

## SHALL WE HAVE COUNTY COURTS

Question Will go Before the Voters of Horry in November

### WILL GIVE RELIEF

Jurors and Witnesses Will Get Same Pay as in Common Pleas

It was provided by an act of the General Assembly of South Carolina, approved February 25th, 1922, that at the next general election which will take place early in November 1922, at the same time that State and County officers are elected the question of establishing a county court in this county shall be submitted to the voters; that the ballot will be printed as follows: "Shall a County Court be established for the county of Horry?" and upon the ballot the electors will write either yes or no, for which, of course, a separate election box will be provided for each precinct in the County.

The Herald had an article published in one of its issues last spring in which attention was called to the need of such a court and to the provisions of the act which had been passed to provide for this election on the subject. If the court gets a majority it will be established. If the people do not want the court it will not be established. It is, therefore important that the people understand the increasing litigation of this county and the impossibility of having it attended to with any degree of promptness with the courts as they stand. If the court is established by the vote of the people the new court will have concurrent jurisdiction with the Court of Common Pleas in the civil cases and such proceedings in law and equity where the amount demanded in the complaint does not exceed \$3,000.00, or where the valuation of the property involved in the case is not over \$3,000.00. The law provides that the County Court shall not try titles to land. It will have the right to hear appeals in civil cases from the Magistrate's Court. It will be known as a court of record, which means that permanent records of its proceedings will be kept through all time to come, and it will have an official seal bearing these words: "County Court, Horry County, South Carolina."

All general laws and statutes which apply to courts we already have will apply to this new court, and the rules of practice and proceedings for trial of cases will be the same except where they are inconsistent with the new act; but Section Six of the act provides that the same form of proceeding and the same rules of procedure and evidence shall apply in this court as in the Circuit Court where not inconsistent with the provisions of this act hereinafter mentioned, and it provides that all cases motions and trials shall be docketed as provided by section 314 of the Code, at least ten days before the opening of Court, and if a plaintiff should fail to file his pleadings within that time the defendant may file copies five days before the Court. There will be six jurors instead of twelve.

Cases now standing on the docket of Common Pleas can be transferred and tried in the new court.

The judge of the new court will have the same powers in cases therein as the Circuit Judges have had.

Appeals from the new court will be direct to the Supreme Court of the State.

The County Court, if established, will be held once every sixty days, and at the discretion of the County Judge at such time as he may deem necessary to dispose of the business properly and the sessions will be continued from day to day for all such time as is necessary to dispose of that business but it cannot be in session while the Circuit Court is in session. The County Court will always be open for the transaction of such business as can be disposed of without a jury.

The jurors for the new court will be drawn by the same persons that draw the jurors for the Circuit Court. Not more than eighteen per-

## FREE CLINICS FOR PEOPLE

Conway on Wednesday 27, and Loris All Day Thursday 28

Dr. Ernest S. Cooper, of the Staff of the State Board of Health and Superintendent of the State Tuberculosis Hospital at Columbia, will conduct a two-day's clinic in Horry County next week.

Dr. Cooper is a specialist on chest and throat diseases, and these clinics offer an opportunity for those who have trouble along these lines to be examined and get expert advice as to the best means of treatment.

These clinics are being put on by the State Board of Health, the South Carolina Tuberculosis Association, and have been held in many counties of the State with large attendance. A large number of those who have attended these clinics often come from ten, fifteen and twenty miles away.

Those who have tuberculosis, those who have been in close contact with it by association with some member of their family having it, and those who have early symptoms are welcome to these clinics for free examination.

Early symptoms of the disease are: slight cough, loss of weight, run-down feeling.

Those who are warned in time, find out what is the matter with themselves and take a little care and get well.

Tuberculosis is 80 per cent curable in the early stages, and as the people are beginning to realize that it is both curable and preventable, much headway is being made against the disease.

The first clinic will be held in Conway on Wednesday, the 27th, at the City Hall. In Loris all day Thursday.

These clinics are held to serve the people throughout the whole county as well as in the towns in which they are held and it is hoped that those who wish to attend will keep the dates in mind and not miss opportunity to consult a specialist on their trouble.

Persons shall be drawn and summoned to attend at the same time at any session of the County Court, unless the Court shall otherwise order. Jurors may be summoned by mail and must have five days notice before the day of attending. No person can be summoned to serve oftener than once in every half of the calendar year. Service as juror in the County Court will not exempt a man for service in the Circuit Court the same year.

The Clerk of the Court will be the Clerk of Common Pleas and General Sessions. At the present time Mr. W. L. Bryan would have to fill the position as to both courts.

The Sheriff of the County will have to attend all sessions of the County Court and perform all of the orders thereof and execute the writs. Jurors will receive the same pay per day and the same mileage as allowed in the Circuit Court. The same thing applies to witnesses.

The judge of the new court will be appointed by the Governor with the advice and consent of the Senate and the Judge must be a resident attorney-at-law of this County who shall have been a licensed attorney for at least five years. He will hold office for four years and until his successor shall be appointed and qualified. His salary will be \$2,500.00 per annum and will be paid by the County in monthly installments. In case of a vacancy on the bench of the County Court the Governor will fill the vacancy by appointment to the unexpired term. If the Judge of the County Court shall be absent at the time of holding any Court the Governor can appoint some other suitable person, who is an attorney-at-law, to hold the Court as Special County Judge.

The Judge cannot act as counsel in any case in which the County Court has concurrent jurisdiction with the Circuit Court, nor shall he act in any Court inferior to the County Court except the Probate Court.

The judge of the new court will have the right to appoint not more than two bailiffs to attend the court.

These bailiffs would have the same power as constables and receive \$2.00 per day for the time actually engaged.

The County Judge will appoint an official stenographer who will attend all sessions of the Court and perform the same duties as are performed by the Circuit stenographer. The stenographer would receive \$6.00 per day for the time actually engaged in the Court and would be paid upon the warrant of the County Court.

The same costs and disbursements allowed in the Circuit Court will be allowed against the losing party in the County Court.

If the new court is established county commissioners are required to make provision by setting aside suitable quarters in the courthouse for holding the sessions of the Court.

From the reading of the above

## TIME LOST IN WRANGLING

One thing that is common to about all of the rural communities in this county is a wrangle and dispute between trustees and patrons over school affairs.

At no time in the last five years has the county been free from some such wrangle that did no good but probably resulted in some distinct loss.

Some of the patrons will want an election for an increased levy or to issue bonds for school purposes. Others will oppose it. The trustees will hold the election and those who favor the increased levy will outnumber those opposed, two or even more; and yet the small majority will often oppose the collection of the tax or the issuing of bonds in the courts and in other ways.

It is often necessary to increase the size of the school house or move it to a better location to suit the growing needs of an ever increasing population. This is sure to bring on serious opposition and trouble. It is a hard matter to get a new school building located anywhere within the bounds of a district.

The employment of teachers and their conduct of the schools, after they have been engaged appears to be a constant source of trouble and irritation among the people.

As often as not the trouble in a school district comes from those who have no children to send to school but claim that they pay the school tax and they have a right to say in the matter to be decided. Even those who have no children and do not want any, and who own no property of any consequence and never contribute a cent to the maintenance of a school, will cause dissension among the patrons and get things tied up into such a knot that a dozen lawyers could never untangle the skein.

This is what makes the office of superintendent such a thankless job. It is one that ought to make a man's hair turn gray overnight. From morning until night the officer, and perhaps his whole board, for that matter, has to listen at complaints. No matter what course he takes in any decision he has rubbed the feelings of one side or the other the wrong way and there is more complaint and still more complaint until it is enough to scatter any man's brains to the four winds.

Such a condition is not the right thing. People may claim they are interested in education. When they fall out over nothing and show so much envy, jealousy and spite as they do in some of these matters, they prove that they are not interested in the cause of education but are given over to petty quarrels and the working of small schemes that never result in any benefit to their children.

## OFFICERS RAID NEGRO'S PLACE

Mack Hemingway Gets Away at the Approach of the Officers

### NEGRO INFORMS ON HIM

Gallons of Wine Confiscated — Empty Monkey Rum Jug in House

Mack Hemingway, a yellow negro, was too sharp for the town policemen when they went to his place last Saturday night, with a search warrant to raid the premises and get his supplies of mean wine and whiskey—he ran away and was not arrested at last accounts.

Mack had been engaged in the unlawful sale of wine and monkey rum for some time. Other negroes would not tell on him until one got mad with him. This negro who fell out with Mack came to the officers just after dark last Saturday night and reported the fact that he had seen a lot of monkey rum carried to Mack's house and that he had also seen two quarts of the whiskey come away from there in the hands of two different customers; he said that he knew it was there and upon the search of this news the officers sued out a search warrant.

The place is located on the Potato Bed Ferry public road in the section with the old John Hemingway is a son of old John who is now dead. On the old place are grape vines where grapes were raised this year. This vineyard was used at the Mack Hemingway place.

Slipping up to the house the officers, E. E. Dusenbury and J. A. Holt intended to get the proprietor of the place. He saw them and made good his escape. They searched

paragraphs the voters of the County will obtain a fair idea of what the new court will mean.

Those who are uncertain about the need of such a court should make inquiry at the courthouse to see how the dockets of the common pleas are congested and how long many causes have been standing thereon. There has been many a failure of justice because of the unusual delay that attends the bringing of cases to trial in this County. It was different in former years when there were not so many lawyers and not so much litigation.

## TWO NEW SUITS FACE COMPANY

Growing Out of Failure of Farmers Fisheries Company

### ENDORSERS MADE LIABLE

The Notes Involved in Two Cases Total Five Thousand Dollars and Interest

Two suits have recently been brought in the court of Common Pleas for this county, growing out of the failure of the Farmers' Fisheries Company about which an article appeared in the Herald a few weeks ago.

Both of the suits have been brought by banks on promissory notes given by the company for loans made to it about two years ago.

The suits have been brought

against the Farmers' Fisheries Company, and a number of endorsers on each of the two notes.

One of the notes is for the sum of three thousand dollars, signed by the Farmers' Fisheries Company and endorsed by Luther Wilson, Moore Thompson, A. J. Todd, W. I. Cox and James A. Stone.

The other note is for the sum of two thousand dollars and is endorsed by the following: A. J. Todd, W. I. Cox, J. W. Carter Jr., Moore Thompson, James A. Stone and Luther Wilson.

Both of the notes were given and used in the year of 1920 for funds doubtless used in improving the plant of the company, which, however does not appear ever to have been used for the production of the cheap but valuable fertilizers that the farmers of this county thought that they wanted so much.

Each note matured sometime in the year of 1920, but at the request of the maker and the endorsers of the paper time was extended from time to time and the interest paid to some time in 1921, after which no further extension was granted.

The Farmers' Fisheries Company is in the hands of a receiver, J. O. Norton, esq., appointed under order of the court in a suit brought by certain creditors for that purpose last year.

These two notes increases the liabilities of the company to a greater extent than was expected. Promissory notes are not recorded, and not even mentioned on the records unless they are secured by mortgage of either personal or real property.

The endorsers on these notes are regarded as being good and will doubtless have to pay the notes unless the money by some chance can be collected out of the assets of the Farmers' Fisheries Company.

## MAGISTRATE SENDS CASES

Total of Twenty-five Sent up to High Court From Conway

A total of twenty-five cases were turned over by Magistrate W. H. Chestnut to the Clerk of the Court of General Sessions last week for sending up to the solicitor for the preparation for indictments for trial at the approaching term of court.

This is about as long a list as was ever sent up by the magistrate court at Conway at one time.

The business of the court at Conway has been increased of late years until now it handles many times as much business as all the other magistrate courts of the county put together.

Following is the list of cases turned over last week:

The State vs Cordie Barnhill. Obtaining goods under false pretense.

The State vs Albert Singleton, Cedar Grove. Seduction under promise of marriage.

The State vs W. J. Sarvis. Bastardy.

The State vs W. Percy Hardwick. Breach of trust with fraudulent intent.

The State vs James Singleton. Carnal knowledge of Maid or Woman child under sixteen years.

The State vs James Graham. Carnal knowledge of a woman child under the age of sixteen years.

The State vs W. W. Johnson. Failure to support wife, Sec. 697 of C. C., 1922.

The State vs Allen Ethridge. Bastardy.

The State vs Allen Ethridge. Bastardy.

The State vs Allen Ethridge. Bastardy.

The State vs W. E. Gainis. Obtaining goods under false pretense.

The State vs Will Butler. Transporting Liquor.

The State vs J. L. Butler. Transporting Liquor.

The State vs H. G. Tisdale. Drawing checks without funds to meet the same.

The State vs E. V. Bryant, L. C. Anderson, and John Prince. Violation of the Prohibition Laws.

The State vs Mace Horn & Bert Sarvis. Bribing witnesses.

The State vs B. L. Harrison & W. L. Mishoe. Breach of trust with fraudulent intent.

The State vs Will Bailey. Carrying concealed weapons; assault with deadly weapons.

The State vs B. L. Buffkin. Assault and battery with intent to kill.

The State vs D. M. Todd. Drawing check without funds to meet same.

The State vs A. B. Jackson and Mandy Jackson. Larceny.

The State vs C. T. Lassiter. Drawing check without funds to meet same.

The State vs G. M. McCullum. Disposing of property under lien.

The State vs Melvin Owens and Clarence Causey. Assault and battery of a high and aggravated nature.

The State vs Tom Hardee. Violation of Prohibition Laws.

Albert F. Woods, of the Marion bar, will be the special judge holding the term of the criminal court here next week. He is a prominent member of the Marion Bar Association.

against the Farmers' Fisheries Company, and a number of endorsers on each of the two notes.

One of the notes is for the sum of three thousand dollars, signed by the Farmers' Fisheries Company and endorsed by Luther Wilson, Moore Thompson, A. J. Todd, W. I. Cox and James A. Stone.

The other note is for the sum of two thousand dollars and is endorsed by the following: A. J. Todd, W. I. Cox, J. W. Carter Jr., Moore Thompson, James A. Stone and Luther Wilson.

Both of the notes were given and used in the year of 1920 for funds doubtless used in improving the plant of the company, which, however does not appear ever to have been used for the production of the cheap but valuable fertilizers that the farmers of this county thought that they wanted so much.

Each note matured sometime in the year of 1920, but at the request of the maker and the endorsers of the paper time was extended from time to time and the interest paid to some time in 1921, after which no further extension was granted.

The Farmers' Fisheries Company is in the hands of a receiver, J. O. Norton, esq., appointed under order of the court in a suit brought by certain creditors for that purpose last year.

These two notes increases the liabilities of the company to a greater extent than was expected. Promissory notes are not recorded, and not even mentioned on the records unless they are secured by mortgage of either personal or real property.

The endorsers on these notes are regarded as being good and will doubtless have to pay the notes unless the money by some chance can be collected out of the assets of the Farmers' Fisheries Company.

## WOMAN BRINGS DYING INFANT

Vain Hope for Relief After She Waited Too Long

### MARY BAKER SAD CASE

Needs to be Placed in Institution for Feeble Minded Family Destitute

Mary Baker was in Conway last Thursday morning with a baby three months old in a dying condition from colitis, caused it was said by physicians, by the use of condensed milk without knowing how to prepare a food of that kind.

This woman was applying at the office of Dr. J. S. Dusenbury in an effort to get something done for her dying infant. The physician did what he could but told her that the baby might die on the way back home. She had not taken steps in time to have this baby treated and had fed it too long on the artificial food above mentioned without having that food prepared for the little one in the most approved manner.

Mary Baker has never been married. She has five or six children, according to reports. For a long time the county commissioners have paid her the sum of five dollars a month to contribute to the support of herself and her children. Recently she figured in a whiskey raid, when officers of the law raided her home and found therein asleep, Gie man Furney Ward, who had been reported to the grand jury and a true bill found on a charge of adultery. In the house at the same time the officers found empty molasses barrels, and the cap for an improvised still, also a quantity of the product of that still.

Ward was arrested and placed in the county jail under a second charge of violation of the prohibition laws. In such cases as this of Mary Baker, it would seem that the proper thing to try to do is to get the mother in some kind of institution for the feeble minded and the children in some orphanage. Some plan should be carried out for bettering the condition of such people, at the public expense, and of putting a stop to such ways of sin and shame as that charged against this man Ward. He has a higher average of mental understanding than the woman in the case and for that reason he is responsible, perhaps with other men like him, for the condition in which this woman finds herself, and the punishment should be meted out to him in the fullest degree, if he is proven to be guilty on his trial, and if there is any way in which he can be made financially responsible for the keep of these people, the law should be just as strictly enforced along that line.

What is the use of placin, such people as Mary Baker in jail? The man may be there and later made to serve his sentence or pay his fine, if he is guilty. Such steps cannot and will not be taken with the woman. Therefore, if there is an institution where she can be placed and also the children, whether the same or different does not matter, so long as they will be far removed from the evil influences that have surrounded them so far.

## REQUIREMENTS FOR STATE AID

To the Trustees, Teachers and patrons of the Schools of Horry County:

For your information, I give below an outline of some of your duties and also some of the requirements in order to qualify for State aid under the equalization law. I sincerely hope that there will be harmony and co-operation on your part throughout the school year, and that no school of the County will have a shorter term than seven months.

The present school term begins under the same system, namely, the seven months equalization law. This law requires, among other things, the following modern buildings, li-

(Continued on Editorial Page)

## TOWN COURT

On Thursday of last week Jim Cox and Everett Lewis were up in the city court of Conway and fined for being drunk and disorderly. Lewis, a white man, was fined in the sum of \$5.00, while Jim Cox, a negro, was sentenced to pay a fine of \$50.00 or serve ninety days at hard labor on the public works. Cox's fine was suspended upon payment of the sum of \$10.00 upon condition that he leave the town and remain away indefinitely. Cox had been frequently violating the ordinances. His absence is so good it will be felt.

## GETS A FINE

Archie Bratcher was taken before the city court in Conway last week on a charge of buying and having in his possession, a quart of monkey rum. He purchased the whiskey under the oak tree at the corner of Main Street and Third Avenue. He was later under the influence of the liquor. He was fined in the sum of \$20.00 by the Mayor of Conway, and this fine was paid. The alternative was a sentence of thirty days on the public works and this alternative he did not choose.