

ASHEVILLE'S LEADING CITIZENS TESTIFY TO PRINTERS' CHARACTER

(Continue From Page One.)

Roberts, John Taylor, R. L. Jenkins, E. A. Hall, W. M. Ponders, and EVERY JUSTICE OF THE PEACE OF ASHEVILLE TOWNSHIP; and 45 of Asheville's leading business and professional men.

These men were practically unanimous in declaring that they had no knowledge of disturbances of the peace or violations of any laws or rights of the publishers of The Asheville Citizen and The Asheville Times and had only the highest regard for the defendant printers and that their conduct was at all times that of peaceable and law-abiding citizens.

In addition to the above affidavits, officers of the law swore that one of the special guards used by Charles A. Webb for police duty was a law violator, and six of the most prominent citizens of French Broad township came to Asheville to testify to the accuracy in its members and above all the promotion of health and welfare of mankind; that the organization endures and exists for this fundamental economic principle.

That on or about the 16th day of October, the defendants as free American citizens terminated their employment with the plaintiff and ceased working for it for the reason that their contract had expired or was about to expire and the defendants had requested the plaintiff to insert an arbitration clause into the contract renewal; that such an arbitration clause, the defendants are advised and believe, was reasonable and just for the publishers organization to which the plaintiff belonged recognized and admits the just principle of arbitration; that the principle of arbitration is comprehensive in scope and universally recognized in the nation and is being advocated as the mode of settlement of national differences in international courts of arbitration and judgment.

That the defendant, Frank J. Torlay, is the exponent of this enlightened principle of the International Typographical Union and of the Asheville Typographical Union No. 263 and the said Frank J. Torlay came to Asheville at the request of the defendant, the Asheville Typographical Union No. 263, for the purpose of getting the plaintiff and his co-defendants to reach a just and equitable agreement, affecting their relations and for the further purpose of averting or avoiding the disagreement and strife; that the act and conduct of the plaintiff and its owners and officers in approaching other printers and printing houses in an effort to prevent the making of new contracts or continuing the old or embodying the principle of arbitration, made it improbable and ultimately impossible to reach an agreeable understanding; that while the friendly negotiations were on and the defendant, Frank J. Torlay, and his co-defendants were making an effort to reach an agreeable understanding and effect an equitable contract the plaintiff while professing a spirit of fairness was at the same time importing employees to fill the places of employment then held by the defendant.

That the wage of a master printer in Wilmington is \$52.00 a week; that the same grade of efficiency in Asheville is paid for regardless of the size of the family of the printers on a basis of \$45 per week; that the plaintiff takes the money from the advertising public on the principle of the high cost of living in the city of Asheville but refuses to recognize this principle or submit the same to arbitration when dealing with its employees; that the defendants appreciate and realize that, in their co-operative struggle to better the conditions under which they must earn their daily bread, by suggesting the incorporation of the aforesaid principle of arbitration in their contracts; that it is largely an educational campaign and the same is often temporarily thwarted and sometimes defeated by rapacious employers such as the plaintiff that pray upon the pocket-books of the advertisers but refuse to meet any overture on the part of the employee which would tend to better the living conditions of either himself or family.

That the defendants are advised and believe that under the supreme written law of the land that the right to strike and to appeal to the reason of the fellow employee in a peaceful and logical manner, called picketing, is sacred; that the defendants are further advised and believe that as citizens of Asheville, that the privilege and right under the supreme law of the land to strike, picket, drive over and walk over the public streets and public alleyways leading to the property of some of the defendants is inherent and that by reason of the fact that some of these streets and alleyways are located in the neighborhood of the property of the defendant does not deprive the defendants of the right of traversing the same and continuing to use the same in a lawful manner; that they have done nothing to deprive themselves of this right and that the defendants are advised and believe that the option to strike and to picket and to have the use of our public streets and alleyways is a great fundamental privilege, amply safeguarded by the law of the land.

That the defendants have made no threats, have attempted to intimidate no one and have not used violence towards any person, employed or seeking employment of the plaintiff; that the defendants have done no injury to the plaintiff or its employees; that the defendants are advised and believe that a conspiracy is an agreement between two or more persons to do an unlawful act; that the defendants have not conspired to do an unlawful act and any charge to the contrary is a creature of the imagination, and food for the rapacious appetite of the plaintiff unfounded in fact, conceived in perversity and unconscionable to the still small voice of justice and right.

That the two newspaper publications, one the plaintiff in this action, as the defendants are advised and believe have, according to a preconceived plan and line of action counseled and advised together and have made an effort to secure the co-operation of other printers in the city of Asheville for the purpose of depriving the defendants and their employees, in their contracts, of the privilege of the great principle of arbitration that these publications have inter-changed or loaned material, labor, comfort and consolation to each other and have advised and convinced and conceived and instituted their action for their protection for the purpose of increasing profits of the publications and depriving the defendants or other workmen filling their positions in many instances of the actual necessities of life; that this action between the publishers and the plaintiff in the light of the perverted views of the plaintiff is legitimate, but the defendants must be measured by the standard of the plaintiff, deprived of the same privileges and rights and the same freedom of action that, while the plaintiff rides in protected seclusion surrounded by a golden halo of increasing profits, the defendants are by this action compelled to walk with the freedom of this method of locomotion restricted.

That Asheville Typographical Union No. 263 denies having done the plaintiff or its employees either an injury or having committed a crime against the person or property of the plaintiff or its employees or any other person.

That if the plaintiff has been damaged at all, it has been damaged in its speculative profits by reason of its action and system of advertising.

That the plaintiff and its officers and agents and employees have conspired together and with the Asheville Times Publishing company to institute this action and the action of the Times Company against the defendants as these defendants are advised and believe, for the purpose of injuring the defendants in their good name and reputation in the community and the plaintiff, its officers and agents and employees by reason of its wrongful act and conduct and the publication of defamatory matter and in causing the issuance of the restraining order herein as a result of the conspiracy aforesaid, to injure the defendants in their good name and reputation in the community by reason of the publication of the aforesaid defamatory matter and its acts and conduct in wrongfully procuring the temporary restraining order herein has caused these defendants great injury and damage; to wit: in the sum of \$25,000, which sum is especially pleaded as a counter-claim to any alleged claim of the plaintiff, under the statute.

Wherefore, having fully answered the defendants' demand that plaintiff take nothing by reason of its alleged cause of action and pray the court to dissolve the temporary restraining order; that the defendants have and recover the plaintiff the sum of \$25,000 by reason of its counter-claim; that the defendants be permitted to go hence without delay and recover their costs herein to be taxed by the clerk.

The following is the official order as entered by the court in The Times lawsuit against the printers: This cause coming on to be heard before His Honor, Judge P. A. McElroy, judge presiding, at this term, upon the complaint, answer and evidence offered by the respective parties in support of their claims and contentions, and at the close of all the evidence, the defendants having demurred ore tenus on the ground that the complaint to constitute a cause of action and moved to dismiss said action on that ground, and after argument of counsel the court stated in open court that he was of the opinion that the restraining order should be continued to the final hearing if the complaint states facts sufficient to constitute a cause of action for injunctive relief, but that he was further of the opinion that the complaint did state facts sufficient to constitute a cause of action for injunctive relief, and would dissolve the injunction heretofore issued in full force and effect until appeal could be heard in the supreme court, provided the transcript would be docketed at this term of said court and on the further condition that the plaintiff execute a bond in the sum of \$7,500, conditioned as required by Chapter 58 of the Public Laws of 1921:

It is now on motion of J. W. Hayes, George Pennell, Gallatin Roberts, and Guy Weaver, Attorneys for the Defendants. Ordered, adjudged and decreed that the restraining order issued herein, and dated October 30, 1923, returnable on the 17th day of November, 1923, be and the same is hereby dissolved.

Thereupon, the plaintiff in open court, having prayed an appeal to the supreme court in repleading or order and judgment, and the court finding that an injunction is the principal relief sought by the plaintiff, and upon all the facts in the said case said injunction should be continued and remain in full force and effect until said appeal shall be finally disposed of, it is ordered by the court that upon the finding by the plaintiff in the office of the clerk of the superior court, entitled as this cause a written undertaking, with sufficient sureties, in the sum of \$7,500 approved by the clerk of the court and conditioned as required by said statute, that said restraining order hereinbefore issued, and dissolved shall remain in full force and effect, upon pending the said appeal of the plaintiff to the supreme court of North Carolina, and until the hearing and determination thereof.

That it is understood and agreed that this appeal shall be perfected, docketed and heard in the supreme court during the week for hearing appeals from the Nineteenth Judicial District, present term, unless the same is continued on the motion of the defendants or motion of the supreme court. Should the appeal be not heard by reason of the motion of the plaintiffs, then the restraining order hereinbefore dissolved and continued, herein shall be dissolved.

It is further ordered that if the supreme court shall hold that the complaint states facts sufficient to entitle the plaintiff to injunctive relief, that said restraining order hereinbefore issued shall be continued until the final hearing.

It is further ordered that the summons, complaint, judgment and appeal entries shall constitute the record to the supreme court.

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received all the education they had wanted to obtain. He thought of his own struggles, and then he looked at that magnificent school building, standing there in darkness, night after night, and he solved another problem which was solved through both the rules of arithmetic and of the heart's training he had received.

Why not bring these men and women to this splendid building, at night time, while the children who use the structure in the day time are at home asleep.

And, like the pioneers in all progressive and good movements, he stopped the dreaming and set to work to make the dream come true.

It has, thank God, come true,—this dream of his, and has added glory to the already glorious record of the Belmont Vocational School.

Every Tuesday night, and every Friday night, lights shine in the Belmont Vocational School building. Down there in the specially prepared class rooms are groups of serious men, young men, middle aged men, and men who have long since passed the middle milestone of life.

Serious, did I say? Yes, serious, but a happy seriousness, an earnest seriousness. Among the number are men whose children attend the school in daylight hours, and these men are there for the same purpose that leads the little ones there day after day.

These groups of men are there to study, and they study, with the emphasis on the capital S. There are sheet metal workers, plumbers, steam fitters, auto mechanics, textile workers, and soon there will be more trades and classes. They are not men who are studying so they can fill a position—they're already filling positions, doing Charlotte's work each day. They're studying to better fill the positions they occupy and better perform the labor they love to do, and above all, to better enjoy the fruits of their labor, and to better enjoy their lives as well.

There are no drones there, in those classes. They're among the finest and best men in Charlotte. They've had their practical training, and they're all good in their respective lines. Many of them have been working in Charlotte night on a quarter of a century, and they have done good work, too. But there was lacking something—a something that kept these men from living the life they wanted to live. That something is being supplied those earnest men, out there at Belmont, every Tuesday and Friday nights. That something was the lack of mathematical knowledge, unfamiliarity with physics, the inability to express themselves as they wanted to express their thoughts about their work. Their practical knowledge was fine, but complex fractions bothered them. They well knew how to do things, but they wanted to know also the "why" it was done so and so.

And on those nights, out there, after having done their day's work, these men are learning all about the things that had bothered them heretofore. The classes are in session two hours, each night. One hour is devoted to the study of the actual work, drawing, fitting, cutting, etc., and in this class room all the best ideas of all the workers are put forth and from this exchange of ideas and efforts there is discovered the one best way to do a thing. The other hour is spent in study, with books and blackboards, and complex fractions, and physics, and causes and effects, and all the "book-learning" necessary to an earnest man in his particular work, are threshed out.

Now if any one has had any idea that these men are illiterate, that idea should be abandoned at once. They are not there to learn their a, b, c's. They're there getting the higher education in their particular line of work—something they had

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Saturday last day to register for school bond election. Register and vote your sentiments, whatever they are. As for us, we are in favor of the school bonds.

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The Mecklenburg Dairy Company, Inc. HIGH GRADE DAIRY PRODUCTS Corner East Fourth and Caldwell Streets J. A. YARBROUGH ROBT. E. M'DOWELL N. J. ORR President Vice-President Secretary-Treasurer Distributors Of PASTEURIZED, SAFE, SANITARY, QUALITY "MECKO" Sweet Milk, Butter, Sweet Cream and Buttermilk "MECKO" ICE CREAM in REGULAR and SPECIAL MOULDS OF FANCY DESIGNS. QUALITY FOOD. PHONES 3636-4855 CHARLOTTE, N. C.

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No Need To Fuss About It If you bought a car that had been used, and it was purchased from some one who had not told you the whole truth about it, and the thing will not run for love nor money nor with gasolene or kerosene, there's nothing to gain by losing your temper and fussing about it. WE TELL YOU THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH—About the used cars we sell you. We do this for two reasons: FIRST—We like to be honest. SECOND—When we sell a car that has been used, we always hope to sell that same person a new car some day, and if we fool him about the used car, we have little chance of ever selling him a new car—therefore we TELL THE FACTS about used cars. We have some genuine bargains in used cars, and we'll sell them on very easy payments. Dail-Overland Co. 436 W. Trade Phone 2596

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THOUGHTLESS. Effie—"Why hasn't Daddy much hair?" Mother—"Because he thinks a lot, darling!" Effie—(pause)—"But why have you got such a lot, Mummie-?" Mother—"Get on with your breakfast!" —London Opinion.

BUSSSES FOR RAILROADS FAVORED BY BUSINESS WASHINGTON, Dec. 28.—Linking an organized motor transport with the nation's railroads in the development of a country-wide system of transportation is suggested by a committee selected by the chamber of commerce of