

BANKING CASE TO BE HEARD

Testimony Taken Before Quattlebaum as Referee
Jan. 3rd

HISTORY OF THE MATTER

Depositors Paid Off Within Short Time From Stockholders' Liability

There will be a hearing on January 3rd before C. P. Quattlebaum Esq., as Special Referee, appointed by the court, in the case of W. A. Freeman, as receiver of the defunct Farmers & Merchants Bank against the former board of directors of the failed bank: E. T. Lewis, as administrator of the estate of W. R. Lewis, deceased; W. B. Chestnut, L. D. Magrath, George Officer, J. J. Williams, W. B. Hucks, Robbie Stalvey, and W. Percy Hardwick.

This is an action brought by the receiver for the benefit of the stockholders and creditors of the bank, alleging in substance that these directors were grossly negligent in their handling of the affairs of the institution whereby the cashier of the bank was allowed to dissipate and squander about forty thousand dollars of the funds of the institution.

The directors have filed answers denying their liability. In some of the wrongs complained of came about through the acts of the cashier, W. Percy Hardwick, and that he had been connected with another bank at the time, the Farmers State Bank of Aynor and that he was discharged from that institution which caused the public to lose confidence in him and caused the depositors of the Farmers & Merchants Bank here to make runs on that bank, and caused the creditors to come down all at once with their claims; that action was taken to dismiss Hardwick from his position in this bank before it could be discovered and remedied.

So far as Hardwick himself is concerned he has gone from these parts and has been gone for some time, though his present whereabouts is no secret and he has been sued in a number of cases now pending on the dockets of the courts in this county. He is regarded as being liable even if a large amount is found against him in the handling of the bank's affairs.

These matters will come up and the testimony will be taken before Mr. Quattlebaum on January 3rd. Then a report will be made in the case to the judge of the court of Common Pleas, and the whole thing will be passed on in that court.

The assets of the bank in the hands of the receiver did not bring enough clear of expenses to pay the claim of depositors in the bank. Under the law each stockholder in the bank is liable for an amount equal to the sum which he had taken in the stock of the bank. Some of the stockholders have paid their liability and are through with it. Others have failed so far to come up with the amount for which they are liable for settling with the people who had money deposited in the bank when it went under. Suits have been brought against a number of these and it is expected that within the next few days that the balance due the depositors will have been paid off out of the funds thus to be realized.

NEGROES IN NORTH ACUTELY HOMESICK

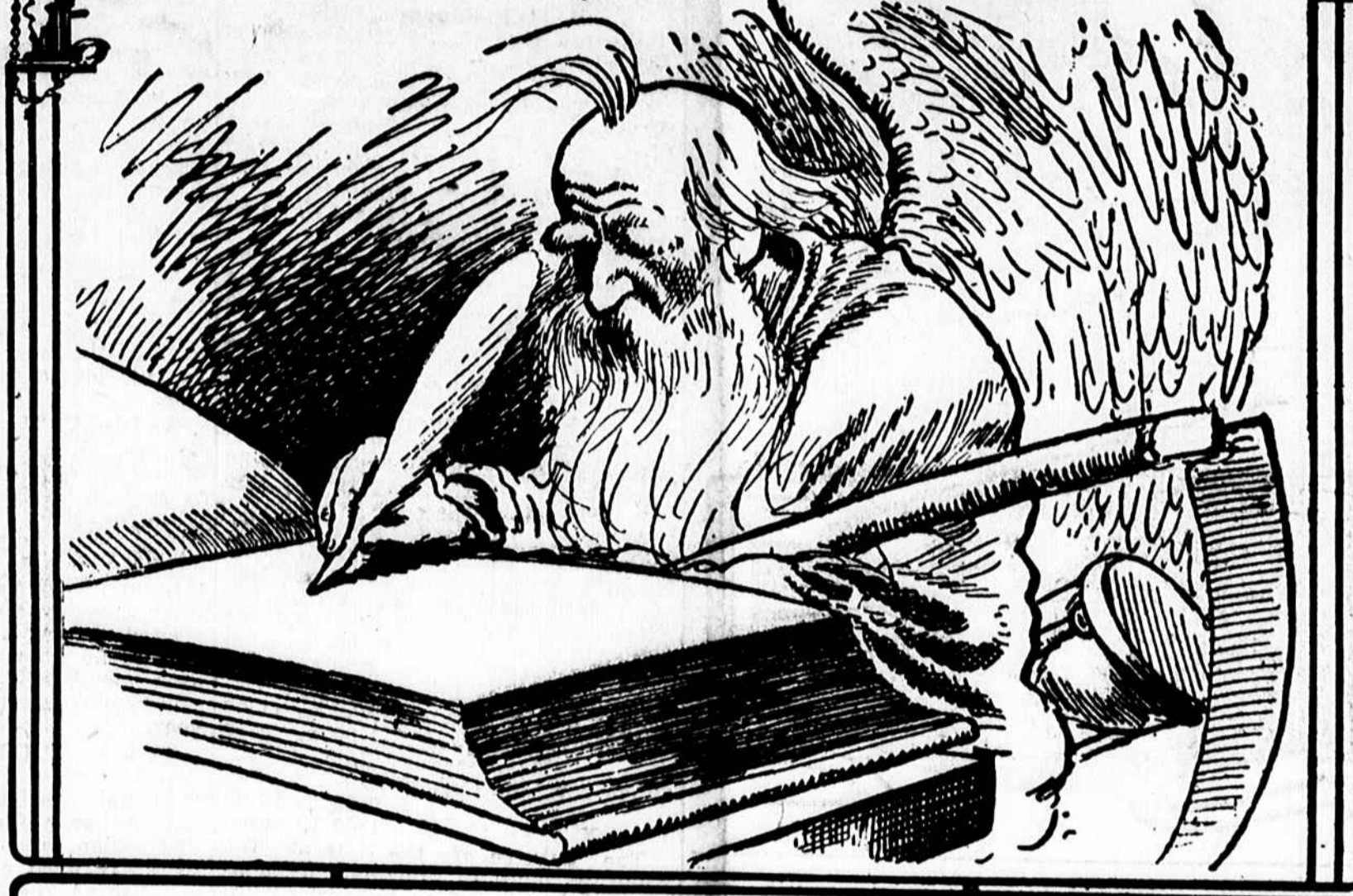
Greenwood.—Evidences of acute homesickness on the part of the negroes who have gone from this section to the north recently came to light almost daily here and a letter received by S. C. Hodges of Hodges Drug Company from a former negro customer, requesting him to send him a bottle of quinine and a few doses of colomel because the sort he got in Philadelphia "didn't seem to do no good," is only one example of the nostalgia of southern negroes in the north. Negroes here are sending their brethren in the north food which they claim taste better to them than the sort they can buy in the north.

The letter from the negro who claimed that northern medicine could not cure him like the kind he used down South says:

"I am in Philadelphia visiting my sister. While here I have taken sick and I have used all kinds of medicine but none of it don't seem to do me no good like the medicine at home. I am sending you 25 cents. Please sir send me a small bottle of quinine and a few doses of colomel. If the quarter is not enough to pay for it please sir send it anyhow and I will pay you when I come home. Please sir send it at once. I want to get well and come home and this Philadelphia medicine don't help me none."

Returning caskets from Philadelphia and other northern cities tell the stories of negroes who have succumbed to the rigors of northern winter. One negro returning a few days ago related how he had drawn \$21 in cash after a long period of labor. So anxious was he to return home and so fearful that some one would steal his money before he could buy a ticket, that he sat up all night watching the money and in the early morning shook the snow of Philadelphia from his feet and headed south.

"Good-Bye, Old Year!"



GOOD-BYE, Old Year!—the fickle World Pursues another Flame, And Time—the ruthless, changing Time—Will now erase your name.

And yet your younger rival with His aspect bright and new Is but an unread version of The hopes we had in you.

The apple-blossoms of his Spring, The little seeds that lie Deep buried in the Heart of Earth, Will live again—and die.

He, too, will give the warmth of Sun, And days of slanting rain, As he deals out our yearly share Of happiness and pain.

The big round moon and silver stars That lighted up your skies Will shine upon as many loves In just as many eyes.

And he will bring the fragrant June When crimson roses nod, And hurry through the Summertime To flaunt the goldenrod.

The painted pathway of his Fall Will be with clouds o'ercast, Because his Winter footsteps reach The Portal you have passed.

Good-bye, Old Year!—we loved you well; We found your treasures dear, But you have died as monarchs die— And so—Long live the Year!

—Nan Terrell Reed, in N. Y. Times

PENALTY ACT UNDER FIRE

Smart Sues Telegraph Company For Penalty in Two Cases

WON BEFORE MAGISTRATE

Some of the Parties Live in Georgetown. Wires Sent in 1920

There is a case now pending in the Supreme Court of the State that will have an important bearing on the rights of the people as against telegraph companies when messages are not promptly delivered.

It is the case of Hobson Smart and wife against the Western Union Telegraph Company, and the case originated before Magistrate C. W. Rouse, in Georgetown. In this case there were two telegrams each advising the serious illness of the father of Mrs. Smart. Mrs. Smart lived in Georgetown at the time and her father lived at Conway. As there were two of the telegrams advising about the illness which resulted in the death of her father, there were two of the suits in the magistrate court, each asking for recovery of the sum of one hundred dollars the penalty provided by a statute law of South Carolina against the telegraph company for failing to transmit a message in good faith and with impartiality.

The complaint in one of the cases will explain the circumstances which relate equally to both suits:

By C. W. ROUSE, ESQ., Magistrate in and for the County of Georgetown, in the State aforesaid:

To the defendant, above named: Complaint having been made to me by the plaintiffs, above named, as follows, to wit:

1. That the plaintiffs, Hobson Smart and Eva C. Smart, are and were at the times hereinafter referred to, lawfully husband and wife.
2. That the defendant, the Western Union Telegraph Company, is, and was at the time hereinafter referred to, a corporation duly organized and existing under and by vir-

AS TO OUR WATER POWER

M. C. Woods, prominent member of the Marion County Bar Association, is interested in the development of the water power in this section for the reason that it is making use of something that is going to waste. Mr. Woods has been informed from some source that at the last County Convention here a resolution was introduced recommending that no tax be placed on developments of this kind. He writes the Editor of this paper, under date of December 20th, as follows:

"December 20th, 1922.

"Mr. H. H. Woodward, Conway, S. C.

"Dear Sir: "I am very much interested in seeing further development of our water power, because such development is utilizing something that is going to waste. The good results to be obtained from that kind of development was apparent in Western North Carolina, which is now the most prosperous section of the South. I have been told that someone introduced a resolution in your last County Convention recommending that no tax be placed on developments of this kind. Will you please have the kindness to look into your newspaper files and send me a copy of your account of the last County Convention, if it refers to any such resolution, and also let me know, if you can, who introduced the resolution.

"Assuring you of my appreciation. Yours very truly, "M. C. WOODS."

Examination of the files in The Herald office fails to show the record of any such resolution but it is possible that the matter may have come up and was discussed at the County Convention last spring. The attention of anyone who may have been interested is called to the matter by this article and The Herald will be glad to publish anything that was said or done either then or any other time in regard to the matter.

The streets of the town are good in dry weather with exception of a few bumps at places. In wet weather they turn into muck and the crossing thereof by foot walkers is a matter of difficulty.

CAR TURNS ON A NEGRO

It is a sad looking sight to see a car turned upside down in a deep ditch, after plunging off an embankment about ten feet high and the occupants calling for help.

This is what travellers on the Conway and Marion bus saw and heard last Saturday night on the trip over from Marion, not in the regular bus, the roads being too bad for that, but riding in two cars sent over instead of the regular truck.

Just at the turn beyond the Galivants Ferry bridges, one white man and two negroes had been going toward Marion at an evidently rapid rate of speed. The car plunged off the embankment, pinning one of the negroes under it. The white man jumped out and was unhurt, the other negro was dead drunk but he seemed to be unhurt with exception of the monkey rum. The white man was calling for help when the bus passengers came in hearing of the place.

The men passengers in the two cars belonging to the bus line got out and by main strength lifted the fallen car from the body of the negro and he was dragged out to the higher ground where he was apparently about dead. Some in the party thought him dead while others thought that perhaps he might recover from the double effect of whiskey and the shock of the accident.

Some of the men reported that they noticed some jugs in the pile of dirt and debris where the car was stacked up with all four wheels in the empty air.

One lady in the crowd of passengers was so overcome with the sad looking plight of the men that she broke down and cried. Such help as was possible was rendered and the bus line cars came on to Conway, after being delayed for some time in the work of rescue.

The white man lives in Marion but his name was not learned and of course will not be published. The names of the others are unknown. This happened not far from the lonely house that sits on the side of the deep swamp. It is a lonesome place where no man would want to live. Whether the whiskey came out of Horry or out of the deep swamp near this place where the accident occurred will probably never be known.

DEAS DEWETT DRAFT EVADER

Landed in Hands of The Officers at Camp Bragg

WAS DRAFTED TWICE

By Running and Hiding Dewett Managed to Escape Until Recently

It is not generally known that the government is still after draft evaders, those who were called to fight for their country and have succeeded in evading the results of their refusal thus far.

Among the lot who has been hiding from the officers ever since the draft was made, is a negro by the name of Really Deas Dewett, a son of Daniel Dewett, an old negro resident of the Nixonville neighborhood.

After the negro had been drafted here it appears that he escaped and was found living at Kingston, N. C., when another registration took place and he was marked up for service as coming from that place. Still he managed to make good his escape and he was not registered into the service from that point.

He is about twenty-seven years old and would have been able to render good service as a soldier in the army of Uncle Sam.

The officer in whose hands the warrant was placed kept looking and waiting for Dewett until at last he was found hiding in his old haunts in this county. Then the warrant was served and a few days ago he was delivered to the authorities at Camp Bragg, nine miles out of Fayetteville, N. C.

He will have to stand trial for evading the laws and his penalty will no doubt be severe.

SCHOOL CLAIMS LOSE DECISION

Judge Shipp Refuses to Issue Mandamus Against Allen

SAYS ANOTHER REMEDY

Facts of This School Matter Fully Covered Recent Articles

The school matter at Loris took another turn last Saturday when the decision of Judge S. W. Shipp became known in Conway.

D. W. Hardwick, Huger Richardson and B. H. Hinson, as trustees of the Loris school moved before Judge Shipp to require a writ against the Superintendent of Education requiring him to approve certain school claims or vouchers issued to teachers in the district. A second and similar proceeding was brought by the Farmers Bank asking for an order which would require the Superintendent to approve another school voucher issued to the bank for the purpose of repaying the bank the money advanced by it to take up some interest on school district bonds.

The two matters came up before Judge Shipp in Florence, S. C., last week and he reserved his decision for further consideration, after hearing the arguments on both sides by attorneys representing the opposite sides.

Last Friday he rendered his decisions refusing the writ of mandamus in both cases, holding that there was an adequate remedy at law, in the first place, by appeal to the county board and thence to the State Board of Education; and that in the second place the Superintendent has the right under the law to exercise his discretion in the matter of approving school claims.

Whether an appeal would be taken or not could not be learned. The orders of Judge Shipp in the two matters follow in full, with the headings of the two proceedings showing the names of the parties:

ORDER STATE OF SOUTH CAROLINA, COUNTY OF HORRY. Court of Common Pleas.

In Re: Farmers Bank of Loris, Petitioner vs. E. C. Allen, as Superintendent of Education for Horry County.

Upon hearing the petition in the above stated case and the return to the rule.

ORDER That the writ of mandamus be and the same is refused for the following reasons:

1st. Mandamus is not the proper remedy as respondent has discretionary power in the matter of approving school warrants.

2nd. Petitioners have a plain and adequate remedy at law by appeal to the county board of education. State ex rel Williams vs. Hiers, 51 S. C. 388.

I cannot in this proceeding determine the disputed claim as whether Dr. Richardson is the de jure trustee or not, but even conceding that he is the trustee de jure, I am powerless to grant the writ for the reasons stated. Signed S. W. G. SHIPP, Judge Twelfth Circuit.

December 21st, 1922. Florence, S. C.

ORDER STATE OF SOUTH CAROLINA, COUNTY OF HORRY. Court of Common Pleas

Ex Parte D. W. Hardwick, Huger Richardson and B. H. Hinson, as trustees of school district No. 18, of Horry County, Petitioners, vs. E. C. Allen, as County Superintendent of Education for Horry County, Respondent.

This is an application for a writ of mandamus to compel the respondent as Superintendent of Education of Horry County to approve sundry warrants issued by petitioners against said school district.

Upon hearing the return to the rule heretofore issued, I am constrained to refuse to issue the mandamus, first, for the reason that mandamus is not the proper remedy as the Superintendent of Education is given the right under the law to exercise his judgment in matters of approving said claims, and, second, in case of his refusal to approve claims, the party or parties aggrieved have the right to appeal to the County Board of Education and to the State Board of Education. This is distinctly held in the case of the State ex relation Williams vs. Hiers. I am bound by the law as laid down in that case. It is true that petitioners state that the matter has been presented to the county board, but it is not stated that an appeal was taken to the county board upon the refusal of the Superintendent to approve the claims. On the contrary the respondent expresses in open court his readiness to submit the matter to the county board, subject to the right to appeal to the State board.

In holding the return of respondent sufficient, I am not to be understood as making any finding as to the conflicting contentions of the parties as to the right of petitioner Richardson to act as trustee. This is not the proper case to decide that matter. Petition refused.

Signed S. W. G. Shipp, Judge Twelfth Circuit.

December 21st, 1922. Florence, S. C.

(Continued on Editorial Page.)