

BUSH CATEGORICALLY DENIES ALLEGATIONS OF OUSTER BILL

Sheriff Files Answer and Gives Detailed History of the Street Car and Textile Mill Troubles—Avers He Has Performed His Duty to Best of His Ability.

The second chapter in the ouster proceedings against Nick Bush, sheriff of Hamilton county, was written Tuesday morning when his counsel, T. Pope Shepherd, Will F. Charles, W. T. Murray, George W. Charles and W. A. Schofield, filed an answer to the bill filed in the chancery court some weeks ago by Frank M. Thompson, attorney-general for Tennessee, asking the sheriff's removal from office because of certain alleged omissions, constituting malfeasance and misfeasance in office.

The document is fully as voluminous as the original bill and goes into the detail of the sheriff's administration. It is largely made up of general and specific denials of the charges made in the ouster proceedings and a review of the history of the administration of the office under Sheriff Bush since his first election in August, 1914, and his second term beginning in August, 1916.

The sheriff admits the general statement of his election for the two terms as stated, and asserts that he has been a consistent conservator of the peace and vigilant to prevent all classes and character of offenses against the peace and good order of the community. The answer declares that:

"He has consistently and without fear or favor attempted to enforce all laws and to maintain peace and good order at all times and at all places, and avers that he has performed all the duties required of him by the law and set forth and alleged in complainant's bill."

Reichman Case.
The sheriff admits that he was aware through the public press of a judgment of the supreme court, removing Sheriff Reichman of Shelby county from office and that the court had held it was the duty of the sheriff to be active and vigilant in the performance of his duties and not knowingly permit a violation of law and not permit the law to be violated after notice of such violation either actual or threatened.

Defendant did not require the decision in the said Reichman case to inform him as to his obligations in the performance of his duty as sheriff. Defendant at all times since his induction into the sheriff's office has fully, faithfully and righteously performed his duties to the fullest extent and has not been guilty of any such time subject to the charge of an unlawful performance of his official trust.

"Defendant denies the allegations in paragraph one of said bill to the effect that he has knowingly, willfully and negligently, and willfully, misconducted himself in his office, and knowingly and willfully, neglected to perform duties solemnly enjoined upon him as such sheriff, fully and knowingly and willfully, and defendant respectfully differs from the conclusions in said paragraph that he should be ousted from his said office. On the other hand defendant has honestly, faithfully and vigilantly

done all things in the performance of his full duty in accordance with the best of his ability, judgment and efforts."

Street Car Strike.
Touching on the street car strike, the sheriff admits that it is entirely proper and desirable that the street car system should be operated for the convenience of the people and that passengers of the cars should be protected, made comfortable and safely carried and that he regrets that these ideal conditions have not existed at all times, but denies emphatically that he is responsible, for the fact that they have not, or that he has had any guilty connection therewith.

He admits that it is his duty to prevent unlawful assemblages and to discourage meetings from which violence and lawlessness are to be reasonably expected.

He denies, however, that he failed in the performance of his duty, and that riots and outbreaks of violence have resulted from anything the defendant did or anything he omitted to do. The answer then proceeds:

"It is true that there have been within the last few months unfortunate outbreaks of violence which have resulted in the destruction of property and personal injury to a number of people. Defendant was not responsible for these outbreaks, had no previous notice of their occurrence, and was not in any way responsible therefor. He did all in his power to discourage and prevent violence and was active and vigilant to break up and disperse every unlawful meeting or assemblage he had notice of beforehand or knew of while such meetings were being held."

Textile Mill Strikes.
"It is true that last spring there arose a difference between certain textile mills and their employees in said county, which resulted in a strike and a lockout of the employees at said mills. There was a determined fight between the employers and employees, the employers demanding the privilege of operating their mills without union labor, and the union employees demanding that the mills recognize the union and employ only members of such union."

"It is not true, as alleged, that defendant took no steps to discourage such strikes and lockouts, suggested violent acts and took no precautions to prevent the execution of these threats. On the other hand, defendant was active and vigilant to prevent any violence, and, as a matter of fact, by the use of his force of deputies, protected the property of every mill owner in the county, and possibly prevented at least some damage and loss."

"It is also true that the process in said case was conducted in a manner which was not in accordance with the law and that an injunction was secured and served on a number of the so-called strikers. It is true that the process in said case was conducted in a manner which was not in accordance with the law and that an injunction was secured and served by one of his deputies."

"It is denied that defendant knowingly and willfully absented himself and his forces from the places where violence was expected to break out and took no cognizance of such prospects. On the other hand, defendant was many times present at points where trouble was feared, and at all times during the strike and lockout, he called his deputies at each mill in discharge of his full obligation and in accordance with the complete satisfactory understanding with the mill owners as to the necessary steps to provide against violence."

"It is true that the governor of Tennessee called out and had organized a force of state militia in Hamilton county. It is denied, however, that there was any reason or necessity for such course, and this was soon discovered after the force was organized and a considerable amount of public money was expended and the force was withdrawn. The governor's action in sending said rangers was the result of an ill-advised request from certain citizens and manufacturers who were not well informed as to the actual conditions and the preparations made by defendant for handling the situation."

"It is true that the complainants in the injunction suit applied for and procured citations against a number of parties for contempt of the injunctive order and that these contemners were arrested by defendant and taken to jail. Defendant understood that this contempt grew out of the fact that defendants had violated the chancellor's order in regard to picketing the mill properties and attempting to dissuade the employees from further working for the mills. It was no secret that the complainant in that case had filed petition for contempt, and defendant did not regard the process as suggested by requiring secrecy, but felt that he was performing his full duty when he arrested the parties and admitted them to jail."

"The incidents principally responsible for the editorials in the newspapers were the interference with passengers on the street cars and differences and trouble occurring on the street cars growing out of the strike controversy. Working in conjunction with the officials of the street car company, defendant placed fifteen deputy sheriffs on duty riding the street cars to and from East Chattanooga. The guards were put on cars, and were kept there until the street car company officials decided that they were no longer needed."

Rangers Not Needed.
"It is true that the governor requested of the criminal judge and the district attorney-general information as to whether the state rangers were needed for the protection of life and property in Chattanooga. In answer to this inquiry, the governor was, in effect, advised that the rangers were not needed and the sheriff and his force could and were handling the situation. The effort in complainant's bill to misinterpret the meaning of the

message of the criminal judge by the emphasis placed on the word 'could,' and thus conveying an intimation that the sheriff 'could' if he 'would' handle the situation, is not justified and reflects seriously on the fairness and good faith of the draughtsman of the bill.

Force Sufficient.
"It is not true that defendant at any time claimed that he had an insufficient force to render the protection desired or that defendant represented that he could not procure an additional force of deputies, and it is not true that these statements were made in connection with the statement that it would 'ruin' any one to stand for the enforcement of law and suppression of violence under such circumstances. Defendant denies that he made the statement alleged, or any statement which could be in any way construed to mean that he was afraid to enforce the law."

Arrests By Deputies.
"It is not true, as charged, that defendant, throughout all the troubles alleged, made no arrests, but, as a matter of fact, only a few arrests were made by the defendant in person. This is not different from the usual custom of defendant, as he rarely makes an arrest personally, that being left to his deputies."

"All parties against whom warrants were issued have been apprehended where it was in the power of defendant and deputies to do so after vigilant and active search. The persons alleged to have assaulted Messrs. Green, McGee and Case, contrary to the allegations of complainant's bill, have since been arrested and their cases have been called at least twice before criminal court of Hamilton county."

Good Case.
"Defendant was not present in court when the case against Good was last called and cannot state what occurred between the court and the attorneys. He is not an interested party. Mr. Shepherd stated in substance that he had information to the effect that defendant Good had remained in Hamilton county for some two weeks after the alleged assault and was not at that time arrested. Defendant avers that he was active and diligent in his efforts to apprehend this man Good at all times after the assault in question. Defendant is not aware of the fact that the reason that Good could not be found was that he had almost immediately after the assault fled the county and remained continuously away from the county, except when he came in for short visits."

Street Car Troubles.
"It is true that defendant had knowledge and notice in a general way that there was existing between the street car company and its employees a controversy which would likely result in a strike. He was also informed by general rumor that the strike was imminent and would probably occur on the afternoon of Sept. 7, but the hour set for the employees to leave the car was not known to any one except to members of the car union. It is true that defendant knew that a strike on the street cars would cause much confusion and inconvenience to the customary patrons and that a large number of persons would be greatly embarrassed and left without transportation and not from any riotous or violent conduct. Defendant was called the cars would be left in the barns and the traveling public would suffer only from a failure to have transportation and not from any riotous or violent conduct. Defendant avers that he had no reason to anticipate any violence growing out of the proposed strike on the afternoon and night of Sept. 7."

Violence Without Warning.
Then follows a brief review of the strike and attendant circumstances culminating in the assembling of a mob on Market street and the riotous and violent conduct. Defendant claims he had no previous knowledge of it. However, he prepared to assist in preserving the peace as soon as he learned of the strike. He called his deputies in and gave them instructions as to their duties. While the city police had charge of the trouble, he was prepared to assist. He responded to all calls he did all in his power to preserve peace and order."

Soldiers Called.
The answer then goes into a detailed account of the troops from Chickamauga park, which, with the aid of the police and the defendant and his deputies, kept down any serious trouble. This was from Sept. 19 to 23. The defense then says:

Fateful Parade.
"On the 23d day of September there was advertised a parade and meeting of the striking street car men and their sympathizers. This parade was announced and intended as a peaceable meeting for the discussion of the controversy between the laboring man's standpoint and that of the street car men; that there would be no violence during the parade or at the meeting. No effort was made to stop the meeting either by the defendant, the police or by any citizen of Chattanooga. It being conceded that these men had a perfect right to meet and discuss their existing troubles among themselves, and that the defendant had the peaceful purposes of the meeting, defendant prepared himself to be ready in case of a clash or in case of any violence or threatened disorderly conduct. Accordingly he organized his force of deputies and had a number of them stationed along the line of the parade and also a number at the courthouse, where the meeting was to be held. Defendant himself took a position on Market street at or near Seventh street."

Cause of Clash.
"During the parade a street car was run down Market street and came in collision with an automobile. The motorman seemed to have lost control of his judgment and seems to have become frightened and hysterical and rushed his car down Market street and collided with a number of standing automobiles and caused a great commotion and excitement. The street was crowded with the parade, sympathizers with the striking street car men, and curiosity seekers. As a result of this ill-advised action and the commotion and excitement caused thereby there began a riotous demonstration and an effort made to do personal violence to the street car men. It is true that the car was damaged and the men in charge of the car were assaulted and badly mistreated. As soon as defendant discovered this riotous demonstration he hastily made his way to the point of trouble, mounted the street car and made every effort to quell the disturbance and prevent further damage to the car and the men thereon. By and with the assistance of the policemen the excitement was somewhat quelled and the men on the street car were gotten off and loaded into the police patrol and carried out of the crowd. Defendant has felt that his presence upon this occasion was a strong factor in preventing further damages and disorders, and in going to said street car he went for the purpose of quelling the disturbance, if possible, and to perform his full duty as conservator of the peace. After the excitement had quieted down and before defendant had left the street car with the injured employees, some few persons, unknown to the defendant, shook hands with him as they passed, but

termine why this was done. He at the time thought it was in the nature of an approval of his efforts to maintain and preserve order.

Made No Arrests.
"The defendant did not make any arrests upon the occasion of the violence aforesaid, for the reason that he did not recognize any member of the mob engaged in any violence. There was a seething mass of humanity, greatly excited and agitated, the individuals of which were to an extent unrecognizable."

DISGRACEFUL ACTS.
"Defendant admits that the breach between the street car company and its employees, coupled with the various acts and omissions, constituted a serious situation and resulted in an unfortunate, if not disgraceful, chapter in the history of the city of Chattanooga. It is true that disposition was shown by the strikers and their sympathizers, or both, to prevent the street car company from operating street cars except in command of union men. However, throughout this trouble the members of the street car men's union and in responsible officials of organized labor maintained that they were strongly opposed to violence or unlawful interference with the operation of street cars. It is also declared and maintained that the disorders were not engaged in by members of the street carmen's union and were strongly discouraged by them and the responsible labor leaders. Defendant gave the public warning many times assured that the labor organizations would see to it that no further disorders would be permitted and it is a fact that every effort was made by these organizations to discourage and prevent irresponsible sympathizers from violent or unlawful acts."

History of Trouble.
"The foregoing is a categorical answer to the allegations of the bill, but the facts are not stated chronologically."

"Defendant desires to here state a short history of the situation involving labor troubles in Hamilton county for the last six months and his connection therewith."

"The first trouble of magnitude was the strike or lockout in the textile mills of the county. Many hundreds of employees and a number of mills were involved. The strike was made up by each side for supremacy and naturally feeling ran high."

Year's Disorders.
"Throughout the year 1917 there has been recurring rumors of strike trouble between the Chattanooga Railway and Light company and its employees. This situation became acute about Sept. 1, and on Sept. 7 there was a strike called and executed. Defendant had watched this situation, but was aware that there was impending such a determined effort and particularly was not informed of and did not expect any intention of violence."

"Defendant issued specific instructions to be active in the performance of their duty to suppress all violence and prevent injury to persons or damage to property. He instructed his officers to keep in constant touch with the jail office and hold themselves in readiness to answer any call or report of trouble. He directed that said officers should immediately report any information of impending or actual trouble and make diligent investigation of all such information and arrest all persons found violating any law. He directed that all officers keep on the move in an earnest effort to locate any points of actual or threatened trouble."

At Car Barns.
"On the night of Sept. 10 defendant had his entire force of deputies at the jail as a precautionary measure and marched his force to the barns of the car company and placed them on guard to protect the property from damage and suppress violence."

"Defendant was called on for special service by the street car company or the police department, otherwise than above stated, and saw no occasion or necessity for him to furnish guards at the car barns or on the cars. The company had employed a large force of special policemen and these men, under the authority of the city police department, guarded the car barns and the street cars. Defendant considered the question of placing his deputies on some of the street cars and advised with his counsel on this subject. He was advised that it was not his duty to place the special policemen were riding the cars and acting as guards."

"In further consideration of this question defendant determined that his force of deputies should be in seeking out sources of trouble and in moving from place to place in the nature of patrol duty and being in readiness to be rushed to any point of disaffection or trouble. After the cars began to run to the suburbs of the city and to be operated at night there were other attacks made. In most instances these attacks were under cover of darkness and were tactics of the guilty parties thereby made difficult."

Injustice of Proceedings.
"The humiliation and injustice of this proceedings has been forced upon defendant and he has been unsuccessful in preventing acts of violence and did not conduct himself to the satisfaction of some people particularly interested in the controversy. Defendant is not particularly interested party and was not work with that end in view."

"In the light of the duties prescribed for a sheriff in the supreme court opinion in the Reichman case defendant is not subject to be removed from his office."

"It is not a sheriff's duty to patrol the county or city, yet defendant maintained a large force of deputies in patrol duty throughout the period of this trouble."

"A sheriff has a right to assume that a well organized police force of a city will take care of the city unless he has a reason to believe that such police are not doing their duty or are incapable of handling the situation. There was no reason to believe that the police force of Chattanooga was either incapable or neglectful of its duty. But, notwithstanding this situation, defendant assisted with his force of deputies in patrol duty, suppression of violence, and investigations of offenses, all within the city."

"It is not a sheriff's duty to maintain a detective force, yet defendant had a force of deputies constantly at work seeking information leading to the identity of perpetrators of lawless acts. It was not defendant's duty to maintain a patrol at the mills and on the street cars, yet he did this in every instance when he was requested by the owners."

"Defendant used and exercised an active diligence to inform himself of conditions existing, and was alert to discover evidence of intended violence. He neither avoided information nor absented himself from places where trouble was to be expected."

"In short, defendant made an honest and intelligent effort to do his full duty in every respect."

"Confident in the justice of his cause and conscious of no wrong, the defendant submits the foregoing facts as a complete defense and vindication of himself from the injustice of this cause."

The answer closes with the usual prayer that the charges, having been fully answered, the petition of ouster be dismissed.

War and Sugar

Before the war, England imported practically all of its sugar from Germany, Austria and far-away Java. France produced all the sugar it needed, and had some to export. Italy supplied itself.

The war abruptly shut off England's supply of sugar from Central Europe. The armies of Europe have overrun the beet fields of Northern France, Belgium, Poland and Russia. Today the battle lines encircle the vast sugar beet area of the Central Powers. About one-third of the world's former production is unavailable to the European Allies.

The main sources of available sugar for the United States and the Allies are narrowed down to the West Indies (principally Cuba), Hawaii, the Philippines, Louisiana, and the sugar-beet fields of the Middle West.

Cuba has now increased its production of sugar cane, but England, France and other foreign countries perforce have increased their importations of sugar from Cuba.

There is an abundance of sugar in far-away Java. It is as useless to the world as unmined gold, because no nation can spare the ships to carry it.

This country and Europe could only procure sugar from Java by using ships badly needed to carry American troops and supplies to France.

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