

Milk Strikers Accuse Firms Of Trust Plot

Federal, State and County Inquiries Into Conference Board's Alleged Trade Combine Asked by Union

Charges of Big Profits

No Illegal Methods Used by Companies, Says Nathans; Injunction Guards Delivery

A legal bomb was exploded in the milk strike situation yesterday by an announcement that leaders of the strikers have called on Federal, state and county prosecutors to investigate the New York Milk Conference Board, charging that the organization and its members—the leading distributors in the metropolitan area—are engaged in an unlawful conspiracy in violation of the state law and the Federal statutes.

Supplementary charges are made that the board members themselves admit they enjoy a monopoly of the milk distribution in the City of New York; that "the same conspiracy allows them to secure a net profit of four to six cents on each bottle of milk sold" and that "it is fear of these facts being made public that caused them to reject all offers of mediation or arbitration."

All the allegations made are contained in an affidavit, bearing the signature of Fred J. Sterbinsky, president of Local 584, of the Milk Drivers' Union, which was filed in Kings County Supreme Court yesterday by John B. Daugherty at Washington, United States District Attorney William B. Hayward in New York, State Attorney General Newton at Albany, District Attorney Edward Swann of New York County, District Attorney Harry E. Lewis of Kings County, District Attorney Dana Wallace of Queens County, District Attorney Joseph Maloy of Richmond County, and District Attorney Edward Glennon of Bronx County.

Charges Made in Affidavit

Copies of the affidavit, together with letters from George W. Briggs, chief leader of the strikers, asking an investigation of the board and its members on a contention that they are violating the Federal Sherman anti-trust law and the state Donnelly anti-trust law, were sent last night to United States Attorney General Harry M. Daugherty at Washington, United States District Attorney William B. Hayward in New York, State Attorney General Newton at Albany, District Attorney Edward Swann of New York County, District Attorney Harry E. Lewis of Kings County, District Attorney Dana Wallace of Queens County, District Attorney Joseph Maloy of Richmond County, and District Attorney Edward Glennon of Bronx County.

Union Backs Injunction

"Were't you in my court two years ago representing the employers in the truckmen's strike?" asked Justice Kapper of Mr. Johnston. "And didn't you then obtain from me the very same sort of injunction which you are now resisting on behalf of your present clients?"

"Yes," replied the attorney. "And to show you that I'm still as fair in my convictions as I was then, I ask you not only to make this present injunction permanent, but also that you make the Milk Conference Board, which has asked for it, a party to and subject to its provisions along with the strikers. The union doesn't want violence in this

strike any more than do the distributors." Justice Kapper decided that the point was well made, and further granted Johnston's request that he be permitted to modify the draft of the writ entered by the conference board "so as to restrain the distributors from doing certain things. The hearing was then adjourned for several days."

It was at this juncture that the full text of the union charges against the distributors was made public. The allegations, according to Mr. Johnston, were made largely on the distributors' own sworn statements made in their application for the injunction.

The more important parts of the union charges, as contained in the Sterbinsky affidavit, are as follows: "Plaintiffs in their complaint, have significantly described these union locals as 'conspirators' in violation of the laws and have also recklessly described each local as 'conspirators' seeking unlawfully to destroy plaintiffs' businesses and deprive 10,000,000 people in New York and vicinity of their milk supply."

Plan of Distribution

"Plaintiffs nowhere allege that they have complained to the United States Department of Justice or to the Attorney General of the State, or invoked the aid of either to destroy these alleged 'conspiracies.' It is a significant fact.

"The board was established, according to its certificate of incorporation, to increase harmonious relations between milk dealers and milk producers in the state and to increase the spirit of co-operation for mutual benefit between them. Plaintiffs not only admit they enjoy a monopoly of the milk distribution in the City of New York, but boast that '85 per cent of all the milk in the city is distributed by them.'"

"Dependant avers that the primary if not the sole purpose for which this association was created is not to secure the production of the price of milk to the consumer, but to control the supply, particularly in the City of New York and vicinity, stifle competition and to increase the spirit of co-operation, to 'between its members' (that is, between its members) by increasing the cost of milk to the people of the City of New York."

"No matter what the initial cost of milk at the dairy, nor the distance it must be transported from the dairy to the depot in this city, nor how high or low the overhead cost of either plaintiff, nor how extravagantly or economically the operation of the business of one plaintiff in comparison with all the others; no matter what percentage of profit is earned through efficiency or percentage of loss suffered through inefficiency by one in comparison with all the others, the price of milk is always the same to the consumer, irrespective with which one of plaintiffs he deals. Moreover, if there is to be a change in the price of milk, notice of the proposed change is sent to the customers of each plaintiff at the same time and simultaneously, and the new price always becomes effective with each of plaintiffs at exactly the same instant."

Allegation of Conspiracy

"It is this unlawful conspiracy—the New York Milk Conference Board—that permits plaintiffs to maintain their monopoly of milk distribution in the City of New York and exact from its citizens 18 cents a quart for the same grade milk which the people of Chicago secure for 12 cents a quart, and it is the same conspiracy which allows plaintiffs to secure a net profit of from four to six cents on each bottle of milk sold."

The affidavit closes with the following paragraph: "Defendants are willing now that this court, which plaintiffs have chosen, shall act as arbitrator and settle the whole controversy, either with the aid or in the absence of the lawyers, and, pending the court's decision, the men are willing to return to work forthwith under the terms of the old contract, so that the distribution of milk to the people of the City of New York can be resumed at once."

Two alleged strikers were given nine-day jail sentences by Magistrate McLokey in Flatbush Avenue court, Brooklyn, yesterday, on charges of dumping milk, and five were held in \$200 bail each in a Rockville Centre court on charges of molesting a Borden driver.

The striking milk drivers and their sympathizers showed a warlike disposition in Jersey City yesterday. In several instances crowds of them were repelled by two policemen who guarded every wagon making house-to-house delivery. At Bright and Monmouth streets about fifty persons charged a Borden's wagon, but were repelled. Stones and bricks were thrown. Four men were arrested.

Change in Work Hours Urged to End Transit Jam

(Continued from page one)

ried during the fifteen-minute period, the Interborough provided seats for only 23,300. He said that this overcrowding of 290 per cent could be cut in half if spread over the two-hour period. If the distributing idea were followed, Mr. Turner testified, it would increase subway carrying capacity without spending a dollar for new subways.

Both George McAneny, chairman of the commission, and Judge Clarence J. Shearn, special counsel, pointed out that the suggestion was not offered as a substitute for building subways, but as a means of temporary relief and economy.

"It is a practical way to get relief from the almost intolerable conditions at present," said Judge Shearn. "Even if the commission had the full cooperation of the city, which it has not, the public would have to wait five years before a new trunk line could be opened. Something has to be done for the traveling public, and here is an idea which, with the co-operation of the business men of the city, regardless of the attitude of others, would increase the comfort of people going to and from work."

Junking of Surface Lines

On the question of junking the surface lines, Mr. Turner said that, while the development of both surface and elevated lines had remained comparatively stationary as compared with the subways, they were continuing to carry a large proportion of the traffic. If the suggestion to junk the surface lines were carried out, said the engineer, it would affect more than 300,000 passengers a year. Chairman McAneny expressed the belief that such a change in surface facilities would affect 1,000,000 passengers.

Through Fred W. Lindars, chief accountant of the commission, figures taken from reports of the Manhattan companies were offered to show the total cost to the companies per passenger for operating expenses and fixed charges. Judge Shearn explained that in this manner it was designed to "set at rest the question of what had become of the nickel and the conflict as marked that there was a large surplus left out of the nickel or a vacuum, assuming that the reports we are going to scrutinize were honestly kept."

Gross Income \$24,499,226

The total cost in cents per passenger to the Manhattan companies for operating expenses and fixed charges in two comparative years was shown as follows:

	1915	1921
Operating expenses	4.28	4.28
Taxes	2.30	2.30
Interest	1.02	1.02
Rents	2.26	2.26
Other expenses	1.00	1.00
Totals	10.86	10.86

According to tables presented by Mr. Lindars, the 1921 deficit of the New York lines was \$18,009,330, an increase over the 1920 deficit of \$5,690,000. The gross income of all companies, with the exception of three minor corporations, was given as \$24,499,226, of which \$18,928,273 was derived from railway operation and the balance from other sources.

Issued and outstanding stock against all the companies as of June 30, 1921, was given as over \$301,000,000, itemized as follows: Brooklyn Rapid Transit, \$127,523,000; Third Avenue, \$24,988,700; New York Railways, \$24,988,700; Interborough Consolidated, \$60,403,824; Hudson & Manhattan, \$45,237,941; Other companies, \$60,768,319.

Total Bonded Indebtedness

The total bonded indebtedness outstanding against all companies was shown to be \$774,227,051. Bonds outstanding against the Brooklyn Rapid Transit group were given as \$230,800,927, of which the B. R. T. itself was responsible for \$109,851,000.

Of the total operating expense of about \$91,000,000 for 1920, of all the systems, about \$70,000,000 went to corporate officials and employees as remuneration, according to the figures of Mr. Lindars. The 188 officials received \$379,435, an average of \$5,200, and the

Garment Strike Voted by 5,000 In Philadelphia

Piecework Battle Spreads; 2,000 Out in Montreal, Chicago Voting and Boston Union Ready for Action

Many Here Win and Return

Manufacturers Hesitate on Mediation Offer; State Board Calls Conference

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With approximately 60,000 in New York, there will be more than 65,000 garment workers out next Monday. At the end of the month, if the referendum that began to-day affirms it, an additional 5,000 will leave the Chicago shops.

Notifies Philadelphia Shops

President Benjamin Schlesinger, of the International Ladies' Garment Workers' Union, yesterday sent a letter to the Philadelphia manufacturers informing them of the result of the strike vote. He said: "Your demand for the re-establishment of piecework in your shops on November 21 was submitted to a vote of our Philadelphia membership. The workers voted almost unanimously to strike on November 21, the day set for the installation of your piecework system. In this defensive fight the Philadelphia cloakmakers will be backed by the entire membership of our international union."

The reinstatement of the piecework system would mean a total breakdown of all labor standards which have been established in the industry in the course of many years of hard and persistent effort, with the assistance of many public agencies and some of the best minds of the country. The workers in the cloak industry of Philadelphia cannot accept them unless they are ready to return to the condition of unregulated exploitation and semi-slavery which disgraced the cloak industry of the United States in the dark days of the sweatshop system."

2,000 Out in Montreal

In Montreal 2,000 cloakmakers are on strike. There will be a walkout in Boston, it was said, if the weekly wage system is abandoned.

From 1,000 to 1,500 workers whose employers have settled with the union returned to work with a hand yesterday afternoon. They marched through Fourteenth Street and Union Square, and then up town to the Thirties, where their shops are located.

They bore banners announcing that their bosses had abandoned the piecework idea, and suggesting that others do likewise.

Regarding the action of the American Cloak and Suit Association, including 900 shops not members of the Manufacturers' Protective Association, and which announced its intention of calling a conference of all concerned soon, there was a divergence of views yesterday. While the union is willing to treat with it, the Protective Association did not seem so inclined.

Union Welcomes Efforts

President Schlesinger said that the unions welcomed all efforts to bring about a resumption of work. He added, however, that the association did not represent an independent element. The large manufacturers have the bulk of their work done by contractors, and the American Association consists almost entirely of this class. Members of the American Association, he said, will be willing to abide by their agreements

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3,000 Visit Closed Car Show During Evening Program

Forty-five Dealers Declare Number of Sales Indicates the Automobile Business Is Rapidly Growing

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The Closed Car Show of the New York Automobile Dealers' Association at the 12th Regiment Armory, Columbus Avenue and Sixty-second Street, is attracting increasingly large crowds each night. Yesterday's program brought out a representative attendance of World War veterans, as well as a large delegation from the National Hotel Men's Association, which organization is holding its annual convention here. In addition, many delegates to the American Road Builders' Association meeting visited the show. The management reported its largest patronage last night, when from 8:30 to 11 o'clock, the hour of closing, more than 3,000 persons inspected the 290 late model automobiles on display in the armory.

The results of the show are beginning to make themselves apparent to the forty-five or more dealers who have gone to the trouble of introducing their 1922 close-car models to the New York public well in advance of the National Automobile Show which is held in January. They were unanimous yesterday in asserting that the demand for closed cars this year is far in excess of that of any previous year.

This, they say, is due largely to the comparative newness of the closed car and the realization, by inspection of the cars on exhibit, that they offer comforts and conveniences far beyond motoring heretofore not popularly known. The number of sales already made at the show indicates, according to Charles H. Larsen, chairman, which will make for a normal production soon in all lines of manufacture.

To-day will be Society Day at the show, when many of the city's social leaders will desert the Horse Show for the afternoon or evening in order to inspect the dealers' latest offerings. Automobiles ranging in price from \$955 to \$21,000 are on display.

Oil Strikers to Stay Out

Name Group to Meet Police and Tidewater Officials

BAYONNE, N. J., Nov. 16.—Twelve hundred Tidewater Oil Company strikers met to-night and voted to remain on strike, offering no concessions to the company. Five men were constituted a committee to act in conference with company and police representatives.

Chief of Police O'Neill issued a warning against attempts to import armed strike-breakers.

Officials of the Tidewater company denied that they intended to bring in strike-breakers carrying arms. They would not deny that it might be necessary to hire outsiders. The company issued an official statement that it had never, in any of its difficulties with labor, employed armed strike-breakers.

Dog Bites Seven Schoolboys

EAST ROCKAWAY, L. I., Nov. 16.—Seven boys were bitten by a dog in the playground of the East Rockaway School yesterday afternoon. The dog has been taken in charge by the Health Department to learn if it was suffering from rabies.

The boys were leaving the classroom for the playground when the stray bulldog ran among them. They clambered up a fire escape, but their weight caused it to drop and they were thrown into the yard. Maxwell Pierce and Joseph Hess had their wounds cauterized. Those who were scratched are Eugene Smith, Leonard Hammond, Arthur Hamilton, Albert Edwards and Stephen Petrelli. None was seriously hurt.

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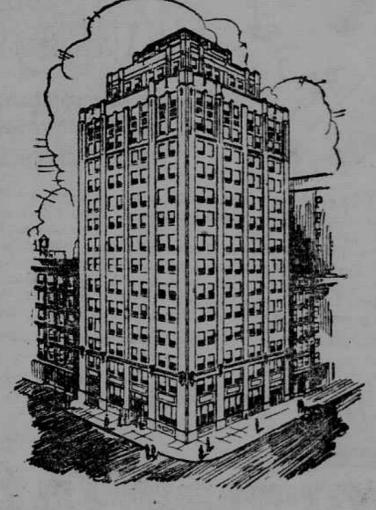
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