

## FLOYD-PAGE LAND CASES

Results in Verdict For John T. Floyd Last Week

### FOR LAND AND DAMAGES

Case will Doubtless be Appealed to State Supreme Court

The trial of the case of John T. Floyd against Wm. Page went on toward the end Tuesday morning of court week. All of the testimony was finished up on Monday.

Both sides made motions for directed verdicts. Extended arguments were made by the attorneys on the opposing sides.

The defense set forth that Wm. Page claimed this land not only under the deed he got from Nancy Floyd but from and under a deed that he had from Chas. Grainger, and which had been put in evidence; they also argued the question of estoppel?

On the other hand the plaintiff argued that the defendant failed to show any deed from the sheriff Dan C. Lewis, to Charles Grainger under the tax sale, they having showed that while the land had been put up for sale for taxes, but the record was marked "Sale Suspended," and that while Charles Grainger had undertaken to make a deed to Mr. Page yet he had no right to do it except to make a quit claim of his right as the bidder at the tax sale.

The court refused both motions and sent the case to the jury. This was about the way the case was conducted before. At the first trial the motions for directed verdicts were asked and both sides refused.

After the refusal of the motions for directed verdicts the arguments before the jury commenced. These took up the most of the time.

The plaintiff's lawyers stressed the point that John T. Floyd was under age at the time of this sale from his mother to Wm. Page; and being under age he could not be estopped under the law by any conduct which had taken place; that the defendant had the right to possess the land so long as Nancy Floyd lived, but after her death the plaintiff was entitled to have this land. On the other hand attorneys for the defense told the jury that John T. Floyd had been entitled to the land at one time but his title had been divested by operation of law, that Floyd had received the benefit of the money the sum of \$100.00 which Page had paid to his mother for she had invested this in other land in Floreys township and in the course of time he got a very neat sum of money by donation of his mother when she conveyed to him the other land which John T. Floyd sold.

They argued that there must have been a deed from Sheriff Lewis to Chas. Grainger for the dower land at this tax sale as they had proved that Grainger went to the sheriff's house and got a deed or paper as told by his son, A. L. Lewis; and as recorded in the execution the proceeds of the execution had been applied on the judgment.

Several arguments were delivered on each side and they were not finished before about the noon hour on Tuesday.

The jury found a verdict for John T. Floyd for the land in dispute and \$5.00 damages.

After the decision of the case in favor of Floyd, the defendant, through his attorneys, filed his claims for betterments against the land, the law requiring this to be done promptly after the rendition of the verdicts in suits for recovery of land where improvements have been made by a party believing his title to be good in fee simple.

This will have to come up and be tried out before the plaintiff in the case can take the land.

The Herald has no accurate information as to the value of this land involved and the improvements thereon. It has been stated that betterments have been filed to the extent of \$10,000.00; that the buildings and machinery now on the land are worth ten thousand dollars. Various estimates have been made of the value of the land at this time without the improvements on it.

## JUDGE PASSES ON FIRE CASE

An interesting legal question is now pending before Judge Shipp, who is holding a term of the court of common pleas in Conway. It is a question arising in the suit of J. T. Mishoe against Trexler Lumber Co.

This suit is a second action brought by the plaintiff against this lumber company to recover damages for a fire that got out and burned over his lands in 1916. He alleged that the fire got out by negligence of the Trexler Lumber Company who at the time, was running a logging train through and nearby his woods, on the McNabb tract of land near Bayboro.

The first suit was brought for negligence in allowing the fire to burn

## MARKET OPENS AUGUST FIRST

The tobacco warehouses, running on the auction or independent plan, will have the opening sales this year on August 1st. T. N. Fullerton, of the New Brick Warehouse, went to the meeting last week which determined the time for the opening sales.

Conway is in better position this time for the sale of tobacco on the auction plan for the reason that the market here will have three warehouses instead of one, as before, running on the auction plan. The three warehouses are: The People's Brick Warehouse; the New Brick Warehouse; and the Planters Brick Warehouse.

All three of the warehouses are the best in the way of large floors and plenty of light.

It is said to be assured that this time there will be buyers on the Conway market representing all of the tobacco companies.

The warehouse men could not be better in the interest of the growers of the weed. They are all men of experience and well known to the tobacco business.

Besides the auction warehouses above mentioned, there will be two warehouses operating on the cooperative plan. These are the Horry Warehouse and the Farmers Warehouse. They will have competent men in charge to take care of the tobacco as it is brought in and it will be handled as it was last year, by men who are experienced in the handling of tobacco and who know how to keep the weed in the right condition for sale to the big companies.

So far as could be learned the condition of the maturing crop remained good. Farmers were curing the weed in the barns all over the tobacco growing section. Samples of some of the barns have been shown and the grades being produced this year will be fairly good as compared to the grades of years past.

## CURING SECRET WAS FOR SALE

Man Says His Father Had Trouble in Selling It

### ANSWERS HERALD LETTER

Growers may Do Better by Studying Condition of Leaf

Many tobacco growers read the article appearing in the last issue of the Horry Herald about the letter received from a writer concerning a supposed discovery made by his father as to the best dates for tobacco curing.

At the same time that the article was prepared for publication in the paper, the Herald addressed a letter to the writer of the article.

This letter that the Herald wrote was for the purpose of ascertaining whether this man proposed to give the information he claims to have to any tobacco grower, free of cost, or whether he proposed to advertise his scheme for nothing, and then perhaps reap an abundant harvest of dollars which might be sent to him by the Horry farmers in an effort to learn what it is he knows. This letter follows:

Mr. W. H. Davis,  
Mocksville, N. C.

Dear Sir: The article which you enclose for publication is very interesting, but it is impossible for us to understand just what you are after in having this article published. You do not state in the article that the information you offer to give will be free to the growers of tobacco. If it is information that you wish to sell to the subscribers of our paper, then this is advertising that you have offered and we cannot undertake to publish it unless you agree to pay for the amount of space used; on the other hand, if it is information gained from your father's experience in choosing the right days for curing tobacco and you wish to give this to as many of the tobacco growers as will write you for it, it is a different proposition and we might consent to publish the article if we felt assured that this was your object. We are holding the article here awaiting a further hearing from you. In due course an answer came to the above mentioned letter and the answer is as follows:

H. H. Woodward, Editor:  
Relative to the matter of good dates for harvesting tobacco, will say that my father had given out this information practically free for several years prior to his death, or ever since he made the discovery.

He was only concerned in getting the information to the tobacco growers—those who were interested enough to ask for it. However, there has been more or less expense attached to this work, which the interested growers gladly furnished when told and explained. But his expenses and receipts usually ran about even in a season and if he came out even he was always satisfied, in that he contributed

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## ONE IS DROWNED AT GALLIVANTS

Girl Almost Drowns Who Went to Rescue of Her Brother

J. J. Scarborough, who conducts a general cleaning and pressing establishment at 207 East Evans Street, Florence, plunged into the little Pee Dee River at Gallivants Ferry yesterday afternoon and saved the daughter of H. N. Jayroe of Marion from drowning, after her brother had already been drowned, and Mr. Jayroe had become exhausted from his efforts to save them, after they had been caught in the undertow at the old bridge, which had fallen into the river and formed a whirlpool that is very dangerous.

Mr. Scarborough and his wife and a number of other Florence people were spending the day at the ferry, and Mr. Scarborough was sitting beside the river bank fishing when he heard a woman screaming for help a short distance away. With others he rushed to the scene and just as he arrived he saw the head of the girl come to the surface, where she had been forced to the surface by the forward wash of the undertow. A little farther on, clinging to a piling of the new bridge, he saw Mr. Jayroe feebly holding on, he having become exhausted in his efforts to save his son, who had already disappeared when Mr. Scarborough reached the spot.

While others ran along the bank of the river, wringing their hands and shouting for help, Mr. Scarborough plunged into the water and swam to the girl's assistance just before she disappeared for the third time. Just prior to this a young man had gone to the girl's assistance, but being unable to tow her ashore, had turned back, fearing the strong undertow at this place. Mr. Scarborough brought the young lady ashore in an unconscious condition, and it took a half hour to bring about her revival.

The young lady, who is about 16 years of age had gone into the water to assist her brother, who was 13 year old, and being caught in the undertow, was drawn under the water herself. Seeing the danger to his children Mr. Jayroe, who was ashore buying some fish, went to their assistance and almost drowned himself. The boy was drowned about 4:30 o'clock yesterday afternoon and was not recovered until after 6 o'clock, it being brought to the surface by some men who were using hooks on the end of long poles. The body was found at the bottom of the river caught among a mass of logs and other rubbish, the hook catching in the bathing suit of the boy.

Mr. Jayroe, who is a lumber inspector of a big mill at Marion, is well known in the county.—Florence Daily Times.

## TRANSFER MAN GETS HIS PAY

A white man by the name of Anderson refused to pay a negro transfer driver, out of Marion last Saturday night, and before the incident was over the officers of the law had some trouble and the delinquent traveller was in the town guard house.

The man hired the negro automobile driver, in Marion, to bring the former to Conway, agreeing to pay the negro the sum of ten dollars upon arrival here.

No money was passed in the beginning, it being understood that the negro was to complete his contract before this money would be paid.

Between here and Gallivants Ferry the white man wanted the negro to stop the car so that the former could get out for some purpose that was not satisfactory and the driver watched the man only to see that he was trying to slip away. It appeared later that the home of the man is in that section of the county and not in Conway.

The negro applied to the officers of the law and the white man was brought up on a charge which resulted from his conduct in the matter. One of the officers went with Anderson to his home in the country. Finally his people were brought in and they chipped in and paid his fare and also the cost of the proceedings.

## CONWAY BOY SAVES ANOTHER

The friends of A. C. Thompson, Jr., of Conway were pleased to learn of his success in saving a young lad from drowning at Hendersonville, N. C. One day last week a company of boys were in bathing in a lake near Hendersonville. They were strangers to young Mr. Thompson and while he did not join them he remained near them looking on. One of the boys he noticed was struggling and none of his friends were able to lend him assistance. When he saw the boy rise to the surface of the water the second time he plunged in with clothes on to assist him and was quite successful in his rescue.

Friends of Mr. Thompson here at his home extend congratulations to "A. C." because of the brave deed.

## ABOUT TESTING WEEVIL REMEDY

Mr. Jernigan Will Write Frequent Articles For The Herald

Dear Mr. Editor:

Will you find a place in your paper for me to publish a short piece about "Testing Boll Weevil Remedies."

It seems that many farmers are testing for themselves various boll weevil remedies to see which is the best. As a rule, it is better to let the experiment station do such work. They are equipped for it and have men who can take the time to make careful and accurate counts.

But since farmers are doing some experimenting on their own initiative there are a few things to be taken into account in arriving at a fairly accurate conclusion.

In the first place a farmer must prove that weevils are abundant enough in the field to do material damage. No boll weevil remedy has a fair chance to reveal its worth where there may really be no need to take steps to kill the weevils. The only possible way to establish the fact that weevils are present in a field in numbers capable of doing serious damage, and the only way to measure the damage, is to have a check plot. By a check plot is meant a plot where no remedy is applied and weevils are allowed to develop in a natural way. This check plot to be of value, must be in the field to be treated and in order that it should tell the truth about infestation it should be representative of the field. If some part of the field is richer than the other, the check plot should extend into the rich plot as well as the poor. Scientists find that in poisoning boll weevils it is not fair to take the first two or three rows of the check plot into consideration as the effect of the poison is not likely to extend over these first rows. A check plot should, therefore, extend over several rows. This means a possible loss of cotton on several rows. Accurate experimentation is, therefore, expensive at best.

It would not be acceptable evidence to compare your treated field with an untreated field of a neighbor, for it has been found that boll weevil infestation is not uniform. To get at the exact facts, it will, of course, be necessary to give the experiment field the same general treatment, other than the poison. That is, all the soil should have been prepared alike, planted similarly, chopped to the same stand; cultivated the same throughout, and the treated and untreated should be equal so far as damage from disease like wilt or other adversity.

No boll weevil remedy is given a fair trial if it is not applied according to recommendations. The best can be the worst by failure to follow the rules. Where you use machinery, use the proper machinery and see that it is working perfectly. Do not be too hasty in drawing conclusions. The proof is found at the scales in the fall and not before. What might seem to be true may turn out differently when the yield is weighed. Then when one year's tests are concluded, don't be too cocksure. Experiment stations do not find it safe to depend on one year's results, but on an average of years. One season might be exceptional for some reason and prove a false guide. One year a farmer may have a poor growing season and the yield might be so small the difference between the treated and untreated area would not be great enough to make the fight on the weevil worth while. The greater the yield, of course, the greater the difference between the treated and untreated plot. In fact, only by greater yields per acre can the expense of fighting the boll weevil be met without running the risk of making cotton growing a losing proposition.

FRED M. JERNIGAN,

(Mr. Jernigan writes a letter to the editor with this article and offers to send an article for publication every week during the next several weeks while the weevil season is going on. The Herald will delight in printing these articles, and will be glad to hear from other farmers on their experience.—Ed.)

## WILL PRACTICE AT GAFFNEY

J. L. Thompson has formed a partnership with Cornelius Otts for the practice of law at Gaffney, S. C.

They are located in the Littlejohn Building, at No. 417 1-2 Limestone Street, and began practice under the firm name on July 1st.

Mr. Otts is located at Spartanburg and is understood here to be an experienced lawyer in the general practice. He is well known in his profession in all that section of South Carolina.

Mr. Thompson is a recent graduate of the University of South Carolina. He is a son of A. C. Thompson of Conway, and a younger brother of F. A. Thompson of Mullins, also a lawyer with offices at Mullins.

J. L. Thompson has many friends at Conway who feel interest in his success.

## HIS CROP HAS NO WILD FIRE

Editor Herald:

In a recent issue of The Herald I had an article concerning the wild fire in my tobacco and my experience in cooperative marketing. The three years mentioned in that article I used an 8-2-2 fertilizer, from 1200 to 1400 pounds per acre.

This year, 1923, I made a complete change. I made a new plant bed in soft mellow soil, and I used new canvas and new seed of the Warner variety. (I had been planting Harris). I transplanted my plants in soil where there had been no wild fire. I used 1000 pounds 8-3-3, 200 pounds acid, 80 pounds kainit salt and 25 pounds nitrate soda per acre. I have not seen any wild fire in my crop this season. I think I have a fairly good crop.

I would like for some one who has had experience with kainit salt under tobacco to let their views come out in The Herald. I had never used kainit before for tobacco. I used it this year, thinking it would keep off the wild fire.

H. E. BLANTON.

## SINGLE CASE BRINGS FIVE

Defendants in Watts Case Bring Suits Against Plaintiff

### CONDITION OF DOCKETS

Motion Made for New Trial and Appeal to Be Made

One suit in the court of Common Pleas last week has resulted in the bringing of five more. The case referred to is that of Mrs. A. J. Watts as plaintiff against Jesse Arnette, Otham Arnette, Josiah Watts, Mrs. Lou R. Whittington, Charlie Grainger and Otham Harrelson. Josiah Watts died after the bringing of the action. The jury found a verdict for the plaintiff for the "land in dispute."

The suit involved the possession of a fifteen acre tract of land which was said to have been conveyed years ago from Mary J. Seals to David Bryant. The latter mortgaged to H. H. Woodward and others, and while Bryant was serving a sentence in the State penitentiary, the mortgages were taken up by Frank Spivey and Rachel Spivey and in the course of a short time Bryant conveyed the land to them. Spivey conveyed to Luke Watts, and the latter to his daughter-in-law, Mrs. A. J. Watts.

The defendants in the case are the owners of the different lands surrounding this fifteen acres formerly owned by Bryant. The question at issue was the location of the lines of this fifteen acre tract of land.

In the trial of the case it was plain that the surveyors, Jack Long, of North Carolina and J. B. Gore of this county had failed to make the surveys that were necessary to enable the lines of this tract to be established as to the abutting lands round it. Both surveyors made plats separately. Neither of the plats had the courses and distances laid down on the disputed lines and even since the jury has found a verdict for the plaintiff for the land in dispute, it would be impossible for another surveyor or either one of these to take either of the plats and locate the lines of the land that the plaintiff is supposed to have won by the verdict of the jury.

There appeared to be other complications which had not been provided for by the plaintiff who brought the action. One is the fact that Elmore Whittington, an infant son of M. W. Whittington, owns a two-thirds interest in the Lou R. Whittington parcel and although it was set up in the answer that this outstanding interest existed, the plaintiff took no steps to bring this infant into the case. Another allegation of the answer showed that Mrs. S. C. Watts, wife of Josiah Watts, owned a life estate in the Jesse Arnette parcel, and yet no steps were taken by the plaintiff to bring her in as a party in the suit. So it would appear that although the plaintiff got the verdict of the jury, yet she has not recovered the land from the true owners of it at the present time, and nothing has been established by way of a plat whereby the land that has been won can yet be located and marked out.

So much for the original suit out of which five others have since been filed. On the day following the trial of the case about this fifteen acres, the defendants in the action filed five different suits for what is known in the law as betterments on the land. These claims are provided for in the law in cases where a party has purchased land supposing that he had acquired a title in fee, and went ahead and improved the land and then lost it in a law suit with another. The law provides that he shall have his claim for the improvements. This claim for betterments often results in the taking away from the winner of the land all of the fruits of his victory, in one way or another, for he has to pay what the jury finds is the value of the better-

## DEPUTY TAKES COPPER STILL

Negro Implicated by a Keg Found at The Place

### NEAR BEACH HIGHWAY

Small Quantity of Moonshine is Found Already Made

A copper still, copper worm, and regulation still cap, together with a quantity of sour mash, kegs and a half gallon of whiskey were found and captured last week by H. N. Sessions, deputy sheriff, down inside a swamp near the road to Myrtle Beach.

The officer had gone to Socastee on other business and was returning along the road, driving a Ford car. He overtook Roshia Ammons who was walking the road alone in the direction of Conway. The officer stopped and offered to give Ammons a ride.

Ammons related that he was in trouble, as he had walked up on a still near his place that morning and he was then on his way to Conway to report the matter to the officers of the law. Sessions told him that he need go no further and that he would go and take the still.

On the way they pressed in Walter West.

The three then went to the still and found an outfit of about twenty gallon capacity and with all the usual implements used in making moonshine whiskey, including a quantity of liquor. About sixty gallons of sour mash was found there and turned out on the ground.

Before going into the swamp for the still the officer was informed by a lady that some days before that a negro, Bob Oliver, had fifteen gallons of syrup and had borrowed a keg to take it off in. She told the men that if this keg should be found at the still that she could identify it and that this keg might identify the operator of the still. The officer brought the kegs back after taking the still and the lady picked out the keg which the negro had used.

This still was located not far from the road to Myrtle Beach and near the lands of A. W. Stevens and Roshia Ammons' place. This is not very far from Socastee.

There was no operator in sight when the officers approached.

Bob Oliver was questioned about the ownership of the keg. He said that this keg belonged to one Mr. Fullwood. He told conflicting stories about the syrup and also about the keg in which he had it.

It was stated that warrants had been sworn out upon the return of the officer to Conway, but at last accounts no arrests had been made.

## CARS DAMAGED IN COLLISION

As W. A. Stillely, Sr., was about to turn into the public road after leaving the steel bridge one day last week on his way into the town from the veener plant; a truck, which was being driven by the eleven year old son of S. B. Housend was driven into the car, demolishing the running board and doing other damage to the Buick Six which Mr. Stillely was driving and doing considerable damage to the truck.

It was said that the truck had no brakes. The Buick was taken to a garage where it was repaired.

These defendants in the Watts and Arnette case have filed claims for betterments to the aggregate sum of \$3700.00. The papers are filed in the office of the clerk of the court and Mrs. A. J. Watts is required by law to answer the complaints, five in number without any further notice being given in the matter.

In the meantime a motion for a new trial in the case is pending, also an appeal to the supreme court in case the motion for a new trial is refused. The law requires the claims for the betterments to be filed within forty-eight hours after the rendition of the verdict for the land. This had to be done and it is only in the event that the plaintiff, Mrs. A. J. Watts, finally wins out, of course, that these claims for the betterments will be tried out to a conclusion in the court.

Litigation would appear to be on the increase in this county. For many years the dockets of the court have been crowded with law suits waiting their turn to be tried and disposed of. On that account the law as to the terms of the court was changed last session of the Legislature as to provide for more frequent and also longer terms of the court of Common Pleas. Here in this one instance, one single suit has grown into five different actions which will go on the docket and even the old case which started the whole thing is still on the docket of the court and may be there for a long time.

This dispute has come up in a section of the county where development and improvement is going on in about the same ratio as in other farming sections of the county.