

AN INTERESTING CASE.

Good Government League Will Take Case up to the Supreme Court.

The decision of Judge Ward in the appeal case of Dr. S. Wednesday Battle at Asheville, in an Asheville is given below in a Asheville dispatch. It seems that the Supreme Court will be called on to pass upon the question involved. The decision of that body will have much to do with determining the case to be pursued by the Anti-Saloon folks in the prosecution of those who violate the prohibition law.

Judge Ward in Superior Court set aside the fine of \$25 imposed on Dr. S. Wednesday Battle, one of Asheville's most prominent physicians, by Police Justice Reynolds some time ago, holding that no person could be compelled to testify unless the court summoning him should have some credible information that such person knew of some violation of the law. In the case at issue it was admitted that the police justice issued his summons for Dr. Battle to appear and tell illegal sale of whiskey in Asheville, on hearsay evidence, and Judge Ward holding that the police justice had no "reasonable belief" that Dr. Battle knew of any illegal sale or whiskey, set aside the fine and dismissed the case.

The fine of \$25 as imposed by Justice Reynolds on Dr. Battle when the physician, after being summoned and demanding to know who his accusers were refused to be sworn and to testify. Judge Ward in setting aside the fine in the contempt case rendered an interesting opinion in which he took occasion to say "that the courts of justice should allow no backdoor or grumshoe methods." J. H. Tucker and W. R. Whitson, who represented the good government league, or the prosecution, will carry the case to the Supreme Court, it is understood.

Having Fun With the Justices.

Last week one of our "Legislature-made magistrates," who would be unable to exercise the right of franchise under the constitution if it were not for the grandfather clause, rendered a decision that is a little out of the ordinary, in that after whittling the plaintiff's account down by allowing all the trumped up claims the defendant put in, he rendered judgment for the reduced claim and put the cost of the suit on the plaintiff. Be it said to his credit, though, that he had sense enough to reverse himself when an appeal to the Superior Court was filed.

This case reminds us of the decision of a negro magistrate in Salisbury some dozen years ago. A colored man sued a white man for wages due him and among the testimony introduced it came out that one of the witnesses—a white man—owed the defendant \$4.80. The magistrate gave the defendant judgment against the witness for that amount and the costs. When questioned as to his reason for such a decision he said: "Why, bless you, cap'n, I've got to look out for me own fee, an' dat man's de only one dat's got enythin' it c'n be made out'n uv. T'other fellers hain't got nary cent."—Lincoln, N. C., Times.

To which the Statesville Landmark adds:

"Without stopping to inquire whether there was a negro magistrate in Salisbury a dozen years ago, the Landmark will add this Solomonic decision of a magistrate in eastern North Carolina, as reported in a recent issue of the Eastern Carolina news: "The justice gave it as his deliberate opinion that the promiscuous firing of a gun or pistol on the Sabbath day, on a crowded street in the darkness of the night, is no offence against the law and not against the peace and dignity of the State, provided no one is hurt."

Medicine That is Medicine.

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THE MAMMOTH OCTOPUS.

Seven Figures as Part of the Profit of the Standard Oil Company.

Figures showing some of the profits of the Standard Oil Company became part of the dissolve the Standard Oil Company summed the stand for a brief examination and Henry Tilford, president of the Standard Oil Company of California, testified at some length as a witness for the defense. The government inquisitor on some figures submitted showed that the Continental Oil Company, a Standard subsidiary in the middle West, made profits of 115000 and the Standard Oil Company of Indiana on a capitalization of \$1,000,000 earned about \$55,000,000 between 1899 and 1906.

Through Mr. Tilford the counsel for government sought to bring out that in California and other States of the far West the Standard had made contracts with its competitors whereby the Standard obtained all the crude oil supply and thereby had the refining field to itself. Mr. Tilford said he had little knowledge of these contracts. Referring to oil trade rate cutting wars in Colorado and in the far West Mr. Tilford said the Standard never cut prices to undersell its competitors, but simply lowered rates to meet reductions of its rivals.—New York dispatch.

Enemies of Cotton.

Surely cotton has many things to contend against. The cotton market halted yesterday awaiting developments in China.

A year ago cotton was hurt by the Chinese boycott.

If there is a strike in England it affects cotton.

If there is a riot in Tokio we feel it in Memphis; yes, even in the plantations in the Mississippi delta and in the hill farms. A strike in New England or a tightness of money in New York hurts cotton.

Hard times in the United States hurts cotton because a man makes one shirt serve where ordinarily two shirts would be required.

A fine crop in India and a good crop in Egypt hurts American cotton.

Russia was not able to take much cotton during the war with Japan, and we felt it here.

The whole world at times seems to be leagued against cotton.

Cotton's enemies do not begin and end with night riders and the boll weevil, and yet there are many things that help cotton, the greatest being in the worldwide peace and prosperity.

Probably the price of no other commodity is influenced by so many variants as cotton.—Memphis Commercial Appeal.

The Forest Reserve Matter.

That the advocates of the Federal government establishing two immense parks, in the Appalachians of the South and the White mountain of New England, will carry on their fight in Congress this winter with unabated vigor is indicated by the plan to begin activities on the third day of the coming session. Wednesday, friends of the project will come again before the House committee on agriculture, asking that the B and G bill, or a similar measure, authorizing the establishment of these parks, be reported favorably to the house at an early date.

Representative Charles F. Scott, of Kansas, chairman of the committee on agriculture, has called a meeting of that committee for Wednesday, in which a large number of members of the National Forestry Association will participate.—Washington dispatch.

Cold Comfort for Them.

The North Carolina liquor dealers who are moving into Virginia to continue business have no assurance that the prohibition wave will not envelop Virginia in the near future. Lynchburg has just voted dry, an election is threatened at Roanoke and other places will doubtless fall into line. Then in addition the Supreme court of appeals of Virginia has just rendered a decision which may interfere with shipments into dry territory if the express company is disposed to buck, as it seems it is. The fact is the saw-paw vender in the South had about as well keep his business in shape to move on an hour's notice.—Statesville Landmark.

THE BILL.

Something About the Measure Now Under Consideration for a New Court.

Below will be found the principal features of the bill recently agreed upon by the Bar Association of this city. The bill will be presented to the legislature at its meeting early next year and its passage asked for:

"An act to establish a special court for Rowan county with civil and criminal jurisdiction to be known as Rowan county court." The first session of this court, it is provided, shall be held on the first Monday in April, 1909, and it is further provided that all cases pending in the Superior court, in the courts of justices of the peace or the other courts of Rowan county on the first Monday in April, 1909, shall be tried in that court where pending and not transferred to Rowan county court for trial. As has been previously stated the bill provides both for a justice and solicitor. The trial justice, it is provided, shall be a licensed attorney of good moral character and good standing in his profession and shall be elected, after the expiration of the term of the legislatures appointee, at the same time and in the same manner as other county officers, but shall not be eligible for re-election. Trial by jury is dispensed with, the association holding that since the right of appeal is reserved all defendants in this court the jury system would be both cumbersome and expensive.

The court, it is further provided, shall be open at all times for the dispatch of business and the trial justice, if the business require it shall hold daily sessions at the court house or other suitable place at Salisbury.

The jurisdiction of the court is enumerated in the following sections:

(1) Concurrent jurisdiction with Justices of the Peace in all civil actions, matters and proceedings which are now or may hereafter be given to Justices of the Peace of Rowan county.

(2) Concurrent jurisdiction with the Superior Court of Rowan county in all civil actions, matters and proceedings, founded on contract, wherein the sum demanded shall not exceed five hundred dollars, and wherein the title to real estate shall not be in controversy.

(3) Concurrent jurisdiction with the Superior Court of Rowan county in all civil actions, matters and proceedings, founded on tort wherein the sum demanded or the value of personal property in controversy does not exceed three hundred dollars, and wherein the title to real estate shall not be in controversy.

Section 3. Said court shall have jurisdiction in criminal actions and proceedings as follows:

(1) Concurrent jurisdiction with Justices of the Peace in all criminal actions, matters and proceedings, arising from criminal offenses committed within the limits of Rowan county.

(2) Exclusive original jurisdiction of all offenses and misdemeanors consisting of a violation of any ordinance of the city of Salisbury, and all criminal actions, matters and proceedings cognizable before the Mayor of Salisbury.

(3) Exclusive original jurisdiction of all other criminal offenses committed within the county of Rowan below the grade of felony, as now defined by law, and all such offenses committed within Rowan county are hereby declared to be petty misdemeanors.

(4) In addition to the jurisdiction conferred by the preceding sections of this act, said court shall have jurisdiction over the following named offenses, whether such offenses be covered by the preceding sections of this act or not, to-wit: larceny, or receiving stolen goods knowing them to have been stolen, wherein the value of the goods does not exceed twenty dollars, except larceny from the person or from the dwelling by breaking and entering in the day time; forcible trespass; false pretense.

All crimes and offenses covered by this section are hereby declared to be petty misdemeanors.

(5) In all criminal offenses committed in Rowan county whereof original jurisdiction is not given to said court, it shall have jurisdiction and is hereby fully authorized to examine into the same, and, upon probable

FEELING IS BITTER.

Union City, Tennessee, Citizens Feel Sore When Bolog About Armed.

Because of the illness of two members of the recent night-riding grand jury, necessitating the naming of others to replace them, all the testimony upon which the former indictments were based, may have to be repeated before the new indictments are returned. Attorney General Caldwell and the attorneys for the State were in conference until late to-night considering whether it would be legal merely to read to the present grand jury the stenographic notes of the testimony upon which the recent grand jury based its indictments. With the exception of two of the personnel of the jury are identical. The new indictments were decided upon because the attorney for the alleged night-riders questioned the validity of the old ones.

The feeling in the community is extremely bitter and many of the citizens go about armed. Judge Jones today appealed to every law-abiding citizen in the State to help to stamp out the vicious and anarchistic element. He demanded the death penalty for those guilty of a capital offense in connection with night-riding raids.—Union City, Tenn., dispatch.

Justice in Durham.

In Durham Superior Court recently we saw a case that can be truthfully summed up as follows: A man from the country as honest and law-abiding citizen as he knew how, came to town with his farm product. While here he saw a negro boy that had lived in his neighborhood practically all his life, and the negro was telling the white man that he had just traded for a good pistol, showed the weapon to him. The farmer being a law-abiding man, advised the negro to get rid of the gun and told him of the wrong he was doing in carrying a concealed weapon.

The negro boy decided that he would send the pistol to his mother, who lived out near the farmer, to keep for him. He asked the farmer if he would carry the pistol. He consented to carry it for him, but a policeman saw the farmer with the gun and he was pulled. The negro was arrested on the same charge. When the case came to trial in the Superior court the farmer was fined \$10 and costs, making in all, including lawyers' fees, about \$28—the costs for trying to persuade some one to abide by the law. The negro was sent to the roads.—Durham Recorder.

cause being shown, bind the defendant to the Superior Court of Rowan county, or, if capital, to commit him to jail as now provided by law for courts of Justices of the Peace.

Section 4. Said court shall have jurisdiction to try all actions for the recovery of any forfeited bond made returnable to said court and for the recovery of any penalty to dispense of the same as now provided by law.

Section 5. The Justices of the Peace and the Clerk of the Superior Court of Rowan county are hereby authorized to issue process, both civil and criminal and make the same returnable before the Rowan County Court for trial. The Mayor of the city of Salisbury and the Mayor of any of the incorporated towns of Rowan county may issue warrants and other criminal process and make the same returnable for trial to Rowan County Court. All warrants shall be issued upon affidavit and made returnable forthwith.

Summons and other civil process shall be made returnable in not less than ten nor more than thirty days from the issuance thereof. If one or more of the defendants be a non-resident of Rowan county the summons shall be returnable in not less than fifteen days from the issuance thereof.

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