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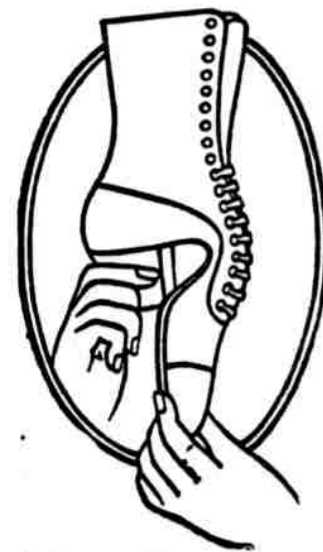


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Selection of Herrin Jury Is Game of Elimination
More Ventremen Are Put "Through the Mill" as Contending Attorneys Watch Sharply for Any Indication of Bias

By a Staff Correspondent of the Evening Public Ledger

Marion, Ill., Nov. 21.—No dream of success beckons today at the end of the long trail attorneys have been following for the last week in their weary jury hunt for the Herrin massacre trial. No jurors have been added to the first four selected early last week and examinations ran slow. Yesterday only five of the new batch of forty-three ventremen were examined and all five were excused.

Most of the day was given over to a closed conference between Judge Hartwell and all the attorneys on a technical point in a contest of jury panels and the tactical advantage gained by making the opposing side break a panel. But during the last hour of the afternoon session, interest in the proceedings quickened. State's Attorney Duty tendered a panel of four men, three tentatively selected last week, namely, Berry Deaton, W. H. Davidson, Sam Watkins, all miners, and a round-faced new one examined today called George Childers.

Childers is a farmer. It is possible Mr. Duty did not know Childers' history. If he didn't his operatives have been wanting in thoroughness, because defense, before accepting or rejecting the tender, made George admit he was a friendly father-in-law to Dallas McCree, one of the union miners charged with murder, growing out of the riots at the Lester strip mine last June.

Ventremen Has an "Opinion" And then, resuming examination, State's attorney learned Childers had gone home for a number of other men indicated. State was permitted to withdraw his tender and to challenge him for cause. Childers seemed to be innocent of any desire to hide these facts. State merely did not search for them. Milo Phemister, a farmer, who knows one of the defendants, told George White, assistant attorney examining for the defense, that he "had an opinion" whether the killing of Howard Hoffmann and the other strike-breakers was lawful or unlawful. Thereupon, defense attorneys conferred. They then accepted Phemister tentatively and passed him to the State for examination.

"I have an opinion as to whether the killing was lawful or unlawful, and it is a fixed opinion; but I have no opinion as to the guilt or innocence of the five defendants now here in this trial," was the substance of Phemister's replies to State's questioning, and State immediately surprised the defense by tendering Phemister for final acceptance. But defense now demurred. "I believe," said defense Attorney White, as if he had not heard all about it two minutes before, "I believe you stated a moment ago that you had an opinion as to whether the killing was unlawful or not."

"Yes," answered Phemister. "Is that opinion fixed?" "Challenge for cause," said Attorney White quietly, turning to Judge Hartwell. State's Attorney Duty objected. "My objection," Duty explained, "is based solely on the point that a challenge for cause can only be exercised when a man admits to an opinion on the guilt or the innocence of the defendants, and this man does not."

The objection was overruled. Herbert Hale, a farmer in the summer and a non-union miner in the winter, was next examined for the defense. "If you were going to be tried for murder," explained defense Attorney White, "and if you were your attorney would you want me to accept twelve jurors to try you whose minds were just like yours?" Attorney White liked the novelty of this method of determining whether the ventremen was biased. He repeated it. "No," replied Hale, and everybody in the stuffy courtroom laughed.

"But I think I could give a fair trial," Hale added, somewhat to defense's confusion. But instead of trying a challenge for cause defense shunted him to the State. Hale declared to State's Attorney Neely that he "believed a man who is a strike-breaker has just as much right to live as a union man," and that he had no opinion on the question of the guilt or innocence of the defendants. State promptly accepted him, and

NIGHT WATCHMAN BURNED TO DEATH IN \$250,000 FIRE
Building of Allentown Crockery Co. Destroyed by Flames
Allentown, Pa., Nov. 21.—There was a loss of a quarter of a million in a fire today in the building of the Allentown Crockery Company, owned by Miller and Stittler. Theodore Schaeffer, seventy-three years old, one of the night watchmen, was burned to death. He was trapped by the flames and overcame while endeavoring to escape. In addition to a crockery store and the Allentown Paper Box Factory the building was tenanted by a silk mill and a knitting mill and in one of these establishments the blaze is supposed to have started. On the second floor were the rooms of the John Hay Republican Club and on the third floor a lodge hall, which was the meeting place of about ten organizations. The most valuable article destroyed by the blaze was a beautiful oil portrait of the late Secretary of State John Hay, presented to the club by his daughter, Mrs. Harry Payne Whitney.

ERIE POLITICIAN SHOT
W. J. North Killed by Farmer Who Found Him in Wife's Apartment
Erie, Pa., Nov. 21.—(By A. P.)—William J. North, former saloonkeeper and politician, was shot to death last night by Fred Dean, a Ripley farmer, who found North in the town apartment of his wife. Dean fired four shots. When arrested he expressed regrets that he hadn't "let all six go." North was father of nine children and was forty-seven years old. Mrs. Dean was living in the city with a sister, Mrs. Emma Lamson. At the time of the shooting they had as their guest Mrs. Estella Hunt, sister of Fred Dean. Police believe she admitted him to the apartment. Mrs. Hunt wrestled with Dean after the shooting and took a revolver from him, which had not been fired. Another revolver with four empty shells was found beneath aavenport.

"One side," said Hale, "has got to lose." He insisted he had no opinion. After some additional questioning Judge Hartwell said: "I think his answers make him a qualified juror, and there's only one reason why I must disqualify him and that's incompetence." Defense Attorney White again challenged for cause, and the Judge overruled the challenge. "White grew angry and in a loud voice questioned Hale. The latter, tears in his eyes and embarrassed, mumbled he "had an opinion." "Well, all right," Court excuses the juror for cause, spoke the Judge. "On the grounds of his inability to understand simple questions," the Judge began. Then he turned to the bench he had left, though a moment, and suddenly shouted: "It was a signal for adjournment. He instructed that the four jurors, Tom Weaver, Henry Hiddle, Oscar Swanner, all farmers; George Cox, a non-union miner, and the three tentative jurors, Berry Deaton, W. H. Davidson and Sam Watkins, all farmers, be placed in custody for the night. There were no jurors selected, but the feigning of the attorneys amused the prisoners.

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