Continued from First Page.

fore a decent, self-respecting public. The club women of this country will not commend any Arbuckle films and I do not think any film will succeed without our commendation."

Joseph M. Schenck, producer, who said he would re-employ Arbuckle, contended "it is not Christian-like of ministers to condemn Arbuckle before he had been heard."

"Arbuckle is willing to meet these ministers face to face at any time and at any place to defend himself," said Schenck. "If and I have your profound respect for these men, but it is not fair in them to condemn him without giving him a trial."

"He is as clean as any one in motion pictures today. He merely got into a jam. He was unfortunate. Personally I think he should be given another trial. He is honest, intelligent and diligent. I do not believe they should try to keep him down."

"It is not a matter of money with me. I don't want to make a dollar out of Arbuckle. I simply think he should be given another chance and I am going to put him to work."

The session of the West Lake Presbyterian church, of which the Rev. G. A. Briegleb is pastor and where Will H. Hays spoke last Sunday night, sent a telegram to Mr. Hays reading:

"Your statement from West Lake pulpit relative to your intentions as motion picture director impressed the session and membership with your sincerity and honesty of purpose. You made positive and unequivocal promises. Indeed, your own words were 'that you had full authority to reinstate Arbuckle back into the industry, honor and respected you as a fellow elder. Your action in reinstating Arbuckle is in absolute variance with your promises from our pulpit."

"Will you not rescind the Arbuckle order? Your failure to do so will mean forfeiture of the respect and confidence of our people, and, we believe, the forfeiture of the confidence and respect of all God-fearing, decent men and women. We pray God that you may carefully reconsider the Arbuckle order."

Boston Strongly Objects To Arbuckle's Return.

BOSTON, Dec. 21.—Mayor Curley, ministers and representative women's club leaders generally condemned the plan to put Fatty Arbuckle back into the movies. Many termed the action a betrayal of the confidence shown by the people in their recent defeat of the movie censorship referendum in this State. Others severely scored the judgment and policy of Will Hays in his decision.

"It is not only a matter of public morals, but one involving the protection of the industry as well," the Mayor declared.

The Rev. Dr. A. Z. Conrag of the Park Street Church said: "Arbuckle has disgraced himself forever. It would be a public disgrace to sanction him."

"It would have to be a low public opinion that could approve Arbuckle's return to the screen."

CHICAGO RACE RIOT BILL TO EXCEED HALF MILLION

Damages Awarded Under Illinois Law to Persons Hurt in Disturbances in Which They Were Not Participants—Total of Injured Reported at 543.

SPECIAL DISPATCH TO THIS NEW YORK HERALD. CHICAGO, Dec. 21.—Inflamed race hatred for eight days in 1918 will cost Chicago taxpayers more than \$500,000. This estimate is based on the approval of the City Council Finance Committee of eighteen death claims, totaling \$51,000.

The city previously had paid \$20,800 for five other deaths, and probably will be compelled to pay for fifteen other killings, which both the coroner's jury and the Lowden Commission attribute to the race riots. A total of 543 were hurt as a result of the race riots, according to the Lowden Commission which conducted an investigation. Of that number 178 were white, 348 colored, and seventeen of undetermined race.

On the basis of the Council's settlement at \$4,500 a death, the fifteen other deaths will cost \$67,500. A State law holds a municipality liable for all persons killed or injured as a result of riots.

Relatives of the thirty-eight victims of mob law will receive a minimum of \$10,000. Of the 543 injured, thirty-three have filed suits for a total of \$170,000. Three have obtained judgments totaling \$11,375—an average of \$3,791. It is estimated the thirty-three

will obtain an average of \$1,000 each, which adds \$33,000 to the expense. Maintenance of the regular police on riot duty during the race riot period cost the city \$54,482, and \$10,776 for their transportation in taxicabs. For boarding horses \$1,201 was paid. Extra policemen cost an additional \$144,000. The Sheriff also spent \$10,516 for extra deputies and equipment. The State's Attorney's race riot bills total \$87,376. These estimates total \$502,851 and make no allowance for property damages. The claims for property damages were not available to-day.

The action upon which the claims were filed against the city was brought under the State law, which provides for compensation to persons injured during a riot in which they were not participants.

Reports were current that the city would be forced to assume the share of the expense of maintaining an estimated 6,000 State troops in the city for nine days during the race riots. This was officially denied to-day by Major General Milton F. Foreman, commander Thirty-third Division, Illinois National Guard. "The State troops were called out by the Governor and naturally the State assumes their cost."

Minnesota Exhibitors Keep Ban on Arbuckle.

MINNEAPOLIS, Dec. 21.—W. A. Steffen, president of the Minnesota Motion Picture Theater Owners Association, embracing 460 theaters in the State, announced to-day that the ban on Arbuckle pictures still existed, as far as his organization was concerned.

"Complete oblivion," as far as the public is concerned, is demanded for Roscoe Arbuckle, film comedian, in a statement to-day by the Fifth District Federation of Women's Clubs. A copy of the statement was sent to Will Hays, chief of the motion picture industry, and Jesse Lasky, head of the company which formerly distributed the Arbuckle films.

Action on Will Hays's decision to reinstate the Arbuckle pictures will be taken up at the quarterly meeting of the executive board of the Federation of Women's Clubs, which meets in Washington January 3. This announcement was made last night by Mrs. T. G. Winter, president of the organization, who said: "If Mr. Hays wants to do something for Christmas, I believe it would be better for him to keep the world a little cleaner than to permit the production of the Arbuckle pictures."

St. Louis Churchmen Opposed to Arbuckle.

ST. LOUIS, Dec. 21.—Opposition to the reappearance of Roscoe (Fatty) Arbuckle in motion pictures was expressed to-day by the Rev. Lansing F. Smith, chairman of the committee of fifty of the Church Federation of St. Louis, who asserted the committee was "aggressively opposed" to Arbuckle's reinstatement. Miss C. E. Jordan, president of the board of religious organizations, said the comedian's reappearance would "have a bad influence on children."

Buffalo Woman Asserts Hays Deceived Clubs.

BUFFALO, Dec. 31.—A meeting of the City Federation of Women's Clubs has been called to consider the reinstatement of Roscoe (Fatty) Arbuckle in motion pictures. Mrs. Charles Slegesmond

DAUGHERTY TO FILE BIGGEST WAR SUITS

Actions Involving \$100,000,000 to Be Started Within a Month.

COMMITTEE HEARS PLAN

Outlined as Hearings on Impeachment Charges Close.

Philadelphia Club Women To Fight 'Fatty's' Return.

PHILADELPHIA, Dec. 21.—Prominent Philadelphia women have expressed indignation at the expected return of Roscoe (Fatty) Arbuckle to the movies, some of them saying that his reappearance on the screen would be disgraceful. Mrs. J. Liddon Pennock, president of the Twentieth Century Club, said that club would make a fight against the return of the comedian.

Some of the women who have expressed their opinion of the Arbuckle "pardon" take the view that Arbuckle's reappearance will be harmful to the children, creating among them the impression that their mothers approve of such a life as Arbuckle led.

The president of one women's club said that if society allows itself to be governed by the Gospel rule, "let him who is without sin throw the first stone, no one would ever be convicted of a crime."

New Hampshire Producers Bar Arbuckle Forever.

MANCHESTER, N. H., Dec. 21.—It was announced here to-night that the New Hampshire Motion Picture Producers Association had barred any films featuring Roscoe (Fatty) Arbuckle in any city or town of the State. According to the leading officials of the association Arbuckle films in New Hampshire are banned forever.

MAJOR O'ROURKE GETS \$130,000 PROPERTY BACK

Transfer to Wife Agreed in View of Upset.

Justice Lewis in Supreme Court in Brooklyn yesterday set aside the transfer of securities valued at \$130,000 from Michael P. O'Rourke, former Major of the Irish Volunteers, to his wife, Cecelia K. O'Rourke of 426 Sixty-seventh street, Brooklyn.

The couple were married in April, 1916, when Mrs. O'Rourke was twenty-five and her husband fifty. He was committed to the Brooklyn State Hospital as incompetent two years ago and his wife became his committee. On March 24 last he was adjudged competent again. O'Rourke then asserted that the property was obtained from him by undue influence and fraud when he was ill.

Mrs. O'Rourke contended that in an ante-nuptial agreement in 1915 O'Rourke stipulated that if she married him and children were born he would settle a large amount of property on her.

Justice Lewis's decree was based on an agreement by which O'Rourke was to give his wife the house in which she lives and set up a trust fund with \$3,000 annual income for Mrs. O'Rourke and the children.

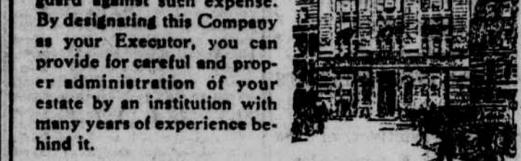
Chicago Women Divided On Return of 'Fatty.'

CHICAGO, Dec. 21.—A division of opinion over the return of "Fatty" Arbuckle to the film was expressed in Chicago to-day. Several protests by club women against Arbuckle films were telephoned to Mrs. Charles E. Meriam, chairman of the Better Films Department of the State Parent-Teachers Association, but Mrs. Edward S. Bailey, president of the Illinois Federation of

If You Die Without a Will—What Happens To Your Home?

If you own your home, title to it vests in your children, subject to your wife's dower right. If any of your children are under age, the home can not be mortgaged or sold without expensive court proceedings.

Have your attorney prepare your will now so as to guard against such expense. By designating this Company as your Executor, you can provide for careful and proper administration of your estate by an institution with many years of experience behind it.



TITLE GUARANTEE & TRUST CO

Capital and Surplus \$21,000,000. 126 Broadway, New York. 175 Remsen St., Brooklyn. 196 Montague Street, Brooklyn. 160-68 Jamaica Avenue, Jamaica. Bridge Plaza North, Long Island City.

James McCreery & Co.

FIFTH AVENUE 14TH STREET

Last Minute Gift Thoughts

from The Christmas Gift Shop of all New York

Women's and Misses' Knickers

for Winter Sports 5.00

The woman who enjoys tobogganing, skating or snowshoeing finds a pair of knickers ideally comfortable, if not indispensable. She will assuredly appreciate a pair of durable Tweed, in Gray or Brown mixtures.

Tuxedo Gift Sweaters

for Women 11.75

The predominating and most popular weaves this season are blocks and stripes. She will, therefore, most probably want her Tuxedo Gift Sweater in either of these designs. These are of Fibre Silk, so closely resembling pure silk, you can hardly tell them apart. Buff, Navy, and Black.

My Years on the Stage

By JOHN DREW

OLIVER HERFORD'S review in Life says of it: "The glamour of the golden age of American Drama is happily reflected in the mirror of this narrative, whose valuable records and commentaries together with the directness and the good style of its telling place it at the head of all the personal dramatic histories of late years."

Fully illustrated, \$5.00, postage extra.

At all bookstores or direct from E. P. DUTTON & CO. 681 Fifth Ave. New York.

A Situation Wanted advertisement in THE NEW YORK HERALD is an introduction to the better class of employers.

Stern Brothers advertisement. West Forty-Second Street (Between 5th and 6th Avenues) West Forty-Third Street. Don't let the snow or rain dismay you in completing your Christmas shopping. Just telephone Longacre 8000 and we will take care of your needs. No matter how inclement the day may be, there is not a single thing in our vast store that you need do without until "the weather clears up." Through a simple telephone message to us, your every requirement can be quickly and satisfactorily taken care of. Our special staff of shoppers, organized for the purpose of filling orders received over the telephone, will intelligently act as your shopping representatives. Delivery by our own motor wagons is maintained all through the snowy winter days. New York and way routes to Ossining, Darien, Conn., Morris Plains, New Jersey, Scotch Plains, New Jersey. Long Island within a radius of 25 miles. Illustrations of a car and a woman shopping.

Kuppenheimer OVERCOATS advertisement. All you expect in an overcoat—and more. \$65. You expect warmth and comfort, good style and attractive pattern, dependable service and lasting good appearance. Kuppenheimer give all that, and more. Fabrics and patterns unobtainable elsewhere. Styles distinctly Kuppenheimer. Quality and value you can't match anywhere else at \$65. Other Overcoats from \$35 up. Brill Brothers Broadway, at 49th Street 279 Broadway, near Chambers 47 Cortlandt St.

Tuxedo Gift Sweaters advertisement. The predominating and most popular weaves this season are blocks and stripes. She will, therefore, most probably want her Tuxedo Gift Sweater in either of these designs. These are of Fibre Silk, so closely resembling pure silk, you can hardly tell them apart. Buff, Navy, and Black. (Fourth Floor) Illustration of a woman in a sweater.