

Bridge Complaint Is Amended

NEW PARTIES PETITION TO COME IN AS PLAINTIFFS IN THE GARREN ACTION.

We are publishing a petition in the cause recently filed in the Garren action regarding the Kingston cemetery. We carry this because of the fact that it contains matter of some historical importance locally.

We are advised the Garren complaint has been amended by bringing these parties in.

The petition follows:

State of South Carolina, County of Horry, Court of Common Pleas.

Ex Parte, T. S. Daggett, Jas. H. Porter, Harry T. Porter, Minnie Daggett Steele, Susie Daggett Smith, Walter E. Porter, G. B. Gillespie, L. D. Causey, C. C. Causey, J. G. Ray, D. H. Ray, Louis G. Ray, R. S. Ray, M. B. Price, Margaret Holt, Daisy McDowell, Louisa Cox, Ruth Harrelson, Eva Westbury, Thomas Westbury, Maggie Benton, Eddie Westbury, Lizzie Chestnut, Willie Price, Tom Price, Herbert Price, Lily Holt, J. H. Price, R. R. Beaty, Jno. S. Beaty, Mildred Beaty Felder, Louise Beaty, E. N. Beaty, Rufus G. Meison, D. E. Grant, J. W. Oliver, Thos. Tracy Walsh, Frances B. Walsh, J. Walsh Miller, Geo. C. Walsh, W. B. King, Ed. J. Norman, H. N. Sessions, Hattie Smith, and H. G. Cushman, Petitioners, In Re: Mrs. Clara Garren, Plaintiff, vs. L. D. Magrath, as Mayor of the Town of Conway, and T. T. Elliott, J. K. Stalvey, Jop L. Chestnut, Jno. E. Watson, A. H. Long and J. W. Taylor as Aldermen of the Town of Conway; J. F. Harper, S. C. Davis and Geo. W. King as members of the County Board of Commissioners of Horry County, and H. P. Little as Road Commissioner for Horry county, defendants.

To the Honorable, the Court of Common Pleas for Horry County, S. C., your Petitioners respectfully shew:

I. That an action is now pending in this court entitled as above, wherein Mrs. Clara Garren is plaintiff and L. D. Magrath, as Mayor of the Town of Conway, and others named in the caption hereof are defendants, which said action relates to the graveyard situate in Conway, S. C., on the banks of Kingston Lake and between Kingston Street and Kingston Lake and Kingston Presbyterian Church, as is fully set out in the complaint in said cause.

II.

That your petitioners are parties in interest regarding the matter and things set out in said complaint, and as such parties in interest are materially interested in the preservation of the graveyard undisturbed, unmolested and without deprecation or desecration for that the said graveyard contains the remains of the kindred and loved ones of your petitioners, as well as the remains of many other men and women of local and state-wide prominence, including two Revolutionary soldiers, Col. Robert Conway, the man for whom the town of Conway is named, and out of whose freehold the said town of Conway was carved, located, mapped and granted; three former Sheriffs of Horry County, a former Clerk of Court of Horry County, a number of Confederate soldiers and numerous pioneers of this community; and also, as your petitioners are advised, the remains of five soldiers of the Union Army, buried there during the occupancy of Conway by the forces of the Union at the end of the Civil War.

III. That your petitioners further have a definite, fixed and legal interest in the premises described in the plaintiff's complaint, for that:

(a) Your Petitioners, T. S. Daggett, Jas. H. Porter, Harry T. Porter, Minnie Daggett Steele, Susie Daggett Smith and Walter E. Porter are the descendants, heirs-at-law and next of kin of the late Captain Thos. W. Daggett and the later Walter E. Porter.

(b) The Petitioners, G. B. Gillespie and H. G. Cushman are the grandsons and great-grandson of the late James Beaty and his wife, Elizabeth Beaty, and the brother and nephew of the both of whose bodies are buried in the aforesaid cemetery, and both of whom

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Imprisoned for 13 Hours in Well, N. C. Man Rescued

FUQUAY SPRINGS MAN IS APPARENTLY UNINJURED EXCEPT FOR MINOR HURTS

Fuquay Springs, N. C., March 16.—Entombed for 13 hours in a 70-foot well, Jeff. Ashworth was rescued early today.

Ashworth had been pinned by caved-in walls forty feet down in the well and was exhausted after a group of rescue workers dug away the debris all night by the light of automobile headlights, farm lanterns and candles.

Ashworth was placed in the hands of physicians when he was rescued. He said that he rested easily for the last five hours of his entombment.

When the rescuing party pulled Ashworth out he was exhausted. They carried him home where he stretched out in normal comforts once more to recover from the strain and worry.

No outward physical injury was indicated by him in the few words of thankfulness he mumbled.

Ashworth had read of Floyd Collins and the Kentucky cave-in, he said just before he dropped off in sleep of exhaustion as dawn streaked the sky but his consolation was, he said, that he could talk with his companions above him all the time of his 13-hour plight.

Early yesterday Ashworth went down in the well to clean it out. He was being lowered in a loop to the bottom seventy feet down. When he reached forty feet down a good part of the well sides between the top and where he hung suspended caved in and the stone formed a roof over his head, cutting off sunlight and air.

Lack of air circulation was what the doctors, working with him this morning said they feared as the greatest possible adverse circumstances to his recovery or possible later complications in his lungs.

A curious crowd had gathered and all hands volunteered to removing the rock curbing. The work became desperately in earnest. J. D. McIver, local citizen, took charge. Three men got down into the well working like beavers, removing stones. Bucket after bucket shot out of the dark cavity of rescuers relieved relay.

Night came on. Toward midnight half a hundred persons still remained at the wellside. Ashworth's voice came up clear but growing fainter from day to night. Dirt he kept saying was falling through the crevices between the stones.

Shortly after midnight amid a tumble of stones and dirt covering his pinned-in body, they reached him and pulled him out.

Some of the group offered a voluntary prayer in the early morning air and a few companions carried Ashworth home.

Today the town hopefully awaited word of his rapid recovery.

GETS GOODS FROM ALL PARTS OF THE WORLD

The well dressed windows of the Conway 5c to \$1.00 Store caused the writer to stop and investigate the various features and departments this new store of Conway offers to Horry county and the town of Conway. This new store equals in every way the large chain stores now operating in towns larger than Conway. The observer will find a wealth of everything that a variety store of this kind must carry.

And from his inexperienced eye could tell at a glance that the quality of the merchandise was of the very best, and at the same time most reasonable. In talking to Mr. Herzberg, the Mgr., he informed us that he has glassware and china coming from all parts of the world—mainly Russia, Japan, China, Germany, Holland, England, etc. The novelties offered by this store have never been seen in these parts before.

It certainly would be a treat for those of you who have not been to this store as yet to browse around and see for yourself all the writer has seen and enjoyed.

MUSIC RECITAL

There will be a music recital at Zion school house, Galivnata Ferry Tuesday night March 29 at 8:00 o'clock. An admission of 16 and 25 cent will be charged.

FATE OF BIGHAM SET FOR TRIAL IN CONWAY APRIL 4

Under terms of an order issued by Judge M. L. Bonham last Wednesday morning, Edmund Bigham, charged with murder in connection with the killing of five members of his family six years ago, will be tried for the third time at a special session of court beginning April 4, in Horry county.

The order of Judge Bonham followed the renewal of an effort on the part of defense attorneys to secure a change of venue back to Florence county, the scene of the killing. Judge Bonham, however, held that to change the trial back to Florence county would constitute the revocation of the ruling of another circuit judge, which, he said, he had no right to do.

In granting the order for the brief continuance, Judge Bonham chiefly based his decision on facts brought to his attention, as well as to the attention of Solicitor L. M. Gasque, which were not brought out at the hearing of the motion this morning.

"There are conditions of a peculiar nature existing now," the judge said, "which seem to me to entitle the defendant to have a period of time in this case. They are of so delicate a nature and so peculiar a nature that, in consideration of the feelings of others, they have not been declared in the argument of this case. They have been brought to the attention of the state's attorney and of this court. They are things of a temporal nature which in the course of a little time will have passed away. To compel the defendant to go to trial today with these things existing would be harsh, unfair and unnecessary."

It was learned, however, that the matters of which the judge spoke in no way pertained to Bigham or his witnesses.

In his argument before the judge on the motion, Mendel L. Smith of Camden, defense attorney, declared that strictly as a matter of law the defendant had ample grounds on which to base an appeal for continuance over the spring term of court. He produced a telegram received early today from a physician of Asheville declaring that Mrs. Edmund Bigham could not attend the trial due to the fact that she was suffering from influenza. But Judge Smith did not make this telegraphic statement a basis for his argument. He removed the matter entirely in his plea before the judge and declared that the defendant was anxious for trial. This was an obvious point both on the part of state and defense. Both sides made themselves clear that no unnecessary delay was wished, and that the public, the defendants and all concerned, with the case were anxious for its disposal.

Judge Smith informed the court that he had been authorized by Phillip H. Arrowsmith of Florence to say that Mr. Arrowsmith, due to pressing legislative business in Columbia, would be unable to attend the trial of Bigham just at this time.

The main issue centered around removal of the trial from Horry county back to Florence county, where in 1921, near the little town of Pamplico, five members of the Bigham family were completely wiped off the earth in the space of a short time. A. L. King the attorney for Bigham who has doggedly and steadfastly fought for his client from his first trial in March 1921, down to the present day, presented his argument for the change of venue at the opening of the day's session. He declared that conditions were such that sentiment was so prejudicial, that in Horry county, a fair and impartial trial was an impossibility. Supporting his contention he produced an affidavit, signed by the Rev. W. O. Henderson, pastor of five churches in Horry County, in which the minister set forth that on many occasions he had heard discussion of the Bigham case, and in every instance those taking part in the discussion declared their opinion to be that Bigham was guilty.

Four members of the jury venire for this term of court, Judge Smith said, in taking up the argument, were members of the venire from which the jury was selected for Bigham's second trial in September, 1924, two of whom actually served on the jury in the Bigham case. This trial resulted in a verdict of guilty, carrying with it the death sentence. The association of

these jurors with their fellow jurors, the death Judge Smith declared, during the trial last week, has resulted in some discussion of the Bigham case. Mr. King argued probably 45 minutes while Judge Smith's argument occupied about a half hour.

In replying to the arguments of his opponents, Solicitor Gasque, officially disapproved of the change of venue or the continuance of the trial.

"I want a trial," he declared. "I am more interested in the trial of this case than in the time or place."

In Horry county, however, Mr. Gasque saw no reason for anything but a fair and impartial trial. He declared no prejudice against the defendant existed and that the trial should remain here as originally ordered. In his argument, which was brief, Mr. Gasque said that he insisted on a trial at the spring term of court. But if the court should see fit to carry the case over for a week or two, it would be agreeable with the prosecution, as far as the state was concerned, everything was in readiness for the trial.

In rebuttal, Judge Smith, pointed out that a strange situation existed. Everyone, he said, was agreed on the common desire for disposal of the case. Yet conditions were such that it would not be in the manner of impartial justice to bring the defendant to trial today.

Judge Bonham, immediately at the close of the argument ruled as follows:

"This is a motion on the part of the defendant for a change of venue in this case. It is supplemental to the matter which came before me a week ago upon a similar motion."

"I have read and listened with care to the reading of the affidavit of Mr. King and of Mr. Henderson. These affidavits do not present a condition different from that presented to me the other day. Mr. Henderson does not himself say that he does not believe that the defendant can obtain a fair and impartial trial in Horry county. He does say that he has heard a number of people express the opinion that the defendant was guilty, but it would be an idle thing to say that what one has heard is a general expression of opinion of the county. I am not convinced by the showing made that this man could not obtain a fair and impartial trial in this county."

"It is urged in arguments that this question, involved in this motion, should not be determined upon the constitutional limitation of the right of change of venue, but should be considered rather in the light of a motion to revoke a former order made by a circuit judge by which the case was moved from Florence to this county. I am firm in the conviction that I have no right to set aside the order of another circuit judge. Therefore, the motion to change the venue upon this affidavit and upon the further ground of revocation of the order of the circuit judge must be denied."

The question has presented itself whether this case should be ordered immediately to trial at some other time. The trial is fixed to be held in this county. When I assumed the duties of a circuit judge I expressed to some friends this sentiment, who were kind enough to say kinder things: I have no desire to be remembered when I am gone as a great and brilliant judge, but I do hope that when I have laid down the duties of the office that it can be truthfully and conscientiously said of me that he was a fair and impartial judge. I conceive it to be the duty of one occupying this position to see that justice be done the state and the defendant in this court of general sessions in every case.

"There are conditions of a peculiar nature existing now, which seem to me to entitle the defendant to have a period of time in this case. They are of so delicate a nature and so peculiar a nature that, in consideration of the feeling of others they have not been declared in the argument of this case. They have been brought to the attention of the state's attorney and to the court. They are things of a temporal nature, which, in the course of a little time will have passed away. To compel the defendant to go to trial today with these things existing would be harsh, unfair and unnecessary. I am, therefore, going to do this, which I had considered when these matters were brought to my attention, order

NOTICE OF DRAWING BIGHAM JURY

NOTICE is hereby given that we the undersigned jury commissioners for Horry County, S. C., will on Saturday, the 26th day of March, 1927, at ten o'clock in the forenoon, draw the venire of Petit Jurors for the Special Session of the Court of General Sessions to be held at Conway, S. C., on Monday the 4th day of April, 1927, by order of His Honor M. L. Bonham, bearing date March 26th, 1927.

Dated March 26th, 1927.
W. L. BRYAN,
C. E. BARKER,
J. A. CALHOUN,
Jury Commissioners.

BRINGS FIRST STRAWBERRIES

Mr. J. C. Spivey brought in the first ripe strawberries of the season last Monday. He tells us that he has about 15 acres and feels sure that he will be shipping by the 10th of April.

The berries that are ripening now are those that the cold did not kill two weeks ago during the freeze. But for this cold snap shipments of berries would have been moving by the first of April.

Mr. Spivey tells us that he was well pleased with his income from berries last season, having made from the berry crop more than on cotton and tobacco and had less than one-fourth the number of acres planted.

MARION DISTRICT SUNDAY SCHOOL CONFERENCE

The conference will meet at Merrill's Inlet on Thursday morning at 10 o'clock, March 31st. You have read the programme in last week's Field. We are expecting a large attendance. W. O. Henderson, Sec.

An extra session of this court, Mr. Solicitor, to be held during the time when I would be holding the second week of the term of court at Florence. That extra session of court to be held here and this case to be tried then. You may prepare orders which will carry into effect that determination.

"If I consulted my own personal views in the matter, I would gladly continue the case beyond the term. I would gladly be relieved of responsibility of trying this case, but I have no right to do that. It is my duty to try it, because the law has placed that responsibility on me. So you may prepare your orders to that effect."

Solicitor Gasque said this afternoon, Bigham would be kept in the Conway county jail, pending the trial. Mr. Gasque instructed witnesses to be at the trial April 4, and at Judge Smith's request, witnesses for the defense were also instructed to be present on that date without fail.

Edmund Bigham was convicted of murder in connection with the killing of his brother L. Smiley Bigham, at his first trial held at Florence in March, 1921. An appeal to the supreme court for a time stayed the execution of his sentence of death, the supreme court later affirming the decision of the lower court. The defendant then went before a circuit judge on a motion for a new trial on the basis of after discovered evidence. The judge refused the motion and again sentenced Bigham to death. An appeal on the motion was taken to the supreme court, that body sustaining the ruling of the lower court. In the meanwhile a new rule, requiring permission from the supreme court to appear before a lower court on a motion for a new trial, became effective. Under this rule the defendant requested permission of the supreme court to appear before a circuit judge on motion for a new trial. This was granted and subsequently the new trial was granted by a circuit judge. The defendant then appeared before a circuit judge on a motion for a change of venue. In this motion, the state, represented by Solicitor Gasque, did not oppose. The trial was then transferred to Horry county of the same circuit.

The second trial, held at Conway in September, 1924, resulted again in conviction. (Continued on page 4)

Grand Jury Report Misleading

SAYS PART REFERRING TO GREEN SEA SCHOOL IS INJUSTICE TO TEACHERS

Editor The Field:

In your paper of March 17, I find this in the Grand Jury's report: "We arrived at Green Sea about two o'clock but the school was out. We noticed some schools are in session but a very short time. We recommend that all teachers put in full time and do the best work possible."

I do not believe this committee would willfully do Green Sea school and its teachers an injustice. I am writing this in explanation, and shall not be led into a controversy.

When school opened in September, the trustees thought it better to open at 7:15 A. M., teach with only one intermission of ten minutes at noon. A number of parents said their children would have to help with the tobacco till it was prepared for market, otherwise their children would have to remain at home all the time. We adopted this plan till about Nov. 15, 7:15 A. M. to 1:15 P. M.

All my teachers have 1st grade certificates, put in full time, and are doing excellent work. The implication in the report is that we fail to give full time.

I am near the school building and would have been delighted to have given the committee this explanation at the time, Oct. 28, 1926.

J. W. HUGHES,
Supt. Green Sea High School.

Locals From Town of Loris

The Rev. and Mrs. S. Carmichael attended a laymen's meeting of the lower Marion District in Conway Monday afternoon.

Miss Fannie Graham who is teaching at Jefferson spent the week end with her parents. She was accompanied by Mr. and Mrs. Clark, Miss Sarah Bell and G. B. Blackwell. A party was given in their honor at Ocean Drive Beach Saturday afternoon. Others attending were Mr. and Mrs. J. Q. Graham, Mrs. H. C. Hughes, Mrs. J. R. Hickman, Miss Clara Belle Graham, Mr. and Mrs. O. E. Todd of Wilmington, N. C. were week end guests of Mr. and Mrs. W. J. Hughes.

Mr. W. M. Matze has returned from Woodruff where he assisted Dr. R. P. Walker as chair leader in a two weeks' meeting.

Joseph W. Graham, a student at Wofford College, was at home last week for the spring holidays.

Miss Katherine Richardson was the week end guest of Mrs. C. J. Epps in Conway.

Mrs. Louise Kapps had as visitors one day recently Mr. and Mrs. J. F. Council of Wilmington, N. C.

Miss Eva McQueen, a student at Winthrop College, is at home for the spring holidays.

Misses Rebecca Fitzhugh of Florence and Nancy Fitzhugh of Darlington were at home for the week end with their mother, Mrs. Parke Fitzhugh.

Mrs. H. W. Gore who has been teaching in the Simpson Creek school has returned to her home in Marlon as her school is closed.

Mr. C. D. White of Raleigh, N. C. visited relatives here recently.

Mrs. L. B. Dawes left Sunday for Dillon where she will spend several days with her parents, Mr. and Mrs. S. C. Watson.

B. S. Butler who for some time has been in Delray, Florida, is at home with his family.

Mr. G. L. Ford of Conway was a visitor here Friday of last week.

SENIOR PLAY AT GREEN SEA HIGH SCHOOL

"A poor married man" is the interesting title of the play to be presented by the Senior Class at the high school auditorium Friday night. The play is well worth seeing. It is not a "sit down and talk" play, it is decidedly a "get up and do" play. It deals with love, "traps in marriage" and some divorces, but finally all ends happily and all pronounce marriage a distinct success.