

# FOUNDER WRITES OF FIRST DAILY

## J. T. Fain Turns Back Thoughts To Rock Hill Of Years Ago

BY J. T. FAIN

(Ed. Note: Mr. Fain is the editor and manager of the Hendersonville, N. C., Times-News. He was formerly publisher and founder of The Evening Herald, selling the paper to its present publisher, A. W. Huckle, in 1922.)

Responding to a request from the publisher of The Herald, A. W. Huckle for an article to be published in a forthcoming special edition of The Herald, I am turning thoughts to November, 1911, when I removed to Rock Hill to enter the newspaper business.

It was chiefly through the efforts of the late Alexander Long, then president of the Chamber of Commerce, and W. S. Creighton, now of Charlotte, who was secretary of the Rock Hill organization at that time, that I was induced to go to Rock Hill, purchase The Rock Hill Herald from the late J. Otis Hull, and established a daily newspaper, The Evening Herald. The Rock Hill Herald was issued twice a week and was published for some time after the daily paper was started but was finally discontinued.

### New Plant

Otis Hull's office and plant was located in the Fewell building, corner West White Street and Chatham Ave., on the second floor of the building. About a month after taking charge I moved a new plant into the London-Johnson building on Hampton street and began publishing the daily paper.

I am not permitted in the space appropriated for this article to give a detailed record of the early years of The Herald, but it is sufficient to say that its career was similar to that of nearly all daily newspapers published in small towns 25 years ago. The gross business was small until the years following the World War, when general boom conditions in business made it possible to greatly increase the gross business and to show some profits on operations. In 1922 the business was sold to A. W. Huckle and in 1923 the writer removed from Rock Hill.

In the years Mr. Huckle has guided the course of The Herald it has kept pace with Rock Hill's growth and development; and as I turn back to the record of the past quarter century my thoughts record the great upbuilding and improvements made in Rock Hill during that period.

### No Paved Streets

The Autumn of 1911 was wet, with heavy rainfall, and when I arrived in Rock Hill the town was a sea of mud. In a large measure this condition continued through the winter, because there were no paved streets and the sewer system was being installed and the digging in the streets made some of them almost impassable. Mud was probably a foot deep in the business section on Main street; down on the railroad and on White and Chatham it was terrific. I was forced to wear rubber boots in order to get to the newspaper office in the Fewell building.

### Rapid Growth

The sewer installation was completed, some of the streets were paved and Rock Hill began a movement out of the mud and on the general upgrade, and this movement has continued until it is difficult to realize that the town of today is the same Rock Hill which was situated there 25 years ago.

When I went to Rock Hill the old Southern Railway station was standing at the railroad and White Street; the present station was under construction but not completed. Hundreds of residences and business and public buildings have since been added to the city and no doubt the population is around three times as large as it then was.

## SC High Court Decision

*Dec. 13, 1957 - Herald*

# Appeal In Suit Against Herald Is Rejected

*Dec. 13, 1957 - Herald*

COLUMBIA (AP)—Anyone holding or seeking a public office is subject to "legitimate criticism" in newspapers, the state supreme court has held.

This ruling came in an unanimous opinion, filed yesterday. The opinion rejected an appeal by former State Rep. A. Y. Cartwright Jr., of York in his \$100,000 damage suit against the Herald Publishing Co. of Rock Hill and Publisher Talbot Patrick.

### Charged Libel

Cartwright charged that two letters to the editor of The Rock Hill Herald libeled him. The circuit court jury verdict was for the defendants.

The Supreme Court opinion quoted extensively from Circuit Judge J. R. Moss' charge to the jury—which has the effect of making that the law of the state in such a case.

Part of Moss' charge, which Cartwright challenged and which the Supreme Court upheld, stated:

"If a party's good name is assailed by letters published in a newspaper, he may reply defending himself, and if his reply is made in good faith without malice, and it is not unnecessarily defamatory of his assailant, it is privileged even though false."

"When a citizen holds a public office or holds himself as a candidate for public office," the court said, "he becomes an object of legitimate criticism, his policies, acts and fitness, and qualifications for the office he holds, and any newspaper or citizen is privileged to publicly criticize him and discuss him thereabout without being held liable for damages."

### Letters Published

Many letters criticizing and defending the York County legislative delegation were published in the Herald's "Voice of the People" column. The Supreme Court said one of them "may be fairly said to have been provocative of the letters" against which Cartwright based his suit.

## Court Decision In Herald Case Of Wide Interest

The decision of the South Carolina Supreme Court in the libel suit of A. Y. Cartwright against Herald Publishing Company and Talbot Patrick, editor of the Evening Herald, has importance for all the people of South Carolina.

This is the opinion of lawyers who have read the Supreme Court decision.

Some of the "why" and "how" this importance goes far beyond the borders of York county, and even beyond the boundaries of South Carolina, will be discussed in the editorial column of your tomorrow's Herald.

It noted that Cartwright admitted the "provocative" letter was brought to his office. He also testified that he consulted with the author about it, and that the letter was typed on Cartwright's office typewriter.

### Issues Raised

The appeal raised these three

issues, all rejected by the Supreme Court:

1. That Moss should have granted a new trial on the evidence.
  2. That Moss made an error in charging the law on replies to libels and privileges that go with publications made during a public controversy.
  3. That Moss should not have permitted cross-examination of Cartwright about his drawing some \$300 in expense funds in addition to his salary as a state legislator.
- The case, the Supreme Court held, "falls within the well-established rule of self-defense from libel or slander."

### Previous Opinion

Quoting from a previous opinion involving similar issues, the court said:

"Statements made in an honest effort to vindicate one's character or to protect one's interests are usually regarded as qualifiedly privileged, even though they are false, if they are made in good faith and without malice."

"Thus," the opinion continued, "it seems to be definitely settled that when one person assails another in the public press, the latter is entitled to make reply therein, and so long as the reply does not exceed the occasion, he cannot be held responsible for any resultant injury."

The original suit was brought October 6, 1949 and was tried at York, May 8-10, 1950. The trial jury brought in a verdict in favor of The Herald and Patrick. Judge Moss overruled the motion for a new trial last March 28 and then an appeal was made to the State Supreme Court.