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EVERY TUESDAY AND FRIDAY.

By ZEB. P. COUNCIL.

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DURHAM, N. C., Nov. 13, 1908

THE PAY OF WITNESSES.

Our good State pays some of those who serve it well, but not the man who is called as a witness in court. A witness is called from his work to attend court and he must attend or take the consequences. The witness may or may not have the ready cash in hand to pay board bills while in attendance at court, but he must attend just the same. When the witness is discharged from service he is given a ticket on which he will probably at some date away in the future realize half its face value. For his services Mr. Witness gets barely enough to keep himself at the cheapest fried meat house if he gets all his pay, but often he serves for nothing. There is but one job, yea two jobs, in the State meant for serving the State as a witness and those two jobs are working the public roads and serving as a public school committee-man when there is a little two by four neighborhood school row on. —Monroe Enquirer.

The Landmark has often thought of this injustice to witnesses, but so few men are elected to the Legislature who seem to give much thought the general welfare, that the injustice stands.

There are always, however, special privileges for a favored few because they have the influence to secure it. Doctors summoned as witnesses may be permitted, if the judge so rules, to qualify as experts and are allowed \$10 a day. Not satisfied with this, however, a few years ago a special act was passed for Iredell county giving all physicians summoned as witnesses \$5 per day. The business man, the farmer, the laborer, may be ever so busy and attending court may mean a serious damage to their business, but they have to go and take whatever is handed them. But this class legislation, which is indefensible, gives the doctors \$5 a day. —Statesville Landmark.

It might be added when the items are considered that no other court officers take chances upon getting what he is entitled to. The clerk and sheriff get their fees whether the prisoner is turned loose or made to serve time on the roads. It raises merriment sometimes when there is some talk of taking certain personal rights from a man, but if this is not taking the personal liberty of a man, there is no way to do it.

It has been stated in the papers that the next session of the legislature will be asked to go on record regarding the prohibition question. For goodness sake, if this question is not settled, what must be done to settle a question? Every voter in the state had an opportunity to vote on the matter after a full discussion and now comes along some fellow and wants to begin agitating the question before the law ratified by the people has been tried.

The opening of the Y. M. C. A. for Durham that will take place next week, marks an epoch in the history of Durham. A little more than twelve months ago such a building as we now have was a dream that the most hope-

ful barely expected, but efforts that seemed irresistible were put in motion and now every citizen is proud of the institution.

THE selection of Mr. R. N. Lee as superintendent and general manager of the new tobacco factory was a wise choice, and Mr. Lee's many friends are glad he has accepted this position. "Bob" Lee is a good fellow and deserves and will fill with ability any position he accepts.

If we have to go through with another election to fill out Mr. Kitchin's unexpired term in Congress, there should be little wonder if the vote is light.

If all the wrongs were righted people would have very little to do.

From Route 1, Lillian.

The only reference I will make to the election will be to say that the lowest vote cast in our township was 24 for William Carpenter for Justice of the Peace on the Republican ticket, while the highest vote was for J. T. Cozart, Democratic candidate for Constable, who received 132 votes.

Everything is quiet in this section and I am glad to say that there is but little sickness in the community.

Am sorry to say that we are to lose some of our good citizens, but glad that Durham is to gain some good boys: H. M. O'Neal and family will move to Durham in the near future. J. F. Ferrell, who has been your Morrisville, route 2, correspondent, will make his home in Durham after today. I join their many friends in wishing them well in their new homes.

A. Ferguson visited his daughter, Mrs. J. C. Nichols, of Gorman, last Sunday.

Mr. A. N. King, who has made his home in this section, leaves for Creedmoor, where he will reside in the future.

J. E. Ferguson and family, Mrs. A. D. Ross, and Mrs. W. M. Ferrell spent Sunday afternoon at the home of A. Ferguson.

J. H. Egerton, who came home from Durham some time ago with typhoid fever, is able to return to his work.

There was a corn shucking at J. L. King's Wednesday night and we shucked an extra crop of corn to the amount of 85 or 90 barrels.

J. R. Ray is to have a shucking Tuesday evening, and from reports his crop will amount to about 100 barrels.

J. E. Ferguson has the best stalk of cane in the neighborhood. It measures 15 feet in length. He also has a watermelon vine that measures 26 feet and 7 inches, but has no melons on the vine.

I went out hunting Saturday afternoon and had fine luck. Never missed but one shot. Birds are not very plentiful this year and many people object to hunting on their land.

Mr. J. L. King, of Lillian, R. F. D. 1, has a stray pig at his home. Owner can get same by paying charges. J. E. F.

Married in Raleigh.

Mr. Thomas C. Farthing left Durham Wednesday morning, telling his friends that he expected to spend the day in Raleigh. Miss Mable Faucette, daughter of R. L. Faucette joined him at East Durham, and the two went down to the capital city to be joined for life.

News was received in Durham Wednesday afternoon that the marriage took place in due course and that they would return on the afternoon train, which they did and have taken rooms at the home of the brides father.

Mr. Farthing is the youngest son of Mr. G. C. Farthing and is well known in the city. The bride is a daughter of Mr. R. L. Faucette, proprietor of the Hawk-eye Cafe, and is well known to many in the city.

THE ACTION IS DISMISSED.

The Defendant Never Introduced His Testimony.

The Morning Herald of this date contains the following account of the trial of the case of H. N. Snow vs. W. R. Kuker:

The discharge yesterday of Mr. W. R. Kuker, held under a warrant alleging sensational and criminal misrepresentations, put an end to a litigation that had attracted the attention of people in three states who knew the defendant in that action. It will be recalled that at the last term of civil court here, Mr. Kuker was arrested at the instance of Mr. H. N. Snow who charged that in the purchase of some stock in the Durham iron works largely owned by Mr. Kuker, he had been defrauded by misrepresentations as to the amount of indebtedness on the business and that it was worthless when he bargained for it. The young man who was then in Florence, S. C., and was attending court here as plaintiff in another action, gave bond in the sum of \$1,000 and the case was set for two dates, finally being heard yesterday.

The defense that Mr. Kuker would have put up was that the prosecution was ill-tempered, that he had been here frequently and had not been molested, that he had a case at bar and the arrest was made to damage it, that finally, he had brought suit against Mr. Snow on a note and received a judgment without an intimation of fraud, and that therefore, the charge of fraud was ill based and came late in the day.

That would have appeared morally potent. The facts seem to be these: That Mr. Kuker sold for \$3,500 in cash the shares of stock owned by him and as part payment took fifty shares in the Durham Book and Stationery company, worth \$3,000. The terms, Mr. Snow contended, were that there were no outstanding debts but some notes carried by the First National bank for \$5,200. In consequence, he says he took over the stock. Upon direct examination yesterday, Mr. Snow said he did not know anything of other debts and was induced to purchase with the understanding that this note held by the First National bank covered everything. When asked if he had written a letter to the Erie Engine works asking about Mr. Kuker's business matters with them, he said he had not done so and that he was totally ignorant of any such condition as developed after he became the possessor of the stock in question.

Upon Mr. Snow's very pointed declaration that he had not had any correspondence with the Erie Engine works doing business with the Durham iron works which endorsed all notes carried by that company against its North Carolina customer hereabouts, the prosecution turned him over to the defense and the case exploded right there.

HAD WRITTEN LETTERS.

Mr. Snow reiterated that he had not written any letters to that company and when Mr. Manning for the defendant produced one written February 11, ten days before the sale was consummated, Mr. Snow was utterly covered with confusion and his signature stood out glaringly. But the defense produced letters written later in which it was manifest that the affairs of the Durham company were told in detail by the Erie company. Mr. Snow had figured up the notes on this letter and they stood there to confound the author more. There were two letters in reply, February 14 and 15, and the prosecuting witness was made to admit that the signature was his own.

These letters showed conclusively that the sale of the Durham iron works stock to Mr. Snow was a transaction in which all parties had their eyes open. The owner, Mr. Kuker, did not know of these letters and it was just a smart lawyer's move that obtained them and played the greatest evidential part.

The defense, relying upon the pitiful fall down of Mr. Snow, did not introduce any testimony and Justice J. E. Owens dismissed the warrant and taxed the prosecution with the costs. It was not believed that Mr. Snow swore knowingly to a state of falsehoods, but that a defective memory had entirely taken the transaction from his mind and that he had no recollection of the transaction antecedent to the actual bill of sale.

The ending of the case as it did yesterday, may not terminate it entirely. It leaves wide open the resort to the courts for redress and the feeling in the matter a naturally not of the other check-Christian variety. The young man, Kuker, has received all sorts of undesirable publications in three or four states and the Columbia State last night wired for 100 words telling its result as did the Washington Post. Prominence of the family, its wealth and the social status, all have made the transaction very regrettable to them. A brother, a well known young attorney, sat with him yesterday and the ultimate result of the prosecution will be watched with interest.

In addition to the papers mentioned, the Baltimore Sun, the Washington Herald, Charlotte Observer, News and Observer, Industrial News and Charlotte News and Richmond News Leader are carrying notices of the discharge and everything is being done to counteract the evil made in the natural and friendly transmission of the first item reflecting so seriously upon the young man's integrity.

Look for our Great Premium offer in the next issue.

A GREAT PATENT.

A Young Man of Durham Patents Automatic Gas Shut-off.

A patent upon which Mr. Hiram W. Gates has spent much time for the past three years, is now on exhibition in Durham and from what those in a position to know, say it means a great deal both to gas companies and Mr. Gates. Durham furnishes the boy that figured out the patent and Durham money will back the scheme to see that it is justly placed upon the market.

The device patented, which is now on exhibition at the office of the Durham Light and Power Company, is an arrangement whereby street gas lamps may burn a certain number of hours. The mechanism is such that a street light may be automatically lighted and shut off, according to the way the machine is set. For example: A gas street lamp now must be lighted every evening and turned off every morning and a man must visit each street lamp to see that this is done. This device can be set to let the light burn six hours and be shut off six, or for any number of hours desired, without further attention.

For three years or more Mr. Gates, "Lump," as his friends call him, has worked upon this device and his final success is a source of pleasure to all who know him.

There is no lack of finance to push the sale of the automatic gas shut-off, and just as soon as a few details can be arranged, it will be put upon the market, where they will be manufactured has not been decided upon.

Gorman Notes.

There is very little sickness in and around here we are glad to say.

Mrs. A. J. Hall contains in ill health since returning from the Watts Hospital.

A. M. Hall, Huie Gooch and Eva Hall and Myrtle Gooch, spent Sunday at Knap of Reeds.

Albert Hall, of Chatham, spent the night recently with his father, Mr. John Hall, our Postmaster.

Mrs. E. A. Markham had the misfortune to fall and break her arm, also to dislocate it at the wrist on Nov. 3rd. Dr. Calvin Hicks, of Durham, was called in and set the broken bone and is attending her. She is getting on nicely at this writing.

Mr. and Mrs. Tom Hall, of High Point, returned Wednesday after spending sometime with relatives here.

Mrs. Rosa Rogers Ashley, of Helena, is on a visit to her mother, Mrs. Rogers.

Misses Malissa and Bessie Markham, attended the marriage of Miss Vera Forsythe, near Durham, to Mr. Fred Faucette, of Burlington, last Tuesday morning at 9:00 o'clock.

Dr. Ward went over to Durham this week on business.

Mr. and Mrs. Hugh Holloway recently spent the day with Mr. and Mrs. Mayton.

By the looks of the fruit trees that Mr. Flinton delivered here this week there will be plenty of fruit in a few years.

Dr. and George Ferrell and sister, Miss Mary Agnes, L. S. Rigsbee, Miss Mary Markham, of Morrisville, Con Davis, John Proctor, W. T. Shaw, Will Wilkins and T. C. Markham recently called at our Mail Carriers' home.

The infant child of Mr. and Mrs. W. A. Ferrell died Wednesday. The burial took place Thursday in the family burying ground.

A. C. Fogleman and Son spent Thursday in Durham.

Our school building at Glens begins to look like we will have a nice house in the near future. G. C.

Large crowds attend the revival at the second Baptist church each night and much interest is manifested.



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Norfolk & Western Southern Railway

(Schedule in Effect Oct. 15, 1908)
TRAFFIC LEAVE DURHAM, N. C.
3:19 a. m. No. 111 westbound daily for Greensboro and points South and West. Connects at Greensboro with No. 8 north for Danville and Richmond, and south with Nos. 39, 13, 11 and 37 for Salisbury, Charlotte, Columbia, Savannah, Charleston, Jacksonville, Atlanta, and New Orleans; at Salisbury for Asheville, Knoxville, Chattanooga, Nashville and other points west.
7:50 a. m. No. 112 eastbound, daily for Raleigh, Selma and Goldsboro. Carries Pullman Sleeper Greensboro to Raleigh.
9:55 a. m. No. 107 westbound, daily for Greensboro and intermediate local points; connects at Greensboro with U. S. Fast Mail for Danville, Lynchburg, Washington and all points North and West, also with No. 7 for Charlotte and intermediate stations. Southern Railway Dining Cars operated on trains Nos. 36 and 30.
9:30 a. m. No. 116 northbound, daily for Oxford, Henderson, Jeffries, Keyville and Richmond, where close connection is made to all points north. Close connection at Jeffries for Norfolk and Steamboat Lines to Washington, Baltimore, New York and Boston.
5:25 p. m. No. 115 eastbound, daily for Raleigh, Selma, Goldsboro and intermediate stations.
5:30 p. m. No. 135 westbound, daily for Greensboro and all points. Connects at Greensboro for Winston-Salem, also with Nos. 35 and 29 for Salisbury, Charlotte, Columbia, Charleston, Savannah, Jacksonville, Atlanta and New Orleans; at Salisbury for Asheville, Knoxville, Chattanooga, Memphis, Louisville, Cincinnati and St. Louis. Connects northbound with No. 12 for Richmond, Nos. 8, 34 and 40 for Lynchburg, Charlottesville, Washington, Baltimore, New York, Richmond and Norfolk.
4:45 p. m. No. 274 northbound, daily except Sunday, for Oxford, Keyville, Richmond and intermediate stations.
No. 115, Richmond to Durham, arrives 5:35 p. m.
For further information call on any agent Southern Railway, or address: W. H. Taylor, Gen. Pass. Agent, Washington, D. C.
R. L. Vernon, Trav. Pass. Agent, Charlotte, N. C.
F. W. Woodward, Union Ticket Agent, Durham, N. C.
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