

## JOHNSON WILL HANG.

### CHARLOTTE SIMMONS, HIS ALLEGED ACCOMPLICE GETS NEW TRIAL.

Made a Strong Case  
for the Accused and he  
is to pay Penalty of Death  
on Second Friday in  
December.

The court of General Sessions took up the trial of Commander Johnson and Charlotte Simmons charged with the murder of the Rev. H. D. Grainger last Thursday morning.

The trial had been fixed for Thursday several days ahead, and attracted a large crowd of people, about twice as many as could get in the court house to hear the proceedings. The crowd was much larger than it was on Monday. The court house was crowded with spectators through out the trial, and public sentiment seemed to be very much against the accused.

The jury to try the case was finally empanelled as follows:

- L. M. Ludlam,
- J. E. Nixon,
- W. H. King,
- M. A. Royals,
- Chas Dusenbury,
- S. E. Williamson,
- C. A. Williamson,
- S. M. Lane,
- W. M. Booth,
- B. K. Doyle,
- F. W. Jernigan,
- R. M. Prince.

The defense made a motion to exclude all witnesses from hearing testimony of each other, which was granted with exception of the corner and Daniel Grainger, for the State.

Sarah F. Grainger was the first witness called by the Solicitor. She was widow of Harmon D. Grainger, a minister. He was killed while plowing in his field about 9 o'clock. I heard two reports of gun close together. I looked and saw animal, he was plowing standing still, and body lying over plow. Have five children. Kenneth and daughter went with me but not close, we feared we would be shot. Took advantage of the off side to get up to plow. He was lying on plow. I know defendants. Charlotte lived three-fourths of mile away. Didn't know where Johnson lived Johnson and my husband had not been on good terms. It was about some cross tie timber. The dead line was between pla-card swamp and Sanford. (Defendant objected, but Solicitor proceeded.) Husband's negro hands were shot at last winter. Husband went to see about it and made complaint.

Cross examination. Field was not larger than ten acres. Mr. Grainger was fifteen or sixteen yards from fence. On side was thicket, large body of forest. Had heard other shots in direction. When I heard shots that killed him, I looked quickly. Kenneth and Emma and myself were in field besides deceased. I was two hundred and ninety-six yards from where he was shot. Called to Sarah living near by, as I went along to body. Was plowing horse. Horse was not hurt by the shot. I was afraid of horse and also of those who had shot husband. I heard shots at other times not in same direction. Married son lived five miles off and his wife sometimes picked cotton at our place. (Solicitor here objected to introducing character of deceased except as to character for peace and violence. Defendant's atty B. W. Wait said he wanted to show rupture in family relations. Judge sustained the objection.)

Sarah Martin next called. Was in garden one hundred and ninety-six yards off when deceased was shot. Heard two shots but didn't look till Mrs. Grainger called to me and we went part of way to the body. Went and called Madison's wife. I didn't go to body till near noon. Had his hat on when I first saw body.

Cross Examination. He was killed about nine. I went to body about nine. I went to body about twelve. Miss Grainger and Miss Blanton went through field to body, maybe an hour after shooting. Heard shots the evening before in that direction. Martha Blanton. I heard shots about 9 o'clock. Went to body with Mrs. Grainger. Body down over plow, hat on at first, but wind blew it off just before I got there. Body fourteen yards from fence. He was plowing from fence. Cotton was low. Horse still standing. Fence was good fence. Saw gun wadding from him to fence. Rags and paper. Saw something like wadding in his whiskers. Wadding was produced by the sheriff.

Cross Examination. Nobody at body when I went up. Rows were going to fence, not parallel with fence.

L. S. Alford. Was first man to body with Simpson, my son. Lived

little distance off. Went road till I came to fence, and found body over plow, between his feet. Chin over cross piece. Saw shot, one load about shoulder blade, and then in arm, head and hat and upper shoulder. Wadding strewn from body to fence. Paper and rags. Never been to Charlott's house. Don't know where Johnson was living. It was 24th of June.

J. R. Allsbrook. Lives at Sanford. Knew Grainger. Knows defendants. Grainger lived little over two miles from me. Johnson was cutting ties on place of deceased. There was a difficulty between them, and also about some negroes. Negroes working for Grainger were in what is called dead line. I am merchant. I have shot for sale. Have different sizes in case, but two kinds mixed, one a small buck shot, and another size. Sheriff produced shot and Allsbrook said were like his mixed shot. Had talk with defendants after killing. Johnson was waiting and wanted to settle what he owed me. Johnson cried and seemed in trouble. Said he had but one witness and she in same fix. I tried to settle the dispute between Grainger and Johnson. Johnson was a little "sparrow toed." Cross Examination. Buy shot in 25 lb bags. The turkey shot got mixed in the case with the larger ones. I don't know how. I bought some ties from Commander Johnson. I paid up to Grainger \$6.00 and some stumpage due him by Johnson on the Tuesday before. There was talk of indictment against Johnson and Simmons living in adultery. Grainger told me this a few days before killing.

P. H. Sasser. I live at Bayboro. Knows Charlotte Simmons. I saw her go in John's store in June and ask for gun shells. I told her she could not shoot a gun, and she replied she could, and if she could not she could have it done. Johnson came to me on Sunday and wanted to sell me his horse. I told him he had a crop. Said he would quit and leave as he had got so mean he could not stay up in there. Cross examination. He said he was going to leave and get something else to do. Did not remember whether he said he wanted to sell horse to pay debts or not.

R. M. Prince. Live in Bayboro. Shortly before killing heard Charlotte say at my house that she had come by depot to get shells and got shells to shoot if she was bothered. Johnson occupied house one-fourth mile from Charlott's house.

John C. Grainger. Charlotte Simmons was living within two miles of Grainger, at Joe Fowler's old place. Saw Commander Johnson there one Sunday evening. Commander sold out crop, furniture and horse to his brother. Furniture was in room at Charlott's. (This was a very unwilling witness and seemed in favor of the defense.)

Dan'l Grainger. Got there in evening. Found body in field on knees over cross piece of plow. Counted thirty-two shot holes. They were in back, shoulder and head. Was at inquest. Defendant Johnson was there when I got there. Charlotte Simmons was sent after. Edmonds got there with hound after dark. I went next day to Charlott's house and found clothing of both man and woman. One pair men shoes in front, one pair in room. Pair in piazza were muddy and not dry. Found some shot and shells on table. Wad of shot in rag. I put in paper bag. Gun also found with two shells in it. Found two shells that had been reloaded. Opened one and found "B B" shot. Dr. Burroughs opened other. There was empty shell on table. At house of Johnson very few signs of anyone living there. Signs of horse stable. I took shoes to tracks leading from Grainger's field to Charlott's house. I went to where Edmonds stopped dog night before, short distance from where dog stopped, and found track. Found broken sign in bushes and found track like former one, followed through branch, then in same direction till we found it in another branch, then up branch, then in old field and then in mud in branch close to Charlott's Simmons. Took shoes and they fitted the tracks in the mud and where hound stopped. Trail went so as to keep hid. Went to fence and found where the grass was mowed down. Found tracks there which fitted shoes alright.

Court took recess.

After the recess the examination of Mr. Grainger was continued along the same lines.

Cross Examination. Found grass trampled down near fence and step about six or seven feet from trampled place, about the second of long strides. I did not keep all the way in front hunting the tracks, but other witnesses did. Saw tracks in

field where hoe was sticking up, tracks of a man and a woman. Tracks led from there to house or across the branch at church. Had no search warrant to enter house. Didn't need any. Didn't break Johnson's trunk.

Re-direct. I was sent to search house by the sheriff. Track was peculiar and easy to detect among hundreds.

M. D. Edmonds. Lives four miles of Chadbourn. Am policeman at Chadbourn. Kept blood hounds for eight years. My father had some when I was small. Got word of killing 12:15 o'clock. Went with oldest dog I had, named Floxie. She will take a man's trail and follow through a thousand. Got there near dark. I did not want to run at night. Sheriff sent me out with three or four men. Took dog at place where man stood. The dog took the scent and started off strong. Dog lead off and came down to a bay. It was too thick and I stopped and had place marked. Went with dog about half mile. Gave it up and as we came up next to Grainger's house, dog struck trail again, but I pulled her off. Next morning dog recognized track, but scent was cold. Followed track to house. The dog went to barn. Found shoes in piazza. They were muddy. Took shoes back and put shoes in tracks.

Cross Examination. My dog is near two years old. A blood hound is grown at about two years old. Begin to train at three months old. This one was about six months old.

W. A. Causey. Noticed peculiar walk of Commander Johnson. Was at inquest. Went with dog next day and found track on down branch. Stood there till dog got there. I went to road and stopped. Track was peculiar.

L. D. Suggs. Went on trail, but not at start. Left main crowd and got over branch near where defendants lived and went on to house with crowd. Found shoes on piazza. Were muddy. Then went and saw shoes put in track. Shoes fitted tracks exactly, except one in soft mud. Found shot and shells in house and compared shot.

Cross Examination. Found no dead squirrel or any fish in the house. Didn't go in trunk.

L. F. Suggs. Went that night with dog and men and it was so dark had to blaze trees and quit till next morning. Joined crowd at road and went on to house. Took shoes and followed track back to place of shooting. Shoes fitted the tracks. Saw wadding. Paper wadding.

Dr. H. H. Burroughs. Showed wadding found on ground between body and fence. Witness examined wadding carefully and compared with paper sacks at Allsbrook's. One piece wadding had "Allsbrook" on it. One piece of cloth wadding. I examined body about eight weeks after inquest and took B B shot and a size smaller out of his body. Found twenty nine shot holes of shot that didn't come out. One hit near jugular vein. Some in head. Shot hit heart, lungs and vital organs. One load directly in back, the other slanting. Signs showed shot were mixed.

Court took recess until Friday morning.

FRIDAY.

The murder trial was continued, the examination of Dr. H. H. Burroughs was again taken up. He explained a diagram of the country near the place of the killing, showed the shot taken from the body. Johnson told him in the jail that he had got some shot at Allsbrook's, and wrapped them in paper that came from between plugs of tobacco. Found Allsbrook's name on piece of the wadding. Wadding looked like wads from shells. Johnson told him in the jail that he wanted the woman locked up where her G— D— mouth would be kept shut. Johnson also told dreams he had while in jail about being hung, and told witness if he was hung he would meet him in H— with a lever car.

J. J. Sessions. Went to scene of killing about four o'clock. I got information caused me to suspicion a certain party. I located Johnson near body of dead man. He was pale, excited and nervous. He got more excited nearer night. I did not care to arrest him till after inquest. I fell upon the plan of holding him as a witness. I pretended that Commander was also a witness and had him guarded with the other witnesses on piazza by two constables. After verdict I arrested him. Tied him and took him to Sanford in buggy. He was at Sanford on box by store and one side of string had come a little loose. He made out that he was trying to see if he could run with line on his feet and would start off and stop, till he finally went off too far, and I called him back believing he was trying to run away.

W. M. Parker. Johnson in the jail told me his shoes were elastic shoes that he wore fishing that day and that he had left them on piazza.

H. G. Fowler. I know Johnson. He came to inquest. Charlotte was living on her place. Corn field around house. Commander was do-

ing the plowing, Charlotte would do the hoing. Small branch between this and Grainger's place. Four or five days before the killing he was hauling manure to Sarvis' place. Luke Elliott and his son were shot at and had to quit splitting rails.

Costie Floyd Heard Johnson say that Grainger was talking now, but he hadn't forgot the cross-ties he stole from him.

W. A. Suggs. In February heard Johnson say he didn't deny shooting the negro, and if Grainger took up for the "darkie" he'd get what the old "darkie" got.

W. K. Holt. Sheriff told me to watch Johnson at inquest. He appeared excited some way. He offered to go after witness, but sheriff, I think, told him not to go, and he never went. When dog came up she barked before she was taken out. After he had sworn at inquest he wanted to tell me and McCaskill something. He related a difficulty about cross-ties with Grainger. After verdict myself and McCaskill were ordered to take charge of him. We took him to Sanford and tied him. Heard Johnson tell that his things were in Charlott's house. I was sent to search house, but found Grainger and others had been there first and got shells etc. I opened trunk. There was some money in the trunk. Found some letters in Grainger's. Lost one of them on way to Grainger's, addressed to different party and in same writing.

Cross Examination. When I and McCaskill talked with him I don't remember that he asserted his innocence. Rev. Fowler used Johnson's horse to go get witness.

H. G. Powell. Johnson had a peculiar walk, turning in toes and shoes running over at sides.

Cross Examination. Dan'l Prince turns in one foot and lives not far from Charlott's house. Dan'l Prince is Charlott's father. In February Johnson said he would hate to have the parson to scratch, but reckoned he would have it to do.

Kenneth Grainger. I am son of Rev. Grainger. He was shot once after he fell to his knees. Didn't see smoke. Father went with corn over branch to feed hogs. Helped to plowing after breakfast and was killed between eight and nine o'clock.

Emma Grainger. I am Mr. Grainger's daughter. I looked and saw father fall. Heard two shots. Didn't go to body till others went. Father came in and we all ate together and went to work.

Mrs. C. L. Johnson. I live ten miles from Grainger and have known Commander Johnson. I know his hand writing. (Was shown letter found in house, and witness said she thought it was Johnson's hand writing.) Heard Johnson say that if Grainger put himself in his way he would bloody his shirt. Solicitor here read letter which stated that Johnson was going away on Saturday if things did not mend.

A. B. Mincy. Was my field tracks were in I related to Commander Johnson. Field two or three hundred yards from Charlott's Simmons' house. Found track in ford which looked like Johnson's track. Saw tracks in field like one in branch. Saw shoes fitted to tracks and they corresponded. Saw Commander wearing them.

Cross Examination. Was not at inquest. At the house that night. He was shot on Friday. Heard dog bark when it came up. In answer to the Solicitor, witness said that Dan'l Prince in making track would bear down on outside and Commander Johnson on the inside.

D. F. Prince, jr. Saw Johnson have shoes on like those in court. Saw tracks and they looked like shoes. Tracks in field were same.

S. G. Tyler. I work in store for Allsbrook. (Looked at shoes in court.) I sold shoes to Commander Johnson for \$1.40. Saw him one day in store pick up hand full of shot and he said he wanted about that many shot. Was shown paper used in wadding and witness said it was paper from Allsbrook's store. Shot was mixed in case. Said shot was same as those in court taken from Grainger's body. I paid Henry Tyler ten cents at request of Johnson. Tried to get shells but I had none.

Henry Tyler. Lives at Sanford. I sold Commander Johnson five gun shells for ten cents. They were loaded with small shot. This was two weeks lacking a day before killing.

After the dinner recess the following witnesses were sworn:

W. L. Prince. Heard Johnson say if he didn't cut those ties no body else would, and if Grainger bothered him he'd make his leather smoke. Witness saw tracks.

S. A. Bryant. Heard Johnson say he was accused of shooting negroes, but he didn't say he did or did not.

J. P. Tyler. Offered to hire Johnson to work for railroad and he said he couldn't work at that time. Said if he didn't do what he intended to do he might take job later, that he had his ducks in a row. This was May 5th. Thought he said he had to leave.

W. A. Prince. I went to jail to

## PROCEEDINGS OF COURT.

### THE GRAND JURY MAKE PRESENTMENT.

#### Many Defendants are Found Guilty and Sentenced to Fine or Imprisonment.

WEDNESDAY CONTINUED.

The State vs. George F. Sutton and Martha Sutton, charged with keeping disorderly house, was tried by a jury and both defendants found guilty. Sentenced to \$25.00 fine each or two months.

State vs. George Sessions and Isa Nobles charge of fornication. Isa Nobles pleaded guilty. George Sessions tried in absence and found guilty.

THURSDAY.

The jury returned a verdict of guilty against Nep Claredy and Henry Claredy.

The grand jury then brought in the following presentment, which created somewhat of a sensation.

"We the grand jury in the midst of our labors at the present term, beg leave to make the following special presentments, and request that bill be given out on the same at the present term with all convenient speed, as they are concerning the disbursement of county funds, which in our opinion, as will fully appear by our last presentment, greatly demands corrections by this court."

We present J. L. Boyd, County Supervisor, for disposing of one pair of mules the property of Horry county of the value of \$250.00 and appropriating to his own personal and private use, the proceeds of such sale. Witnesses: W. L. Mishoe, D. A. Spivey, J. P. Derham and J. C. Spivey. We further present J. L. Boyd, County Supervisor, for fraudulently raising the claim of one Y. M. Martin as constable from \$8.75 to \$14.75 after the same had been proved and filed, and numbered 582, and for adding the name of W. L. Hardee, a county commissioner of Horry county to the approval thereof, and then for assigning the whole of said claim, thus fraudulently increased to the Spivey Mercantile Co. for his own personal account, use and benefit with intent to deprive Horry county of at least \$6.00 of the amount. Witnesses: Y. M. Martin, N. M. Mishoe, W. L. Hardee, C. H. Snider, J. C. Spivey.

The Solicitor stated that he would not issue bench warrants, with the understanding on the part of Defendants that this was waived, each gave bonds in the sum of \$500.00 for their appearance at the present term to answer to indictments. The Solicitor also said that he would give out an indictment on the presentment made by the grand jury at last term and in this, each was required to give a further bond for \$500.00. Public sentiment seemed to be in favor of J. L. Boyd for he made his bonds without leaving his seat in the court room. H. L. Buck and P. C. Prince standing the first bond and J. A. McDermott and L. H. Burroughs standing the second. Mr. Stalvey was not in court at the time but his bonds were properly filed.

Mr. Boyd is represented by Hon. Robt. B. Scarborough and H. H. Woodward, Esqr. Mr. Stalvey by R. B. Scarborough.

The grand jury returned a true bill against J. L. Boyd and G. Fred Stalvey for conspiracy to defraud the county.

Communications intended for publication in this paper must bear thereon or on a separate piece of paper inclosed therewith, the true name of the writer, so the editor will know where to place responsibility for the article. We have stated this time and time again and still some will persist in sending in unsigned communications expecting them to be published.

The Green Sea Lodge No. 205 A. F. M. will hold a lodge of sorrow in memory of Rev. H. D. Grainger on Sunday October 1st at 11 o'clock a. m., at Honey Camp church Green Sea, S. C. Grady, Nichols and Conway lodges requested to be present. Public invited.

The appeal in the matter of Daniel Johnson from the decision of the two magistrates in the habeas corpus proceedings was dismissed last Saturday by Judge Gary on the ground that the magistrates had no right in the first place to pass on the matter, citing a case decided by the supreme court in support of his decision.

Attention is called to the new advertisement of Cooke & Powell appearing in this issue. They will appreciate your trade when you want anything in their line.

## LOCAL ITEMS.

This week has been rather dull after the crowds of court week.

If you want to buy a tract of good land write to D. Russ, Mattie, S. C.

There was some rain last Saturday and the day was dry and hot.

Read the new advertisement of Conway Bargain House appearing in this issue.

The Enterprise Box and Basket Factory has sold out to take effect about the first of next year.

There was an examination for teachers' certificates to teach in the public schools held in the academy last week.

The new passenger boat is about finished but no time has as yet been fixed for her first trip down the Waccamaw.

This issue is full of the proceedings of the court. It will doubtless prove interesting reading to most of our readers.

There will be an excursion to Myrtle Beach on the 23d of September. Come one and all and go with us. S. G. Booth, Manager. 2t.

W. J. Howell, a farmer living near Martins Hill had the misfortune to lose his dwelling and most of its contents by fire last Thursday.

The town was crowded with people all of last week. Those who did not come on Monday arrived on Thursday morning to hear the murder case.

The protracted meeting will begin at Honey Camp church at Green Sea on the 14th Sunday in September, the Rev. M. C. Walton of Burgaw, N. C., assisting the pastor. Everybody invited.

The town council which was recently elected decided at their first meeting to take steps in the matter of that certain ditch which was condemned as a nuisance last spring by the board of health.

S. T. Sessions moved his stock of goods last Monday into the new store next door to Norton Drug Co., where he will conduct his business until his old store is torn down and a new one erected in its place.

Commander Johnson was watching through the bars last Saturday afternoon at the crowd of people as they passed back and forth going down to the train or elsewhere. He had something to say to those he knew.

Whats That? The old question of where to buy your goods in Conway has been settled. Everybody says what? R. L. Lee & Co., is the place to buy good goods at less money than they can be bought anywhere.

S. A. Tindal says that he grew this year twenty-three watermelons on one vine, the largest weighing thirty three pounds, the smallest five pounds, and the whole lot grown on the one vine four hundred and four pounds.

Under a statute passed some years ago, six grand jurors are drawn each year to serve on the grand jury of the succeeding year. At the drawing in the court house last week Geo. L. Marsh, S. B. Moore, W. J. Singleton, W. H. Bell, W. F. Jordan, and S. W. Harrelson were drawn as six to serve with the new grand jury next year.

Miss Curtis Davis of Florence is visiting Mrs. D. F. Gregg.

S. B. Mishoe has accepted a position at the Gully store.

Chas. Marthinson of Washington was in the county on business last week.

Thomas P. Hammer spent Saturday in Conway, stopping at the Kingston.

C. E. St. Amand will leave the latter part of the week for Ports mouth, Va.

A. N. Cox of Marlows passed through town one day this week on his way to Gideon.

James E. Moore is critically ill at the residence of his daughter, Mrs. G. Fred Stalvey.

Solicitor J. M. Johnson was the guest of Col. C. P. Quattlebaum while attending court last week.

Miss Dora Thomas has accepted a position as milliner with R. L. Lee & Co., in their new store on upper Main street.

## PURELY PERSONAL.

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The court Stenographer, Solicitor and Judge Ernest Gary all left for Marion last Saturday afternoon where court convened last Monday morning.

Miss Mamie Spencer, a charming young lady of Surburb, N. C., who has been visiting her sister, Mrs. J. H. Oliver for the past month left last Saturday for her home.

(Continued on page 7)