ML THLEFT TELLS THE STORY

ling to express over the possible con-viction of the cotton mill men, and he felt as a farmer that if the cases resulted adversely to the cotton mill men it would be a blow to the manufacturing industries, which would in turn effect the farming interest and, indeed, all other interests in the

State. The Observer realizing this intense interest in the case, and desiring to present to its readers a resume of the whole case, sent its reporter on yes-terday to Mr. Charles W. Tillett, who has taken a leading part as counsel for the defendants, and requested him to give to the readers of The Observer an outline of the origin of the cases, and a summary of the law, which it is claimed was violated, together with incidents connected with the trial which might be of interest.

IMMIGRATION LAW.

In response to the request of the reporter, Mr. Tillett stated that the law, that the government had no case. I which it was claimed was violated, was not able to cause this investigawas known as the immigration act of 1903. That act has been amended, pose, and perhaps superseded by the act of pr 1906, which was passed in Congress a few days ago, but in all of its essential features, so far as the merits of this controversy are concerned, the two acts are the same. The essential difference between the two acts is that under the act of 1906 a State immigration bureau cannot receive assistance from individuals or corporations, whereas under the former act, as interpreted by the Solicitor of the Department of Labor and Commerce, individuals could assist the imigration

bureau of a State. "The law," continued Mr. Tillett, "under which our clients were sued, provides that no person shall prepay the transportation or assist, or encourage, the importation of any allen in pursuance of any offers, solicitations, promises or contracts made to or with such alien to perform labor

THARTY TELLS THE STORY Intercenting Remine of the New Link, the first thick at the work mounting states of the South-that the native help ind, no more intercenting Remine of the New Link, the native help ind, no more intercenting Remine of the New Link, the native help ind, no more intercenting Remine of the New Link, the native help ind, no more intercenting Remine of the New Link, the native help ind, no more intercenting Remine of the New Link, the native help ind, no more inter the New Link, the government again inter the native help ind, no more inter the New Link, the government again inter the native help ind, no more inter the New Link, the government again inter the native help ind, no more inter the New Link, the government intervent inter the native help ind, no more inter the native help inter the native help ind, no more inter the native help inter the native help inter the native help inter-inter the native help inter the native help inter-inter the native help inter-inter the native

MR. TILLETT'S TRIP TO WASH- jobs for every man, and the other one, Mr. Golden, admitted that he did not . INGTON.

"After these penalty suits had been know of but three textile operatives instituted, and the indictment found in New England unemployed during the year of 1906, and, indeed, the only by the grand jury, I made a trip to thing he knew of these was what they Washington for the purpose of in-terviewing the authorities there with a hope that I could so present the case that the government would abandon the suits. I had a very course hearing before Hon Alford had told him. NORTHERN COTTON MILL OPER-

ATORS MOSTLY FOREIGNERS.

DEFENDANTS' WITNESSES.

fendant's evidence and witnesses to be

THE LINE OF BATTLE.

"It was most intresting to watch the

government forces disappeared in that

lirection beyond the Mississippi. The

100.00

"Mr. Cansler also made these labor

courteous hearing before Hon, Alford W. Cooly, Assistant Attorney Genleaders admit that they themselves were foreigners, and also the rather startling fact that 75 per cent. of all W. Cooly, Assistant Attorney Gen-eral, who had charge of the cases, but I was not successful. I impress-ed it upon Mr. Cooly that a great in-justice had been done in the insti-tution of these suits, and particular-ly in the sending of this bill of inthe cotton mill operatives of the North were foreigners, Hungarlans, Poles, Slavs, and, in fact, nearly all nation-alities. Coupling all of these facts to-gether, the government at this point lictment. I found that no one had was resting under what was more investigated the facts connected with than a supposition that this fight was the case, and I assured Mr. Cooly that not only incited by the labor agitators if any one competent representative of the North, but that it was being of the government would investigate waged on behalf of people who were both the law and the facts he would be compelled to reach the conclusion likewise foreigners and we had before us the rather singular spectacle of men who were themselves foreign im-migrants, testifying in behalf of the interests of other foreign immigrants tion to be made, and failed in my pur-

PREPARING FOR THE TRIAL. "Finding it impossible to convince country. he government officials that there was nothing in the case, we begain to prepare for the trial. My partner, Mr. Guthrie, and myself had charge of the case up to this time, and then we associated with us Mr. E. T. Canplaced upon the stand, I can hardly contain myself within the proper sler, of this city, and Judge W. P. bounds. I have been practicing law the scale of wages at the North. Mr. Bynum, of Greensboro. I hope I can for twenty-five years, but I can truth- Lewis Parker showed that he had gone say, without violating the rules of fully say that no case in which I to New England and made personal investigation of the question of wages, to put up before the court such a and he found that prior to the 10 per cases. mmigration legislation and the decis- able to put upon the witness stand cotton mill manufacturers of New En ions of the court, and then began to such a large number of witnesses of gland in November, 1906, the scale prepare the evidence. No lawyers ever such high standing, character and inhad clients who gave them more in-

telligence. elligent or efficient assistance in the THE POINTS INVOLVED.

ported. There is, however, a provis- the jury. The first was whether any ion in the law, which was one of the promises or contracts of any sort had een made with these aliens. Our contention was that all of their University. stories as to the promises and conlike kind unemployed cannot be found tracts made by Costello were untrue, and that no promises were made

HOW THE CASES, WERE WON that anywhere else. That is due to distory statements, and they never mills in Philadelphis and the New En-

BOUTH. "As a last stand in the case, the government undertook, by a cross-ex-amination of our witnesses, to show that the labor conditions in the South were preventing us from getting the needed help. The labor leaders re-ferred to above testifid that if we had shorter hours, vis. 60 hours per week, that the Northern operatives would come to us in great numbers. To con-trovert this, we proved by Mr. B. S. Robertson, of the Holt-Granite Manu-facturing Company, of Haw River, The Amminable Conduct of As-man at atoms of General Cooly-The Cases From Sins to Finish. The notable victory won by the cot-tor mill men in the case at Greenia formation for the conduction of the conduction of the second of

the mill houses and the conveniences and comforts furnished the operatives. From this point the Messrs. Parker, of South Carolina, testified that at the Monaghan Mills, at Greenville, his company had every attraction that could be thought of within the bounds of reason. The operatives were fur-

nished thoroughly comfortable houses, each one having a bath room and equipped with electric lights. There was a Young Men's Christian Association, with gymnasium, games, library and lyceum. There was also a Young Women's Christian Association, where the girls were taught to cook and sew and their morals safeguarded at every point. In addition to this, the company encouraged the operatives in having flower and vegetable gardens by fiering prizes to those who had the best of these. Mr. Cooley seized upon this quickly and asked: "'Well, Mr. Parker, how was your

supply of operatives at the Monaghan?"

"To this Mr. Parker replied: 'I can not explain why it is, but as a matter against the right of our manufacturers of fact our deficiency in help at that here to import foreign labor into this mill was as great, if not greater, than any other.' That was a blow which emolished the government's other po-"When I come to speak of the de- sition,

"Finally the question of comparing wages was made the subject of inves-tigation. The labor leaders testified to make your room or your We studied the history of the mass of evidence, nor have I ever been cent. advance, which was made by the such high standing, character and in- of wages at the North were practically the same as at the South, and he even "In the first place, we led off with demonstrated that after the 10 per preparation of the facts of the case. Mr. S. B. Sargent, one of the defend- cent. advance at the North, the

ants. Mr. Sargent, besides being a Southern operatives still had the adthoroughly practical and wonderfully vantage, arising out of the fact that Stove Dealers and Roofing "It was decided to try one case as successful business man, has a most the expense of living was less at the or service in this country, and the a test case, and the District Attor- marvellous faculty for expressing him- South, and further fact that the manstatute provides that every person who knewingly violates this law is subject to a penalty of \$1,000 for each alien who is thus illegally imwas from New Engand, stated to me manufacturers furnish their operatives that he supposed that, of course, Mr. with houses at rates which did not Sargent was a graduate of Harvard pay the taxes and insurance-charg-The truth is that after ing. for instance, at the Monaghan Mr. Sargent came down from the wit- Mills only \$2 per mo nthfor houses of ness stand we had the case won from four rooms furnished with bath and every standpoint. It would be vain electric lights. "In addition to this, it was shown for me to attempt to mention even our principal witnesses. There was Mr. that the Northern mill operatives Andrew E. Moore, general manager of would not come South because they the Loray Mills, who was formerly a could not find such attractions as existed at the North. Mr. J. A. Smith successful lawyer from South Caro-He was at our elbow at all testified that he went into a New Entimes, making most valuable sugges- gland mill village and tried to hire They asked him tions, and as a witness was unsurpasssome weavers. ed. Mr. J. H. Mayes, of this city, also whether they would find plenty of beer ditniguished himself in the giving of gardens and Sunday amusement places. When he fold-them that inhis clear and convincing testimony. stead of these they would have their Messrs. Lewis W. Parker and Thomas Parker, of South Carolina, were both choice of going to Sunday School on star witnesses, giving to the court a Sunday, or perhaps picking blackber-full exposition of what the South Carstated they did not care to come into lina manufacturers had done to supply the deficit of labor, and showing that every resource which the ingenuany such country."



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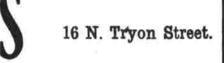
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controlling features in our cases, and that is, the provision that skilled labor may be imported when labor of in this country.

HISTORY OF THE CASE.

"Will you please give a brief history of these cases?" said the reporter.

"Well," replied Mr. Tillett, "that has been given so often perhaps your readers may tire of it. However, I will say that the manufacturers of great need of cotton mill operatives. formed what was known as the Textile Social Club. This club was formed in the spring of 1906 and, after having adopted certain regulations to prevent improper solicitations of each other's employes, the members of the club turned their attention to the subject of immigration. It developed in the trial of the case that the one supreme desire of the members was not violate the immigration law, My law partner, Mr. Guthrie, was called before the club and explained the iaw. Mr. D. A. Tompkins suggested that as Bouth Carolina was proceeding through a State immigration agent it that Costello had not been authorized would be well for the club to do the by our clients to make any promises same. An Englishman by the name whatever, and that we were not reof Thomas M. Costello, who had been sponsible for them. It was on this in this country for some time, and who before had been instrumental in the with the attorneys for the governimportation of several allens to work ment, and it was here that Judge in cotton mills, offered his services, Boyd made a ruling, which was very before the stated and understood that he migration of the cotton mill operatives that were government would have to show that law. The club appointed Mr. E. A. illegal, or that there was a conspiracy Smith and Mr. S. B. Sargent as a to violate the law. The attorneys for committee to look after the matter, the government continued after this and, among other things, to procure ruling to put up additional evidence, the appointment of a State immigra- but never fully recovered from this tion agent. These gentlemen went to blow. However, the acts and decla-Raleigh and procured from Governor rations of Costello were let in by R. B. Glenn the appointment of Mr. the judge with the understanding that land, Mr. Smith and Mr. Sargent der this ruling of the judge in our gave him positive instructions not to favor, a good many friends expressed make any promises or contracts to surprise that we did not move for or with the allens. Under hese in- a non-suit, but, of course, when we structions, and with this appoint- found the evidence all going our way,

ENGLISH GIRLS DISSATISFIED. a layman to be a technicality, and Again our witnesses testified the same

ould not work anywhere. Many of the case if we had secured a non-

the kindness and stiention shown them, For in stance, they were met at the dopt in carriages, when I supese many of the mhad never ridden in carriages before in their lives. Money was advanced freely to them and clothes and furniture also. It that the offers and promises of labor does not take the average Englishman had been made, and they had migratlong to get his head turned. They ed to this country in pursuance of found the demand Wor labor wery pressing, and they reached the conclusion that they could do pretty these people plainly showed that they much as they pleased, and began to were all anxious to come, and that much as they pleased, and began to make unreasonable demands. They insisted, for instance, that they should be allowed to go out of the mill an hour for breakfast at eight o'clock and leave at five in the afternoon. My theory on this point is confirmed by the fact that the partines who went to Gastonis got along better insisted, for instance, that they should

Phone girls have many ills. For which they take some masty pills: If a healthy and happy girl you'd be. Ring up for Rocky Muntain Ten.

by Costello, and that, if Costello had made such promises and contracts, they were made in direct violation of the instructions of our clients, and that, therefore, our clients were not responsible for them. In the second place, we contended that these people were imported to do skill labor, Charlotte and vicinity, realizing the and that labor of that kind unemployed could not be found in this country, and, therefore, although Costello had made contracts, still neither he or our clients were guilty of any violation of the law. It was on this last point that the most interesting features of the case center-

lina.

NO MOTION FOR NON-SUIT.

"After the trail had begun the ity of the most intelligent manufacgovernment offered to prove the turer could devise had been exhausted promises and contracts which were in the effort to remedy the evil. Malaimed that Costello made these peo- jor Lucas, of Wilmington, a graduate ple in England. We objected to of West Point, showed these declarations upon the ground thorough and intimate knowledge of the labor conditions of the country, as result of the most intelligent and exhaustive research, and he showed from statistics compiled by himself the fearquestion that we had a lively debate ful shortage of laborers of all kinds not only in the South, but throughout the country. "Besides this, we put on the stand club strongly in our favor. The judge 40 or 50 of the leading cotton mill the im- held that before our clients could be men and superintendents of the South. law, and could get all bound by Costello's declarations, the They were as fine a looking body of men as was ever seen in court, and needed without any violation of the we authorized him to do something testified with one voice as to the shortage of help and the desperate efforts

that were made to remedy the evil. progress of the trial, and the gradual wavering of the government's line of battle. When our first witnesses were Costello as State immigration agent. the responsibility of our clients for put upon the stand to prove the short-Before Mr. Costello sailed for Eng- them would have to be shown. Un- age of labor in this State, the government's attorneys cross-examined them very rigidly for the purpose of showing that we had not exhausted all reasonable efforts to secure operatives in this State. As witness after witness ment, Costello went to England, and we preferred to have a verdict of the came upon the stand, however, the brought back four or five different jury, which it is extremely difficult government gradually retired from North Carolina and retreated through parties, aggregating in number about to overturn, rather than have the case go off on what would appear to South Carolina down towards Georgia.

thus run risk of having the Appellate condition in these Southern States, "These operatives reached Charlotte Court send the case back for a new and so the government was forced on and vicinity during September, 1906. Nearly all of them were skilled tex-have some investigation of our right and Texas. The next contested States tile workers, but many of them soon to import these people as skilled lab-became dissatisfied. The causes of orers upon the ground that labor of when Mr. Thomas Parker testified that their dissatisfaction were perhaps that kind unemployed, could not be in one small town in Tennessee there numerous. Some of them were ut found in this country, and that point were eight labor agents from different verly trifling and of no account, and would not have been reached at all in States in one day seeking help, the

GOVERNMENT'S EVIDENCE.

tide of battle then turned toward the North and soon crossed the Mason and "In making out the case, the at-Dixon line. The government made a torneys for, the United States, relied bold stand in Philadelphia and in the almost entirely upon the testimony cotton mill sections of the New Enof the English immigrants to prove gland States, but unfortunately its only support in these positions were the three labor leaders referred to above, and when we put upon the stand Mr. Coffin, of the Whiting Ma-chine Works, and Mr. Meeks, of the those offers and that their transportation was paid. The testimony of Whitingsville Spinning River Com-pany, and other witnesses of like no offers, solicitations of any sort were character, who, during last year had accessary to bring them, but all they been through practically all of the

Mr. D. N. Walker, editor of that spicy journal, The Enterprise, Louisa, Va., auya: "I ran a nail in my foot last week and at once applied Bucklen's Ar-nica Salve. No information followed; the salve simply healed the wound. Heals sores, burns and skin diseases.

MR. COOLY'S ADMIRABLE CON-DUCT.

"With testimony of this kind the rovernment's attorneys saw it was a oregone conclusion that the verdict a most of the jury would be adverse to them at every contestable point. There was still, however, ground upon which they might have made a fight before the jury, which would have prolonged the agony for several days. In addition to this, they might have lessened the force of the fall to themselves as attorneys by an appeal to the higher

courts upon the rulings of the judge. and thus the contest might have been prolonged for several months, and even for years. At this junction we, as attorneys for the defendants, made an appeal to Mr. Cooly, as a repre-sentative of the government, to give up the fight. He frankly admitted that he was defeated, but for a while

he thought it was best to allow the fury to pass upon the case. However, after considering the matter more maturely, and after discussing the question with his associates, and also with Judge Boyd, he decided to abanion the fight. The court had adjourned for the day, but upon this determination by Mr. Cooly, the court man and admitted the defeat of the government. He stated that the

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Charlotte testimony. Thomas G. Northey, painter, of \$13 N. Church St., says: "Backache bothered me for many years and I have often had to lay off from work because of a weakness which kidney disorders brought upon me. I hap-pened to hear of Doan's Kidney Pills pened to hear of Doan's Kidney Pills and got a box from R. H. Jordan & Co.'s drug store. I had begun to be-lleve that there was no relief in store for me, but since taking the store for me, but since taking the pills I have not lost a single moment from work, my back has been free from pain and has been stronger in every way. I am glad to have an opportunity to tell others of my ex-perience." For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo-New York, sole agents for the United States. Remember the name-Does's-

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