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WOMAN'S WILES ENTANGLED MAN

Richard C. Cook is Convicted by a Jury Despite the Evidence

HAS TO GIVE BOND

Many Friends From Jordanville Do What They Can For Young Man

The case for non-support in which R. C. Cook was tried last week, in the court of general sessions, was of more than the ordinary importance and interest.

The prosecutrix was the young and beautiful Annie Cook, of the age of 16 years when married to R. C. Cook in 1918, now of the age of 21 years, in the hey-day of her youth, and carrying with her an infant of tender years which she said was the child of Cook's.

R. C. Cook the defendant, is a son of Isaac T. Cook, an industrious farmer of Jordanville, while the wife is a daughter of the late John Capps and has several brothers, John, George, and Joe, these brothers standing behind her in pushing her case against the husband.

Both parties were born and reared in humble homes. The husband obtained an education and taught in the public schools of the county, also engaged more or less, in farming. The houses were not far apart.

It was in 1918 that R. C. Cook was drafted into the U. S. army. He went to France and remained away in the service of his country for about two years, coming back to Horry and going to housekeeping in a little house which he erected near the home of his father.

The law under which he was tried provides in effect that it is a misdemeanor for an able bodied man, without just cause or excuse, to fail to supply to his wife or minor unmarried child, the actual necessities of life.

In the spring of 1918 following a courtship of some duration, R. C. Cook and Annie Capps were married and in about two months Cook had to go to the army. Before going he made arrangements for his wife to stay with his father, Isaac T. Cook. She did not remain long there, and after about three months she went to live with her parents, at the home of her brother John Capps. She was still there when Cook returned from the army about two years later. There was no child until after R. C. Cook came back from the service.

The State had a limited number of witnesses in chief. There were only two. Mr. Cook testified first and said that Cook had lived with her after his return until early in August 1921, when he left following the day on which she had sworn out a warrant for him for non-support. She claimed that he had not supplied the necessities of life. The other witness was the sheriff of the county who told about getting Cook back in the spring of 1922 from St. Augustine, Fla., and explained that while he had obtained a requisition that the defendant would come without a requisition.

The solicitor had the prosecutrix to carry the baby to the witness stand with her. She won the sympathy of the jury, if not for herself, then for the infant who of course, could not know the consequences of the acts of its parents.

On cross examination she admitted having had a photograph taken in Conway with Al McNamara, a crayon portrait agent, and admitted that Al paid for the pictures and that he had been a visitor at her brother's home that year while Cook was away in the service of his country. She denied having told Avie Martin that McNamara had given her ten dollars and told her to buy herself a silk dress with the money. She denied all of the various charges of misconduct made in the testimony of a number of the witnesses for the defense. It was at about this point that the solicitor attempted to bring out some letters which he said applied in the case but they were not admitted.

The testimony of witnesses for the defense related to incidents while R. C. Cook was in the army and to things while the couple were attempting to live together in the summer of 1921, after the husband came back

EVERETT LEWIS IS COMMITTED

Various Acts of Unbalanced Mind—Had a Criminal Tendency

Everett Lewis was committed to the State Hospital for the Insane last week, having been found by two physicians to be of unsound mind.

The unfortunate condition of Lewis has been apparent some time. Several months ago he broke into a Conway store and took several articles. Later he was found drunk several times and was involved in several rows.

Last week Lewis sold his house and lot, it is stated, for around one thousand dollars, put the money in his pocket after buying a partly worn out car, and proceeded to have a good time. He had various kinds of passengers in his car.

On Wednesday of last week his car stopped in the residential section of the town and he decided that he would telephone to a garage or filling station for more gas. He was chased out of two or three different houses where he went in without being asked to use the telephone. He was arrested after being reported by some of the people who were annoyed by him in these sections. At the time of his arrest, a negro woman by the name of Hattie Bessant was asleep in the rear of the car and under the effects of an overdose of whiskey that she had taken. She continued to sleep while the car was driven to the Mayor's office and Lewis placed in the custody of the officers of the law. The woman was then aroused and taken care of.

Recently Lewis began to make threats of serious injury against his brothers. It was the store of one of them that he broke into some time ago and rifled it of some goods. All of these things showed him to be unbalanced and resulted in the finding of the physicians.

CRAZY NEGRO MAKES ATTEMPT

John Floyd, a negro man, living near Conway in the direction of Dog Bluff, shot at his wife and another negro man by the name of Neil Davis in an attempt to kill both parties. But the would-be killer failed to hit his wife and Neil escaped, it is said by suddenly falling down in some bushes. This was on Wednesday, September 27.

Up to the latter part of last week this dangerous negro had not been caught. He fled after making the attempt and was still in hiding with the same firearm.

He made threats against his brother and his brother's wife, also against a white man saying that he intended to kill all these and would then be ready to stop.

The negro is believed to be crazy.

The case was tried the first time at the spring term 1922, and the result was a mistrial, various stories having been told as to how the jury stood. The defendant did not go on the stand at either trial.

C. G. Hardee testified to seeing plenty of supplies in the house, that there was a garden full of vegetables; that the wife helped the Capps' family in gathering a tobacco crop and did not help her husband, that she spent half her time at John Capps'.

H. B. Jordan swore he had seen her in Florence, S. C. in the company of a strange man while Cook was in the army.

E. J. Roberts went to the home of Frank Singleton at Christmas and saw Annie Cook there in company with Grier Jordan, saw the couple with two or three other couples leave the house and later saw Mrs. Cook and Jordan, alone about midnight at the side of the public road some distance from the house.

H. L. B. Jordan had visited the Capps' home and said that Annie spent the time there in the Summer of 1921, etc.

M. W. Martin testified to seeing the prosecutrix and a man on the back seat of a Ford which was driven by John Capps and witness was in the front seat with John Capps. Again he saw her in a car at Jordanville sitting on the back seat for an hour or more, both occasions being at night.

Mack Hyman saw Mrs. Cook and McNamara walking on a country road in a manner that was compromising.

Avie Martin testified to a number of instances of misconduct while the man was off in the war. She told of the incidents about buying a silk dress.

W. H. Richardson testified to the supplies at the house and that the wife did not spend all of her time at home.

C. N. Richardson was the last witness as to the supplies that were left in the house when the parties quit and the man left.

There were other witnesses but were all along about the same line. The jury retired and remained out

SENTENCE OF THE LAW

Jim Gibson and Ossie Horne were called up for sentence on Saturday morning.

Attorneys for the defendants moved for a new trial and this was argued at length. The motion was refused. The court said that they had shot at the prosecutor. He had been informed that this was a rather bad community for carrying guns. He said that it was his duty to impose a severe penalty. The lawlessness must be stopped. He would give them a chance to pay, but a heavy chance.

The court did not believe that either man was bad at heart, but each must think it a badge of bravery. The sentence was as to Ossie Horne, 9 months, suspended pending good behavior in payment of \$500. As to Gibson, 9 months suspended pending good behavior on payment of \$400.

It was also a condition that both abstain from the use of intoxicating liquors.

The defense served notice of appeal and bond was fixed by the court at \$1,200 each.

ADULTERY CASE GETS PUNISHED

Daniel Blackburn and Jane Futrill Found Guilty of Crime

EACH TO GET SIX MONTHS

Defendants Denied Their Guilt Under Oath, But Do So In Vain

The State vs Daniel Blackburn and Janie Futrill on a charge of adultery was tried on last Wednesday morning with the following jury:

L. F. Bellamy, W. W. Carmichael, C. C. McCorsley, A. L. Alford, S. C. Long, D. H. Baker, T. L. Thomas, L. M. Rardee, H. H. Durham, J. H. Bellamy, J. T. King, L. P. Hardwick.

J. W. Rogers was sworn as to the misconduct of the defendant. His testimony was short. He did not appear to know very much.

The next witness, A. M. King, told very little about the facts at issue. He said that the woman had admitted to him that she was guilty of the charge brought against her in the court.

Tillman Blackburn was then sworn for the State. He had seen the parties together in both day and night time. He stated that he had talked with Blackburn, but couldn't remember anything that was said as it turned out.

Defense.

Jane Futrill went on the stand and denied telling the things that the witness said she had told him. Her husband had been dead several years. She had let Blackburn live there to work and paid him for this work. She denied all improper relations with him. She said he had helped her with the cotton crop, and on the nights he went there he only went to see her. Blackburn was married and his wife complained. She admitted going to Mullins and Mt. Tabor to a doctor, and also admitted that the man had been a frequent visitor at her home. She has three children, and runs a farm. She has a home of three rooms and denied that there had been any illicit relations.

Daniel Blackburn testified that while he carried things there, the woman had given him the money to pay for them. He said he had spent one night there and had sit up all night. Next day he took her to the doctor. She had said that she was ill. He stated that his acts were only those of kindness. He admitted that his wife had been out with him about the other woman. He denied that he had committed the crime of adultery. He admitted, however telling his wife he would go to the other parties' house whenever he got ready. He said that his wife was always after him about going anywhere as far as that was concerned. He denied that he had any unlawful relations with the Futrill woman.

A. M. King was recalled by the defense, and stated that he went over to Mrs. Futrill's to count some money. He had gone there accompanied by John Rogers to see if Blackburn was there. He stated that he went in and looked under the beds. He said that he visited Jane as a neighbor. He was slow about answering questions.

The jury found them both guilty and they were given a sentence of six months each Jane Futrill's sentence being suspended pending her good behavior.

several hours, returned a verdict of guilty.

The people were intensely interested in this case. That fact appeared beyond dispute when the court room was packed with spectators from the time the trial began until it had been ended by the (Continued on Local Page.)

GIBSON GUILTY ALSO HORNE

Shooting of Lawrence Bailey at His Home One Night

DEFENDANTS DENY CHARGE

Sentence Deterred on Happening of Another Crime During Court Week

The first case tried on Thursday of court week was the charge of assault against Jim Gibson and Ossie Horne, brought by L. B. Bailey.

L. B. Bailey said that on the night of July 30th he saw Ossie Horne and Gibson coming along. He walked up close to a tree where weeds had grown up and where it was easy to be concealed. As they approached they walked across to the other side of the road. Horne had a gun pointed as if in action, but not pointed at us. They went up the road about 100 yards talking and then came back toward my home. When within 51 steps back toward the house the gun fired, but we did not know which one of them had fired the shot. R. A. Bailey was near the China tree, the others nearby. He saw the flash of the gun and something hit the witness in the pants. He had had no previous trouble with Gibson and Horne. He had heard some shots before this. In the early part of the night, after laying down he had heard several shots and got up and went to a window. Shots were to the number of six or eight. After that he heard one shot. It was a short time after the first shots.

Olin Fowler testified next. He told of hearing the shot as they struck near the tree and that Jim Gibson came back and talked in a mumbling manner, using bad language.

R. A. Bailey testified for the State. He testified to hearing the shots and explained the circumstances at length as they existed that night. He saw Ossie Horne have a gun. He said that Jim Gibson went by and made various noises such as like a hog and a rooster would make and other noises, trying to make someone say something. Then they walked on a distance and again returned and the gun was fired so that the shot hit the tree by which the parties were standing.

The witness Huggins next took the stand and told of hearing shots over behind L. B. Bailey's place and went out and later heard one shot.

Will Fowler testified he heard the shots and saw two men pass Mr. Bailey's home—two good-sized men. As he started to go home, a gun was fired back toward Bailey's house. The moon was shining that night he said.

Defense.

Jim Gibson testified in his own behalf, saying that he had gone to the home of Mrs. M. A. Horne with Aubrey Horne and said that they had better go by the Bailey place and explain so that Bailey would not indict them for the shooting, that someone else had done that night. He was not at Bailey's place when the shooting was done, but was at Hay's on his way home and had heard two more shots after that. He had left home, going up toward the tobacco barn.

Mrs. F. W. Grainger, sister of Ossie Horne, testified that she had heard shots before leaving home that night and that Ossie and Mace Horne were at her mother's home when the shots were fired.

Ossie Horne was sworn in his own behalf. He denied that he did the shooting. He stated he had gone up to Jim Gibson's that night and both of them went to Hay's home. While at the Hay's home he said he had heard some shooting.

Mrs. M. A. Horne, Ossie Horne's mother, was called next as a witness for the defense. She said that just before the shot was fired Ossie and Mace Horne were near her and could not have been implicated in the affair as charged. She stated that none of them had guns that night.

J. Lyde Huggins was recalled as a witness for the defense. He said

WOMAN CHARGES CRIMINAL ACTS

Tom Brown is Taken at Mullins for Alleged Crime

Tom Brown, young man of Mullins, S. C., was arrested there last Thursday charged with the serious crime of attempt at criminal assault upon a young woman of Horry County on Tuesday, September 26.

He was lodged in jail and remained there until Friday when application for bail was made before Judge Woods and granted. F. A. Thompson of Mullins, appeared for the defendant.

Several accounts of the crime were related by parties from the Aynor section where it is alleged the act was committed.

The substance of these were that the young lady went riding with the defendant. They drove off in apparent good humor just as any other young couple would do. That their amicable relations did not continue is accounted for by the fact that the defendant did not return the girl to her home.

The rural policeman said that Brown said he had turned the woman over to another man to take her home.

It was related that she was bruised about the left shoulder and the left hip after returning from the drive. There was a story going the rounds to the effect that she had jumped from the car and fell causing the injuries mentioned. It would appear that no complaint was made immediately after the return from this ride. Later upon the father finding out something about it, she told the story upon which the warrant was based.

Tom Brown is a son of Kelly Brown, formerly of Galivants Ferry, now of the Mullins section.

On Friday the brothers of the defendant came over with F. A. Thompson, an attorney of Mullins, S. C., and helped in arranging the bail for Brown.

OLD NEGRO IS NOT GUILTY

The State vs Walker Bryant, an old negro charged with violation of the prohibition law was called up and tried on Friday morning.

Henry Evans said that he saw Bryant with something in a jar and he divided this with him and he did not know what it was, but that it looked white. He swallowed it but could not tell what it tasted like. Walker was there he said. It was in a buggy. He said Walker had drank some of it. He stated that Walker was a hard working man. He did not think this was poison at all.

Coy Causey saw Henry Evans take a drink out of fruit jar from the buggy of the defendant. H. L. Bellamy stated that he saw the defendant with a fruit jar about the saw mill. He appeared drunk.

Leon Bellamy saw the negro have a jar in his buggy. The jar appeared to have something in it.

Hyson Bellamy saw the negro drink out of a fruit jar with Henry Evans.

T. R. Stevens testified in behalf of the negro about a fruit jar of molasses to use with other rations while bringing off a raft of logs. The defendant told the same thing concerning the fruit jar. According to his statement the fruit jar contained nothing but sweetened water made from a remnant of the same molasses he had gotten from Mr. Stevens. The jury found the old negro not guilty.

SOME MINOR CASES

The State vs W. P. Hardwick was continued.

The State vs H. G. Tisdale was continued.

The State vs Burt Sarvis and Mace Horne, rule to show cause was continued and referred back to the magistrate's court.

The State vs D. M. Todd was continued.

The State vs W. R. Gainis was continued.

The State vs Henry Alford and Sam Cooper was continued.

The State vs Will Burnett, charged with disposing of property under lien was tried on Thursday morning and resulted in a directed verdict for the defendant.

that Hays is ill and could not come to testify in the case. This was admitted by the State. It was also admitted that the Hays people had been summoned to come and testify.

The case resulted in a verdict of guilty of assault of a high and aggravated nature.

Before the sentence was imposed the news came to Conway that Lawrence Bailey had been shot in his home upon his arrival back there on the evening of the day of the trial, and this fact caused the placing of the sentence to be further postponed pending the investigation made by officials to track out the assassin with blood hounds.

The sentence will appear elsewhere in these columns.

GRAND JURY ON THE JOB

Handles Many Important Things in Its Final Presentment

TEACHER SALARY DEFICIT

New County Government Act Is Ineffective in Opinion of The Grand Jury

The grand jury of this county handles many important things, in an important way, by means of their final presentment, which was received by the court and publicly read on Thursday of court week.

The report charges the delegation with the matter of providing, or trying to provide at the next session, for the big shortage in money to pay the school teachers.

It takes up the new county government act which is to go into effect next January and recommends that the act be repealed. The old plan as now carried out is much the better way as they see it.

They call attention to the lack of enforcement of the compulsory school attendance laws.

They call attention to the neglect of road work in some sections of the county.

Attention is directed to the shortage of ex-treasurer W. L. Bellamy that no action has been taken to collect from the bond.

They call attention to the apparent neglect of some of the magistrates to administer the law as it should be.

They endorse the establishment of a county court under the new act that was reviewed in the Horry Herald recently and which will be republished before time to vote.

Many other matters are considered as will be found from the reading of the report in full:

COURT OF GENERAL SESSIONS.

September Term, 1922.

STATE OF SOUTH CAROLINA, COUNTY OF HORRY.

To His Honor Albert F. Woods Presiding Judge:

The Grand Jury herewith makes to you its final report for the September term of this Court, and for its term of office.

Recommendations.

1. We have passed upon all bills and indictments handed to us by the solicitor, and have returned them to the Court with our findings.

2. Our standing committees have made oral reports to the Grand Jury, and we have used their information and investigation in compiling this final report.

3. The following resolution has been adopted by the Grand Jury:

WHEREAS the State of South Carolina through its legislature

has provided by law that certain requirements conforming to certain requirements a seven months term of school, and

WHEREAS, the districts of this county, relying on said guarantee employed properly certificated teachers kept up averages, and other requirements as prescribed by said Statute, for the term of seven months, complying in every respect with the terms of the law; and

WHEREAS, the school districts are now behind in the sum of approximately \$11,000.00 on teachers salaries, the districts having performed their part, but the State Legislature having failed to supply the money according to promise under said statute guaranteeing seven months terms as aforesaid;

BE IT RESOLVED that the members of the Grand Jury put themselves on record as favoring special effort on the part of the Horry Delegation to the General Assembly to see that this teacher's salaries deficit is called to the attention of the next session of the Legislature, and that they do urge an appropriation sufficient to liquidate same.

4. A special committee was appointed at the summer term of court to investigate and report upon the administration and execution of the Compulsory School law in this county. From this committee's investigation it appears that the magistrates of the county have not familiarized themselves with their duties under this law, and consequently have to a very great extent neglected their duties. It seems that the fault cannot be laid

(Continued on Editorial Page)

APPEAL CONTINUED

The appeal of H. D. Franks from the Magistrate's Court was dismissed in the court last week. He claimed that he did not have time to prepare for his trial. The testimony appeared to make him guilty in the view of the court.

The case arose out of an affair between Franks and J. C. Webb, while they were running a saw mill here some time ago.

The defendant felt that he did not get a fair showing in the Magistrate Court.

WAS WELL CONDUCTED

The entire bar was highly pleased last week with the conduct of the court by Albert F. Woods, of the Marion bar, appointed to hold the criminal court as special judge owing to the death of Judge Moore last summer.

Judge Woods, of course, could not decide questions raised by the attorneys for both sides, but his decisions were clear and founded always on good and sound reasoning.

Those with whom he could not decide were obliged to respect his reasoning.