

LAWYERS AND THE LAW

Modern Practice Has Made More Difficult the Way of Justice.

ETHICS OFTEN MERELY A BLIND

Civil Law Has Come to be Largely a Question of Dog Eat Dog—Many Ways of Queering the Verdict of a Jury—Impossible to Draw Contract That Cannot be Broken.

John B. Wallace in Dearborn Independent.

(Concluding Installment.)

The more laws the more work for lawyers and the more work the more fees. The spirit of commercialism has invaded the bar as it has invaded the press, the pulpit and even penetrated our sports and games.

Back of all this there is a sinister force, a force that the American people are just beginning to recognize and publicly to name.

This force was accurately described in a recent address by Bishop Adna V. Leonard, of the Methodist church. "The Pilgrim Fathers came," he said, "with a government founded upon an open Bible, an open church and an open school. Their aims were idealistic."

"In the last 25 years, however, the entire complexion of the population influx has been changed. The greatest population movement of all times was completed with the immigration of 20,000,000 people who came to this country in the quarter century just preceding the war.

High Standards Once. "All those people have their racial characteristics, their beliefs and their creeds. They come from every nation and every race on earth and they bring with them all of their various ideas and ideals. But there is one outstanding idea back of this entire migration. The earlier immigrants came from religious motives while this immigration, for the past 25 years came from materialistic motives almost entirely.

It was not always thus with our bar. There was a time when the majority of our lawyers stood for high ideals, when they looked upon their profession as something more than a vehicle to obtain money and notoriety. Then a man who indulged in the common practices of today was called a "shyster" and looked upon with scorn.

Now the situation is reversed and it is only the minority that dares to tell the truth, to call a spade a spade. I take courage to brave the wrath of your co-workers, and courage, the moral courage inspired by the aspiration to high ideals, is sadly lacking in the rank and file of the bar today.

A Man's Word Once Good. The difficulty is that so many of the members have uneasy consciences themselves that they dare not attack the victim find ground for retaliation. Occasionally they disbar some attorney who happens to be very small fry indeed and whose offense is so flagrant that it cannot be camouflaged.

The duty of the majority of those who practice civil and commercial law are thin enough, so thin and elastic that they can be spread to cover nearly any case with money to be gained. The law to the majority of these civil practitioners is but a game in which justice plays but a minor part and in which the rules are so juggled and befogged that the average layman throws up the sponge in despair.

It is disconcerting and often fatal to the case of the prosecutor to have a witness go on the stand and tell a story differing from that he had previously told when the state was collecting its evidence. He may later be

able to convict the witness of perjury but often too late to affect the case on trial.

There was once a time in our history when a man's word was good if he was that kind of a man. Now even his written and signed contract is worthless if he chooses to repudiate it.

It is the sole occupation of a certain class of lawyers practicing commercial law to draw up contracts that are supposedly unbreakable while another group spends its time devising methods to break them. It is reminding of the contest between the makers of armor plate to invent a shield that cannot be penetrated and gunmakers to fabricate a weapon that will hurl a projectile through it.

Civil law has come to be largely "dog eat dog." It is a matching of wits, of sharp practice against sharp practice. A code of simple honesty between man and man would leave our courts barren of cases and cause nine-tenths of the lawyers to turn their talents to productive lines.

It is not, however, in civil law that our present danger lies. Pools must pay for their folly and if neighbors will rush into court to settle their differences they must accept their portion of the blame. Lawyers who encourage such litigation are aiding in lowering the standards of civilization and humanity, but their responsibility is light compared with that of the lawyers who practice criminal law.

Laws in restraint of crime are enacted to protect those who do the productive and constructive work of the world from those who would prey upon them. A criminal is one who will not play the game of life fairly. He is a person who lacks the moral stamina to endure himself the buffet of existence and who tries to take an unfair advantage of those who do.

Therefore, he takes what he wants from others either by guile and trickery, or by force. There are exceptional cases when it almost seems that the criminal is justified but "two wrongs never make a right" and no individual or association of individuals can remedy an injustice by committing another one.

Lawyers or Actors? In this ceaseless war of society against its outlaws it would surely seem that society would be entitled to the protection of the legal profession, every member of which takes an oath to uphold the law and serve the ends of justice. How lightly this oath is regarded is seen in the previously quoted statement of Mr. Woolwine. Instead of aiding justice these crooked criminal lawyers, as Mr. Woolwine dubs them, do everything in their power to thwart it.

Taking example from the tactics of big business, the big criminal rings engage lawyers versed in every shady trick of their profession. This ring generally revolves around one big lawyer, a man of considerable standing in his profession, who seldom appears in court in behalf of his clients but who plans the campaign that his lesser associates carry out.

Then there are lesser attorneys who do the leg work, attend to bail matters, assist in locating and coaching witnesses. In addition, the ring, or rather its attorney, employs heelers recruited from the ranks of ex-police officers or detectives who have quit the force for good and sufficient reasons. If the lawyer does not maintain his own staff he is usually connected with some private detective agency which does this work for him.

able to convict the witness of perjury but often too late to affect the case on trial. The disappearance of an important witness will also cause the case of the state to sag while alibi witnesses, the truth of whose stories the prosecution has not the time to investigate, interpose a fatal handicap in the administration of justice.

Coached and trained so well are these professional witnesses that they often cause the stumbling and halting stories of the witness for the state, who are really telling the truth, to appear as clumsy fabrications. The adage that "truth will prevail" is correct but the difficulty is that by the time the real truth is discovered the trial is over and the defendant has been freed.

The handicaps in a criminal trial are all imposed upon the prosecution. It must prove the man on trial to be guilty beyond a reasonable doubt. No jurymen who is a normal human being desires to send a man to prison or mayhap the gallows or electric chair unless he is absolutely convinced of his guilt. These crooked lawyers take full advantage of this feeling. By placing a multitude of witnesses upon the stand, even when they know the jury will not believe them all, they hope to confuse the jurymen sufficiently so there may be that doubt that will incline them to free a possibly guilty man rather than to suffer the self-reproach of having voted to convict a man who might be innocent.

The "ace in the hole" of these gentry, however, is their ability to bribe a member of the jury. Through their secret force of ferrets they are able to discover the financial condition and the susceptibility to temptation of the members of the panel. A mistake in approaching the wrong man will be fatal to their case and such mistakes rarely happen. They know their man thoroughly before any overtures are made. But even though a mistake should be made the attorney has so covered his tracks that it is almost impossible to trace the offer back to him.

Under present conditions there are only two classes of lawyers who dare to speak out. Those who have reached the highest eminence in the profession without furnishing their closets with too many skeletons and those who have failed to get anywhere in the law. The first are nearly all on the bench and have lost active contact with actual conditions and the second have no influence, their complaints being laid to envy and spleen.

The Newspaper Sob Story. With one fixed juror the case for the defense is as good as won. He can hang the jury until doomsday and there is no requital. Not only that, if he happens to be a clever man with a gift of persuasion, he can often bring some of the other jurors around to his side. While a hung jury does not mean acquittal, by successively hanging a number of juries it is possible to discourage the prosecution, who, to save the taxpayers further expense, will dismiss the case. In this lies the secret of so many jury disagreements where the general public has fully made up its mind as to the guilt of the accused, if the prosecution refuses to dismiss the case entirely it will often compromise upon a light sentence after several disagreements of a jury.

Another favorite and probably unconscious ally of these crooked lawyers is the press, especially that portion of it that plays up news from a sensational angle. These attorneys make it a point to curry the favor of newspaper men and women. Women writers, who write the human-interest stuff, as it is called, and who are nicknamed "sob sisters" by the profession, assist them greatly in creating public sentiment in favor of the accused.

There is seldom a criminal so hardened but who has some human qualities and the "sob sisters" in discovering these good traits harp upon them until the public is convinced that the defendant is a poor victim of circumstances who is being cruelly persecuted by society. Popular sympathy is always with the underdog and often a public prosecutor through the dissemination of propaganda of this sort in the newspapers finds himself at the beginning of a trial confronted by a

hostile atmosphere that renders his task even more difficult.

Sensations and Advertising.

These columns of publicity are welcomed by criminal lawyers not only for the effect that it has upon a trial but also for the personal advertising and exploitation they get out of it. They stage many small sensations which have no effect upon the issue of the case simply to furnish their newspaper friends with something to write about, knowing that they will reap the benefit in notoriety and prestige as a smart lawyer.

Although usually liberal with cigars and other small favors they seldom attempt to bribe reporters. It is not necessary. The reporter holds his job through his ability to turn in good copy. It is but natural he should have an unconscious bias in favor of those who furnish him with live stories.

There was a time when these lawyers were satisfied simply to defend criminals after they were caught, but now they go further. They advise and often actively aid them in conspiring to break the law. Judges and the state's attorney in Chicago openly charge that the great criminal rings of that city are under the guidance of lawyers. Yet so powerful is the political influence of these arch-criminals and so great the timidity of their fellow members of the bar that they are seldom brought to book even before the bar associations which are organized for the purpose of maintaining a high standard of ethics in the profession.

The bar can only be cleaned up by its own members. As long as its members are content to allow crooks to besmirch its reputation they must expect to share the stigma. Those lawyers who have the courage occasionally to speak the truth about conditions fail to receive support from their associates.

On the contrary, they are made to feel the weight of their displeasure—socially and, when possible, politically. They are called radicals and hotheads and are ostracized by the profession.

Over his tomb, blasted from rock that looked down on all of eastern Nova Scotia and the beautiful Bras d'Or lakes, stood the watch tower built years ago by the inventors; below the quiet woodland and the serene lakes, on whose waters Dr. Bell experimented with speed boats and fast water sleds. The lakes were still and all the craft that sailed upon their waters stood motionless at the funeral home. In the village every shop and store was closed and each home had sent its occupants to the mountain top. No one was left in the laboratories and work shops, where Dr. Bell and his helpers busied themselves in summer-time. Every one had gone to give respect at the burial of the venerable scientist from another land, whom all the natives loved.

For one moment during the service all of the 13,000,000 telephones in the United States and Canada were silent.

He charged that the lawyer in question had the reputation in his home city of being a suborner of perjury and a jury fixer. In support of his allegations he read telegrams and letters from attorneys, including one from the former state's attorney of the city in which the lawyer practiced.

The presiding judge referred the matter to a committee from the local bar association. It was first announced that the committee would hold a public hearing at which the district attorney was to submit his proofs that the applicant was unfit to practice. This public hearing was never held. The committee asked the advice of the local bar association to which the attorney belonged, but it declined to make any recommendation. Finally, the committee decided to admit the visitor under the rule of comity, a courtesy between states.

Although the attorney was admitted he had been unmasked and he threw

up the case and left for home, breathing the usual threats of libel suits, which suits—needless to say—never materialized.

The action of the district attorney was a distinct innovation and created consternation among attorneys whose own skirts were not clear and who feared the effect of such a precedent.

That the failure of the bar is largely due to a lack of proper education and the influence of the materialistic spirit, of the age is the belief of William Gibbs McAdoo, former Secretary of the Treasury.

In an interview for The Dearborn Independent Mr. McAdoo, who is now practicing law, said:

"When I studied law in college in the South the law was looked upon as an honored profession which gave great opportunities for public service. We were taught that upon our shoulders was a great responsibility for the public welfare. Statesmanship was perhaps the most important part of our course. The ideals of the profession were as important as the incultation of the technique of the law."

"Today with law schools turning out lawyers by the thousands much as a business college turns out bookkeepers and stenographers there is small opportunity for the student to imbibe the traditions and ideals that are so necessary to prevent him from becoming a mere money maker and notoriety seeker. A return to the old system of education when the student course embraced a wide range of cultural subjects as well as a thorough course in political history and science would do much to purge the bar of the spirit of materialism that is permeating it."

BELL IS BURIED

Body of Great Inventor Rests in Mountain Tomb.

All the villagers of Baddeck, Nova Scotia, trudged to the peak of Beinn Breagh mountain Friday evening and stood in reverence at sunset while the body of Dr. Alexander Graham Bell was laid tenderly to rest after a life of 75 years, in which he gave to the world the telephone and other inventions.

Over his tomb, blasted from rock that looked down on all of eastern Nova Scotia and the beautiful Bras d'Or lakes, stood the watch tower built years ago by the inventors; below the quiet woodland and the serene lakes, on whose waters Dr. Bell experimented with speed boats and fast water sleds. The lakes were still and all the craft that sailed upon their waters stood motionless at the funeral home. In the village every shop and store was closed and each home had sent its occupants to the mountain top. No one was left in the laboratories and work shops, where Dr. Bell and his helpers busied themselves in summer-time. Every one had gone to give respect at the burial of the venerable scientist from another land, whom all the natives loved.

For one moment during the service all of the 13,000,000 telephones in the United States and Canada were silent.

22 In Turkey, Syria and Armenia the women wear garments of celestial blue as an emblem of mourning.

Buggies at Reduced Prices

Old Dobbin an dthe snappy looking Buggy is not yet extinct in this county and you'll be several years older before these become extinct like the dodo hence every now and then some man wants to buy a BUGGY, and that is the place where we can best serve you. WE HAVE THE BUGGIES—and our Buggies are of best qualities in workmanship and styles, and furthermore—and also to the point—WE HAVE THE PRICES THAT WILL INTEREST YOU IN A MINUTE. If you want to buy a BUGGY take time to visit our wareroom. We will be glad to talk to you about Buggies and Prices, and to be sure if you have a FORD CAR that you would like to exchange for a buggy, we will talk to you about that, too.

J. H. CARROLL

Attest JOHN A. MARION, County Chairman. J. H. SAYE, Secretary.

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NOTICE

NOTICE is hereby given that at a meeting of the York County Democratic Executive Committee held this July 31st, 1922, the following assessments were fixed for various offices, to wit: House of Representatives, \$25.00; County Supervisor, \$40.00; Treasurer, \$40.00; Auditor, \$50.00; Probate Judge, \$40.00; Superintendent of Education, \$50.00; County Commissioners, \$15.00; Magistrate, Bethel Township, \$10.00; Bethesda, \$10.00; Broad River, \$10.00; Bullock's Creek, \$10.00; Catawba, \$25.00; Ebenezer, \$15.00; King's Mountain, \$17.50; Fort Mill, \$15.00; York, \$20.00; Township supervisors, \$5.00.

The foregoing assessment must be paid to either the Chairman or Secretary of the Committee on or before 12 o'clock noon of Tuesday, August 8th, 1922, and pledges must be signed and filed at the same time. The following schedule for campaign meetings in the County was also adopted, to wit: McConnellsville, Wednesday, August 9th.

Ogden, Thursday, August 10th. Rock Hill, Saturday, August 12th. Fort Mill, Wednesday, August 16th. Forest Hill, Friday, August 18th. Clover, Saturday, August 19th. Bethany, Tuesday, August 22nd. Hickory Grove, Wednesday, August 23rd.

Blairsville, Thursday, August 24th. York, Saturday, August 26th. The following managers of elections and polling places for the various precincts were fixed for the first Primary election to be held Tuesday, August 29th, 1922:

Aragon Polling Place—Joe How's Store, Managers, T. C. Blackmon, R. M. Sutton, R. C. McFadden. Bethel—Ford's Store; H. E. Sifford, H. K. Davis, W. L. Adams, Clerk, Mrs. H. C. Barnett. Bethany—McGill Bros. Store; J. N. Pursley, W. B. McGill, Lee Gettys. Blairsville—Blairville School house; S. L. Blair, C. E. McGurkin, P. S. Russell. Bullock's Creek—P. B. Good's Store; E. M. Bankhead, L. L. Dowdle, T. E. Blair. Catawba—Simpson Store; W. H. Spencer, F. M. Lineberger, T. E. Patton.

Cannon Mill—Odd Fellows Hall; Presto S. Thomasson, B. F. Gardner, Geo. R. Wallace. Clover—J. F. Pursley's Store. Fred H. Jackson, R. A. Jackson, Sam J. Matthews. Fort Mill—Town Hall; W. M. Wilborn, A. L. Parks, Fred Mims, Jr. Forest Hill—Forest Hill School house, W. P. Boyd, D. F. Whisonant, P. L. Beard. Ebenezer—Matthews's Store; R. M. Anderson, J. L. Currence, J. M. Taylor. Filbert—Land's Mill; F. C. Walker. Hickory Grove—R. L. A. Smith's office; J. K. Allison, J. H. Hood, Jet Smith. Hopewell—Hopewell Schoolhouse; J. W. Smarr, B. R. Jones, V. D. Howell. Leslie—Leslie Schoolhouse; J. F. Shillinglaw, J. T. Spencer, D. G. Leslie.

McConnellsville—McConnell Store Building; J. A. Harshaw, C. C. Moore, James M. Lindsay. Mitchell's Store—At Mitchell Store; J. F. Reid, J. E. Caldwell, Thos. Mitchell. Newport—Jackson's Store; Jim Ferris, Frank Glenn, George Martin. New Zion—New Zion Schoolhouse; A. E. Burns, N. F. Robinson, E. B. McCarter. Ogden—Ogden Schoolhouse; F. H. Shenson, J. S. Kidd, H. Miller Dunlap. Rock Hill No. 1—City Hall; Hiram Hutchinson, Paul Workman, E. G. Nunn. Rock Hill No. 2—City Hall; James N. Benton, Jno. W. Milling, Robt. H. Mobley. Rock Hill No. 3—Arcade-Victoria Schoolhouse; D. L. Moss, C. N. Stutts, J. B. Porter. Rock Hill No. 4.—R. T. Fowell and Company, West Main Street; J. P. Culp, Thorn Neely, Lyle Whitner. Santiago—A. M. McGill's Store; A. C. White, J. E. Bigger, R. E. Brown. Sharon—Sharon Drug Store; E. R. Shannon, J. G. Caldwell, W. S. Love. Smyrna—Whisonant Drug Store; R. B. Whisonant, J. N. Quinn, W. W. Whitesides. Tizah—Smith's Store; W. T. Oates, Walter Shillinglaw, J. A. Campbell. York No. 1—Courtthouse; E. M. Dixon, R. L. Wilkerson, H. C. Smith, W. E. Keller, Clerk. York No. 2—City Hall; R. T. Beanguard, J. C. Parrott, R. J. Mackorell. Beersheba—Beersheba Schoolhouse; W. A. Carroll, J. L. Hemphill, Hugh J. Love.

Polls will open at 8 A. M. and close at 4 P. M. All clubs which have an enrollment of over 50 must use the Australian Ballot System in the said election, and rules governing same must be obtained from the Chairman, secretary or managers of election. In order to vote at the said primary, all voters must have been regularly enrolled on the club rolls of their respective precincts.

Attest JOHN A. MARION, County Chairman. J. H. SAYE, Secretary.

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