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VOLUME XLVII.

BARNWELL, SOUTH CAROLINA, THURSDAY, OCTOBER 18TH, 1923

NUMBER 7.

### AN INTERESTING CASE IN THE SUPREME COURT

Names Famous in South Carolina History Brought In.

Columbia, Oct. 13.—The best laid plans, as old Bobbie Burns told us, oft go wrong. This was demonstrated today in an interesting case decided by the Supreme Court. Also another case argued in the same court.

The case settled by the decision was with reference to a tract of land in Barnwell County bought in 1866 by Judge A. P. Aldrich from Gen. Lewis Malone Ayer. While the points of law involved are very pretty, the history of the case is even more interesting to those who know of the splendid citizenship of old Barnwell County in those days.

The case argued in the court involves the attorney's fees in settling a case in which the will of Dr. W. J. Young, of Fairfax, was involved. In each of these cases the devisee thought that his wishes were so plain that they could not be misunderstood.

In the Aldrich case it appears that the distinguished judge, who was such a powerful figure in State affairs in the early days of Reconstruction, and gave up the ermine rather than be subservient to the orders of a military dictator—bought from Gen. L. M. Ayer 690 acres of land, for which he paid the princely figure, \$1,245, less than five dollars an acre, but that was a whole bank full of money in those days, December 29, 1866, just one year after the conclusion of the civil war. A. P. and Martha A. Aldrich, his wife, put this property in the hands of their son, Robert Aldrich, as trustee for his sister, Rosa.

"In trust for the sole and separate use of his sister, Rosa," and upon her death the property was to be divided among her children equally. In case she died without children the property was to revert to the estate of Judge A. P. Aldrich.

Validity of Deed Tested. On the 20th of December, 1880, Judge Aldrich directed his son, Robert, as trustee, to sell this tract for \$1,000 to Alfred Aldrich, to invest the money for his sister, Rosa, and that he was then to be discharged from his responsibilities as trustee.

Subsequent to that time portions of this tract were sold by Alfred Aldrich to the Easterings and by them sold to Deason and by him to M. C. Best. The action in court was brought to test the validity of the deeds. The case was heard on December before P. F. Henderson, special judge, who declared that the deeds were valid. From that an appeal was taken.

The Supreme Court upholds the finding of the lower court, Judge Fraser writing a brief opinion to that effect. This was concurred in by all except Justice Cothran, who filed a minority opinion that is written in his own exquisite style, and the dissenting opinion concludes that the special judge should have permitted the case to go to the Circuit Court for a trial upon its merits.

This case brings in names and conditions that once were the pride of the State. The amount of money that passed between Judge Aldrich and Gen. Ayer appears insignificant these days, but it was no doubt a transaction of moment then. Gen. Ayer was a distinguished man himself, having been a member of Congress and having in later years founded the Johnson Female University at Anderson.

Dr. W. J. Young, of Fairfax, was a man of strong characteristics. His wife was better known throughout the State than he was—Mrs. Virginia DuRant Young. She was an author and editor of a paper at Fairfax. She was the leading suffragist exponent in the State long years before that theory became a fact. She received numerous invitations to speak upon suffragism, and was always on the program at the State Press Association. She made an address to the General Assembly on one occasion, and she signaled its significance by wearing a beautiful gown of yellow satin—the color of suffragism.

When Dr. Young died some three or four years ago he left the bulk of his estate to be used for founding a hospital at Fairfax. The estate, after settling \$14,000 of personal bequests and debts, amounted to about

### REVENGE FOR BARNWELL

Beaufort Eleven Downed Score 30 to 0.

The Barnwell High School eleven took its revenge on Beaufort High at Beaufort for the defeat of last year by defeating the truck growers 30 to 0. Beaufort stubbornly contested the game throughout and played the visitors to a scoreless tie in the first half. In the third quarter, however, Beaufort's defense crumbled and Barnwell went over for three touchdowns and cinched the victory with two more in the fourth quarter. Barnwell's goal was never in danger, the ball being kept in the opponent's territory throughout. Fumbles in the first half prevented the visitors from scoring. It would be unfair to the other players to say that any particular Barnwell man starred, as each and every one played winning football.

Barnwell's next game will be played against the strong Johnston aggregation on the local field Friday afternoon, October 19th.

Double Pond Items. Double Pond, Oct. 15.—Services, Sunday school and the B. Y. P. U. meeting were held here Sunday morning.

Mrs. Ernest Croft and Roberta Bonds gave a birthday party at the home of Mrs. E. W. Warren Saturday evening.

Misses Iris and Inez Martin were dinner guests Sunday at the home of Mr. and Mrs. O. B. Nix.

Little Misses Ellen Martin and Letha Chitty were the guests of Miss Inez Nix Sunday.

Mr. and Mrs. Ernest Croft and little son, Ernest, Jr., Mrs. Ellen Jones, Miss Ollie Lee Jones, Mr. and Mrs. J. E. Warren and children were the guests of Mrs. E. W. Warren Sunday.

"Send my paper right on," said Mr. Frank Simms, of the Star section, as he paid a year's subscription a few days ago.

The will was taken into court. The case was heard by N. G. Evans, special judge. The fight to declare the will void as to the hospital bequest failed. H. L. O'Bannon, of Barnwell, was the attorney engaged by the executors to defend the will.

Upon his statement that the fee would not thereby be increased, the executors assented to the association of Mr. C. C. Simms as additional counsel. No amount was agreed upon as a fee, the executors being advised that they were without power to fix the fees, but that was reserved to the court and whatever was fixed by the court for Mr. O'Bannon would be shared by Mr. Simms.

The actual hearings consisted of one hearing before Special Referee J. E. McDonald, at Barnwell, a hearing before Judge Memminger, at Charleston, and a hearing before the Supreme Court. The above named counsel, also advised the executors as to the non-liability of the estate to the federal inheritance tax laws.

Recommends Fee of \$20,000. Counsel for all parties agreed to an order referring the matter of fees to J. O. Patterson, Esq., of Barnwell as special referee to hold a reference for the purpose of arriving at the fee. The order of Special Judge Evans was not consented to by the executors and they did not appear at the reference. Mr. Patterson after taking testimony filed a report recommending a fee of \$20,000 for Messrs. O'Bannon and Simms. The executors declared that they received no prior notice of the reference and did not know it was being held. They, therefore, made an appeal to the Supreme Court and the case was argued today. Senator R. P. Searson, of Allendale, appeared for the appellants and Messrs. O'Bannon and Simms for the respondents.

Mr. Searson stated after the hearing in the Supreme Court that it is entirely probable that another effort will be made to upset the will of Dr. Young.

### SOCIAL AND PERSONAL

NEWS FROM WILLISTON

Mrs. M. F. Weathersbee Entertains Martha Watson Chapter.

Williston, Oct. 13.—One of the most largely attended gatherings of the Martha Watson Chapter D. A. R. was held with Mrs. M. F. Weathersbee on October 4th. Nearly every member was present and a number of invited guests.

After the usual routine business had been concluded, the subject of Tamassep—this being Tamassep Day—was taken up. Its needs and those needing it was fully discussed.

The hostess served a delightful salad and sweet course with tea, after which the meeting adjourned.

Mr. T. H. Johnson, of Dearing, Ga., has been visiting relatives in this section.

Mrs. C. D. Parker visited in Allendale and Fairfax last week-end.

Mrs. N. T. Gallagher returned to her home in Detroit, Mich., Friday, after a visit of several weeks with relatives of this section.

Mr. J. B. Givens has returned from a visit to his son in Spartanburg.

Mr. and Mrs. Henry Croft, and Mr. and Mrs. Joe Martin left last week for Frostproof, Fla., where they will make their home.

Mrs. Lula Wise and Miss Irene Wise have returned from a visit to relatives in Graniteville.

Mrs. Lella Baggot, of Dearing, Ga., was a recent visitor in this section.

B. E. Folk has returned from a visit to relatives in Dublin, Ga.

Miss Eddie Lou Weathersbee has come from Gastonia, N. C., where she visited her sister, Mrs. W. H. Hair, to Laurens, where she will teach this year.

### BARNWELL COUNTY MAN

REELECTED PRESIDENT

M. C. Kitchings, of Williston, Again Heads Association.

Thursday was "grass" day in historic Trenton. It was quite fitting that the most largely attended meeting ever held of the South Carolina Asparagus Growers' association should be held in the home town of late Senator Tillman, who did so much for this industry in its pioneer days.

In addition to the regular members from Trenton, Ridge Springs, Williston and Elko there were growers present from Aiken and other points; many of whom joined the association Thursday. Though Williston extended an urgent invitation that the next annual meeting be held here, the Aiken delegation, who came to see and join, with Mr. Croft as their spokesman, made such a strong plea that the 1924 annual meeting be held in Aiken that Williston cheerfully withdrew in favor of Aiken and extended her invitation for 1925.

M. C. Kitchings, of Williston, was reelected president; J. H. Courtney of Trenton was elected vice president, and L. C. Eison of Trenton was reelected secretary-treasurer. All the directors had been previously reelected by the various locals of this association, so there will be no material change in the personnel of the organization another year.

The meeting was held in the handsome Trenton high school building and was opened with prayer by the Rev. Harold Wright of Edgefield, followed by a pleasing address of welcome on behalf of Trenton delivered by J. H. Courtney.

With President Kitchings in the chair, the meeting was declared ready for business, and the usual routine of matters disposed of. Almost every seat in the large auditorium was occupied and never before has the association had such an enthusiastic meeting.

The annual report of General Manager J. W. Jones was especially interesting and showed that the association did \$281,000.23 business last year, handling 61,500 crates of "grass." Mr. Jones gave an interesting account of the work that has been done before the interstate commerce commission which, while not completed, gives promise of getting considerable return to growers for overcharges running back through a period of two years. Already a reduction has been secured to all asparagus going to western New York points, such as Rochester, Buffalo, etc., which as a result of the work of the association have been put under the Pittsburgh rate with a reduction in rates of from 81 to 50 cents per crate and a saving to growers of thousands of dollars a year in freight rates to these points. Other adjustment of rates will be made from time to time. Mr. Jones made several trips North during the past few months in connection with this and other matters looking towards the improvement of the association.

W. E. Prothro reported that he had audited the books of the association and found everything in perfect condition.

Starting the last year with about \$1,000 on hand the association now has in the treasury, after paying all expenses of operating during the past year, about \$3,400. This will enable the association to buy now, when the market seems lower than it will be next spring, tape, nails and other material for use by the growers.

Telegrams of felicitation were received from the New York and Boston representatives of the association and Mr. Wilson, Philadelphia representative, was present and made a short talk, praising the high standard of the South Carolina asparagus and urged that planters continue to grow nothing but "green grass."

One of the most interesting matters to come before the association was the report of Chief Inspector W. H. Wooley of Elko, whose report indicated that the entire shipments from all points showed 98 per cent. in quality and this 2 per cent. off in grade was due to a few growers at each point not having yet gotten their grading done up to standard. He felt sure that the 100 per cent. or very nearly that coveted figure will soon be reached and urged all growers to pay strict attention to grading. From all over the house came a hearty response to this and the penalty was reduced from 25 per cent. which means that if there is an 87 1/2 of a bushel grade in a crate that their grade into the next

### FIRST CAR OF 1923 PEANUTS.

Messrs. Johnston, Hitt and Moore Ship "Goobers."

Elko, Oct. 17.—The first car of 1923 peanuts was loaded here the first of this week by Messrs. R. R. Johnston, F. H. Hitt and W. M. Moore.

Elko was well represented at the meeting of the South Carolina Asparagus Growers Association last week by Mr. and Mrs. W. H. Wooley and Mr. C. L. Wooley. Several invitations were received here. Elko has very few asparagus growers members of this association. The wonder of it is that the Association has unlimited patience and will continue to extend cordial invitations to folk so unappreciative. Mr. W. H. Wooley is the "official grader." He makes everybody believe he knows his business, too.

Mrs. Emil Ogden, of North Augusta, has been visiting her sister, Mrs. C. N. Hair, in Elko, this week. She has been visiting other friends and relatives here also.

The "kiddies" (meaning about ten year olds) enjoyed a birthday party Saturday afternoon at Mr. and Mrs. A. E. Hair's with Miss Lillian Hair, who celebrated her 10th birthday.

For the folk who don't know the hour, this line is printed. Sunday school meets at 4 o'clock P. M. now. The local Sunday School was asked to contribute \$30.00 as its Work Day contribution for Connie Maxwell Orphanage. Next Sunday the envelopes will be received. Only three had contributed of a total membership of over sixty a few days ago, and over \$30 was raised. Please say nothing about this, as some who have given nothing may feel that since the amount asked for has already been given, nothing is wanted from them. Everybody is expected to help.

"It must have been a new Studebaker Mr. F. P. Lee has been driving for the last few days—it ain't nothing else." Some folk are saying that he drove it all night the night following the day he bought it. And think about it—that's two automobiles he has bought in the last two weeks.

Every sort of contrivance—including the women—are spreading the news that the reception by Mrs. Hitt last Friday evening at the school building in honor of her two assistant teachers was a glowing success.

Mr. W. H. Wooley motored to Augusta last Saturday; to Augusta again Monday of this week; and at this writing he is in Charleston. His neighbors don't pretend to keep up with him. Mr. Terrell Wooley accompanied him to Augusta Monday. Some said it was Terrell's first trip to that city.

Mr. and Mrs. P. S. Green and their daughter, Katherine, went to Atlanta Sunday and stayed until Tuesday. Mr. Green was saying that Atlanta was on a "boom." He stated that a road to Stone Mountain from Atlanta, 20 miles long, was a solid string of automobiles. Nobody was "crowding" him either.

Several of our folk are expecting to attend the Barnwell-Johnston football game at Barnwell Friday afternoon. Everybody will "root" for Barnwell except Miss Connie Crouch, who is under obligations to cheer for her cousin, Quarterback and Captain Crouch of the Johnston team. Just a tip to the Barnwell team—that Captain and Quarterback has a good name to start with; you better play, Barnwell.

B. R. Tillman, of Trenton, made a short talk, extended a hearty welcome in behalf of the association to the new members coming into the association and showed the responsibility that this oldest cooperative selling agency in South Carolina has, not only to growers of asparagus, but other farm products, and pleaded that every grower of asparagus in South Carolina, Georgia and other points of this latitude get together and work, not to boost the price above reason, but to enable the farmer to get what he deserves for his asparagus.

Roland Turner, general agricultural agent, Southern Railway company, with headquarters in Atlanta, made a short talk and stated that in the asparagus world there is "South Carolina grass" and "other grass." He said the members of the South Carolina Asparagus Growers' association have no idea how wide is the influence of their association.

A delightful dinner was served at the beautiful live oak of Trenton.

### JOHNSTON HIGH SCHOOL VS. BARNWELL FRIDAY

Strong Football Team to Battle the Local Eleven at Barnwell.

The Johnston High School football team comes to Barnwell to play the local team tomorrow, Friday, Oct. 19th. Johnston comes, according to all reports, with a strong team—by far the most formidable that Barnwell has met so far. They demonstrated this fact last week by holding the strong Hyatt Park team to 0-0 tie. This fact sounds like trouble for Barnwell. The local team so far has shown up well. In the three games played, Barnwell has won two and tied one. In none of these games has her goal been crossed, which shows that she has a strong defensive team. This was shown plainly last week in that Beaufort was unable to make a single first down against Barnwell. Will this defense be able to stop Johnston? Only time can tell. However, Barnwell has a fighting bunch which at present not only has no intention of letting Johnston cross their goal, but they hope to be able to carry the ball across their opponents' goal line.

The team is working hard this week, especially upon their offense, which they hope to develop well enough to beat Johnston. Will it be possible to make this the fourth game in which our goal has not been crossed? We are hoping so, and will fight to make it so. We have had fine support from the town so far. Come out again and see the game Friday. The more rooters we have, the harder we can fight.—Contributed.

Destroy the Stalks. County Agent Bayleton says: "The cotton farmer who is not on the job will soon have to get entirely down and out. The fact that he will weevil eat only cotton gives every farmer in this section a chance to starve him. Why not take advantage of this fact and do it now, by destroying all cotton stalks?"

"It does us good to see all these men destroying their cotton stalks. I saw five or six farms where cotton stalks were being destroyed on the Barnwell-Elko highway Friday afternoon."

"Remember, we have this week to kill cotton stalks. Let's do it. Like Davis Prothro, Herman Brown, L. P. Williams, Ed Birt, Dr. Briggs and many others are doing."

"Why pay two prices for fruit trees of doubtful quality from strangers when your County Agent can get guaranteed trees at reasonable prices for you?"

"Weevils cannot spend the winter in green cover crops, so kill stalks and plant rye, vetch, etc., as a cover crop in your cotton fields."

Cotton Ginning Report. Barnwell County ginned more cotton to Sept. 25th this year than was ginned from the entire 1922 crop, according to a report of the Department of Commerce made public October 2nd. To that date 9,999 bales had been ginned in the county, compared with 4,813 bales to the same date in 1922 and a total crop for that year slightly in excess of 8,000 bales. Bamberg County had ginned 6,518 bales as against 3,431 to the same date in 1922, Allendale 5,850 bales as against 4,083, and Aiken 10,333 bales as compared with 7,174. Practically every county in the lower part of the State shows a substantial increase in ginnings over last year, while the Piedmont counties show a decrease.

Yanks Win Series. By overcoming a lead of 4 to 1 in the eighth inning of Monday's game, the New York Club of the American League won the world series from the New York Giants. Six games in all were played, the Giants winning only two. Considerable interest in the outcome of the games was displayed by Barnwell fans, who received the result of each inning by telegram. This is the third consecutive year that these two teams have battled for the championship, the Giants being winners in 1921 and 1922.

The "Womans' Wedding" at the Yancy Theatre Monday evening was a glowing success and netted a substantial sum for the benefit of the dental clinic now being held in the theatre.