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The Morganton Herald.

VOL. XII.—NO. 9. MORGANTON, N. C., THURSDAY, MAY 14, 1896. PRICE FIVE CENTS.

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NEIGHBORHOOD NEWS.

Items of Interest from the Counties Around Us.

TOLD BY THE PRESS.

THE HICHORY INN STILL CLOSED.

Counting Ducks Before They Are Hatched—Republicans Not Agreed Even at Headquarters—A Fine Berkshire Sow Goes Mad.

Hickory Mercury, May 6th.

The Hickory Inn is still closed. Mr. Loughran the proprietor is going to Asheville, where he has interests claiming his attention. ....In the town election Monday, Berryville went dry by 26 to nothing. The wets there were advised not to vote; that if Hickory went wet, they would have both towns put into one by the next legislature. That's counting ducks before they are hatched. ....The Republican primary here Saturday was held in the back room of J. M. Lawrence's jewelry store. One of the ablest and most prominent republicans here tells us that he did not know what was done. So they are not agreed it seems here, their headquarters. ....Mr. John W. Robinson showed us yesterday his diploma, or certificate and medal as the premium for corn, grass and other farm products exhibited at the World's Fair. The picture is a large beautiful steel engraving 36x25 inches. The medal is enclosed in a metal box, and is a bronze cut of Columbus landing on the shores of America. It is quite a worthy, appreciative prize. ....Mr. D. M. Huffman, of near Moore's ferry, was in the city Saturday. He told us tha this fine Berkshire brood sow had gone mad. She was bitten by a mad dog about 12 days ago, the one that was killed in that community a few Sunday's ago. He thinks he will lose all his hogs. This will be quite a loss to Mr. Huffman.

NEWS FROM GASTON.

Why the Old Dallas Commissioners Hold On Another Term—Gastonia Rapidly Becoming a City—Mr. Bradley Loses a Fine Jersey Cow—Stanley Creek Goes "Dry"—Electric Lights for Gastonia—Merchants to Close Their Stores at Seven.

Gastonia Gazette, May 7th.

The old board of town commissioners in Gastonia were not up to snuff like their neighbors in Dallas. There the old board failed to call an election and so they hold on another term. ....Gastonia is becoming a city with rapidity that makes one dizzy. Telephones are here, electric lights are in sight, and waterworks, graded schools, electric cars, and macadamized streets, let us hope, are coming in the near future ....A fine Jersey cow belonging to Mr. Mac Bradley fell into a ditch Tuesday and hurt herself so that she died. She left a calf less than a day old. She was a cow that gave over four gallons of milk a day, and Mr. Bradley says he would rather have lost $40 in money right out of his pocket. ....The municipal issues in Stanley Creek last Monday appear to have been on the liquor question. The dry ticket won the day, resulting in the following elections: Mayor, J. A. Morris; Aldermen: W. C. Sherrill, M. A. Carpenter, R. H. Abernethy. .... It is a certainty that Gastonia will shortly have electric lights. Mr. J. E. Duval, the electrician of Charlotte, is succeeding admirably with his canvass among the citizens. He has not yet had time to make much more than half a canvass, but even with that he has secured subscribers for about 275 of the 350 lights necessary to make the establishment of the plant a certainty. The plant can be installed in about 60 days after work commences. ... Our mercantile firms have agreed among themselves to close their stores promptly at seven o'clock every afternoon, except Fridays and Saturdays, until the first of September.

CROPS LOOKING WELL.

Walter Henry to Speak at Lowesville—Republicans Disagree—A Shooting Scrape—Other Catawba News.

Newton Enterprise, May 8th.

We are now having a splendid season and crops of all kinds are looking well. ....Walter R. Henry will speak at Lowesville, May 16th. ....Mr. Charles Harwell, recently an employee of Newton Cotton Mills, died at his home in Newton, early Wednesday morning of pulmonary trouble. .... Mr. John Fox and Miss Jane Christopher, both of Cline's township, ran away on the 3rd Sunday in April and were married at his residence by W. P. Sigmon, Esq. ....The old Mayor and Board of Commissioners for Newton were almost unanimously elected Monday. The opposition, what little there was, did not dare put up a ticket. ....Quite a number of Irish potato raisers are now buying Paris green and swearing vengeance against the bugs. They are getting worse and worse every year and are giving our people a great deal of trouble. ....The Repulican primaries were held here last Saturday. One at noon by the Hilde-brand forces and one at night by the Graham-Albright forces. They both elected delegates to the County Convention and a lively time is expected in seating either, ...We were shown this week the medal and Diploma awarded to Mr. D. Perry Rowe by the Columbian Exposition Authorities for the best clover seed exhibited at the recent World's Fair in Chicago in 1894. This is quite a compliment to Mr. Rowe and will be a valuable souvenir for years to come. ....The "cussing match" which came off between Messrs. P. M. Hildebrand and J. L. Graham, the old "fixed star" and the "buzzing, sizzing, whizzing meteor" of the Republican party, last Saturday, was very interesting for a few moments and soon drew a good audience. Strong epethets and strong charges were indulged in by both and it is a hard matter to tell who came off best man .... One day last week a darkey by the name of Rich Young, who lives on Snow Hill, whipped his step-daughter in such a manner as to cause interference by her brother, John Wilson. Young drew a pistol and shot at Wilson twice; one of the balls took effect in the upper part of the right arm and is only a flesh wound and not at all dangerous. As soon as Young did the shooting he made for the woods and eluded the pursuit of the officers for several days. He came in Tuesday and gave himself up and was bound over for trial next Tuesday. ....Early Wednesday morning Mr. Austin A. Wood breathed his last at the residence of Mr. J. L. Wood, his brother, after being confined to his room for several months, with that dreaded disease, comsumption.

CLEVELAND SPRINGS.

It is Not Known When This Noted Health and Pleasure Resort Will Open—Died at Bessemer—Married at Waco—Mrs. Hampton Dead—Shelby Improvements.

Shelby Aurora, May 7th.

In answer to many inquiries, the *Aurora* regrets that it cannot say say when the noted Cleveland Springs will open for summer visitors. The original owners to whom its former purchaser J. B. Wilkinson has surrendered this valuable property, are unwilling to furnish and equip the property, and pursue a narrow policy detrimental to their own pocket books. They are not willing to lease the springs at a reasonable rate for a term of years. They say they are willing to sell for $21,000; one-third cash and remainder in one and two years. ....A half dozen houses have recently been finished and are now occupied, yet the demand for houses continues. .... The serious illness of Mrs. Hampton, the estimable wife of the principal of the school at All Healing Springs, was noted a few days ago. Yesterday at 5 o'clock she passed away. She will be buried at the cemetery here to morrow. Mrs. H. C. Jones will return to the city to-day. Mrs. Hampton came with her husband from Minnesota. Her life was gentle, though full of suffering, and her character a beautiful one. ....Mrs. Winnie Putnam, an aged widow of 76 years, died at the home of her son-in-law, Robert Smith, at Bessemer, N. C., last Saturday morning and was buried at Capernaum church near Waco. ....There was a happy event at Waco in this county Tuesday afternoon, for then and there Mr. Sylvanus Erwin led to the hymenial altar the fascinating blonde, Miss Mamie E. Putnam, daughter of Mr. and Mrs. W. A. Putnam. Rev. Ira Erwin, the groom's brother, performed the ceremony that blended their lives.

THE SHELBY AURORA CHANGES HANDS.

Belwood School Commencement; Rev. R. M. Hoyle, of Morganton, to Deliver the Annual Sermon—Baseball at Popular Springs—Married.

Cleveland Star, May 7th.

Mr. J. P. Babington, the founder of the Shelby *Aurora* and its editor for over six years, has returned again to his first love and purchased the paper, good will and subscription list, from Mr. W. H. Miller, who has edited the paper for a long number of years. .... The Waco and Popular Springs baseball teams crossed bats at the Springs Saturday and Waco was victorious by a score of 19 to 30. .... The Forest City *Ledger* has sold out to the Ellenboro *Enterprise*, more recently the Twin City *Enterprise*. ....The Methodists are going to have a revival sometime in May. It will commence about the third Sunday and the pastor, Rev. C. G. Little, will be assisted by Rev. Mr. Atkins, of Charlotte, one of the most eloquent and earnest young divines in the State. ....Mr. Jim Sangsing, of Patterson Springs, was happily married Sunday, April 26th, to Miss Florence Griffin, at Buffalo church. .... Mr. George Davis, of Lattimore, informed the *Star* Monday that he had been to Cherry mountain and that there were only a half crop of cherries. The crop usually gets ripe about the second week in June. Crowds are expected at the mountain this year, as in former years. ....The commencement exercises of Belwood Institute will take place Sunday and Tuesday, as was stated last week. Sunday the annual sermon will be preached by Rev. R. M. Hoyle, of Morganton, and Tuesday in addition to the closing exercises, Rev. Dr. W. W. Bays, pastor of Tryon street Methodist church, of Charlotte, will deliver the literary address. A large crowd is expected each day and those who attend will be amply repaid for their time.

KILLED WHILE FIGHTING FIRE.

Work to Begin on an Extensive Scale at the Higgins Gold Mine at Gamewell—The Political Situation in Caldwell—Other News.

Lenoir Topic, May 6th.

The congregation at Lower Creek re-covered their church last week. ....Lower Creek has been out of bank during the recent rains; but no damage was done. ....Ashe and Watauga have petitioned the Governor for special terms of court to be held during the month of July. ....Mr. R. C. Houck, of Gamewell, says he has just sheared 27 pounds of wool from three Cotswold lambs which were just 1 year old. ....Mrs. Hugh Nelson, aged 80 years, died at her home 2½ miles South of Lenoir on Sunday night. She had been very ill for some months. ....During the sickness of Solicitor Spainhour at Boone last week, Hon. W. C. Newland acted as solicitor until the Wagoner case was taken up. ....On last Wednesday, Mr. James Campbell, of Iredell, and Miss Maggie Braswell were married at Collettsville, S. E. Gragg, J. P., performing the ceremony. ....The revival meeting at the Methodist church is still in progress. Much interest has been awakened among the people. About twenty conversions have been reported so far. The meeting will continue indefinitely. .. Messrs. Whitney and Moore, of Bessemer city, have purchased a fourth interest in the Higgins gold mine at Gamewell. They intend to put in machinery and begin work on extensive scale by the first of July. ....John Reid, son of Samuel Reid was killed while fighting fire in the Brushy mountain range of King's Creek township, on Saturday, April the 18th, by a tree falling on him. He was found by Henry Simmons, pinioned to the ground, who rescued him from burning up. He lived three hours, after he was found. ....If anybody knows much about the status of political affairs in Caldwell, he is pretty wise. Democrats and Populists are saying almost nothing, but the Republicans are a little more aggressive. The Populists don't seem to care whether they fuse with the Republicans or not; but the Republicans are evidently very anxious for fusion. This was apparent from the speechss made by leading Republicans in their recent county convention here.

WATER FOR LINCOLN'S JAIL.

The County Commissioners Appropriate $125 for the Purpose—Judge Hoke Intends to Start a Stock Farm—Charlotte's Dick Morse in Lincolnton.

Lincoln Democrat, May 8th.

Henry P. Killian has been appointed postmaster at Derr, Lincoln county. ....Mr. and Mrs. W. F. Finger's little son Frank, aged one year and four months, died here on last Friday morning. The burial was at Asbury church, east of Lincolnton, Saturday afternoon. Rev. Womble conducted the funeral services. ....Judge Hoke has just received from Asheville some fine, blooded Holstein calves. The judge intends to start a stock farm....The county commissioners appropriated $125 to be expended in furnishing water to the jail and appointed chairman H. E. Ramsaur to confer with the directors of the North State Hotel Co., and join them in bringing water from a spring about a quarter of a mile south of town to the hotel and jail, The water is badly needed and the scheme is to be pushed to completion as rapidly as possibly. .... We learn that Rev. F. Knight, father of Mr. J. S. Knight, died at Machpelah last week. Mr. Knight was a local Methodist preacher up in Pennsylvania before he removed to North Carolina. His son recently bought a gold mine near Maj. Graham's and has been working it for about six months. It was at this son's house the father died. ....Dick Morse, the crank Prohibitionist from Charlotte, having heard that Lincolnton was to have a "wet" and "dry" campaign concluded to make a contribution to our information on the subject of Temperance. So our town was treated the latter part of the week to some street lectures by the said Morse. We think if Morse would deliver a lecture here on how to break up "blind tigers," he would be considered a public benefactor. "Ringdom" still flourishes like the bay tree, in the face of all we have heard lately about the evil of whiskey license. Let "Ringdom" be abolished.

THE WAGONERS GUILTY.

Boone Election—Mr. Holges Beats the Record in Sowing Oats—Mrs. Alice Taylor Dead.

Watauga Democrat, May 7th.

The case of the State vs. James Cornell, Marion Waycaster, Lloyd, Jud. and Mack Wagouer for burning the store house and barn of W. L. Bryan on the 5th of last July was taken up last Thursday and consumed the balance of the week Solicitor Spainhour being very unwell, W. H. Bower acted in his stead, and was aided in the prosecution by W. B. Council, Jr., and W. R. Lovill. John F. Morphew, E. S. Coffey and E. Spencer Blackburn were the attorneys employed for the defense. The jury was out less than two hours when they came in with their verdict of guilty, and the Judge gave them the following terms in the penitentiary; Marion Waycaster 20 years, Jim Cornell 5 years, Loyd, Jud. and Mack Wagoner 10 years each. ....At the town election on last Monday, D. B. Dougherty was elected Mayor and W. L. Bryan, M. B. Blackburn and R. C. Rivers, commissioners. ....It seems that F. M. Hodges has beat the record in our county in sowing oats. He had, up to last Saturday, sown 90 bushels, and said he intended to make out the hundred. ....Sheriff Calaway, with a squad of deputies, left on Tuesday morning for Raleigh with the Wagoner boys, Waycaster and Cornell. He will register them at the penitentiary. ....Mrs. Alice Taylor, wife of Mr. C. D. Taylor, of Valle Crucis, died very unexpectedly at her home on Sunday, April 26th. This is truly a great shock to the community, and friends all over the county. Heart felt sympathy is expressed for the husband in the loss of his sweet young wife, who brightened his beautiful home so short a time.

DEMOCRACY WON.

The Straight Democratic Ticket an Easy Winner at Rutherfordton—Forest City's Government Also Democratic—A Rutherford County Woman 115 Years Old.

Rutherfordton Democrat, May 7th.

A leading citizen of the eastern part of the county, says his section is almost unanimous for Mr. Chas. N. Vance for Congress. ....The municipal election Monday resulted in the election of the straight Democratic ticket nominated at a convention held Saturday evening. This ticket bore the names of the present incumbents: Jas. A. Miller, mayor, and J. C. Cowen, M. O. Dickerson, J. F. Flack and M. L. Justice, commissioners. ....The annual commencement of Sunshine Institute, at Sunshine, one of the county's best schools, occurs on Wednesday and Thursday, May 20 and 21. ....Mrs. Nancy Hollifield, who lives near Ellenboro, in this county, is the oldest person in the State, if not in the world. Her age is 115 years. She is bright, cheerful and talkative. Some two or three years ago she fell and injured her hip and since that time has been confined to her bed. Her health is good and she eats heartily.

FRUIT PROSPECT FINE.

The Marion Record Suspended—Robbers Attempt to Enter a Marion Residence—Special Term of McDowell Court, May 25th—Other McDowell News.

Marion Messenger, May 8th.

Tom Patton, the driver who was hurt in the runaway of Mr. Nichols' horses, is about himself again. ....The show has come, and the show has gone. They say it brought little and took little way. ....When we have time we are smiling as our list of subscribers grows long, and on account of the kind words spoken and written of us. Thank you, friends..... If jack frost does not reappear this spring (may the warm weather paralyze him) what an abundant fruit crop we will again have. The prospect is fine now, say many farmers. ....The *Record*, pending the publication and foreclosing of a mortgage against it, is suspended for awhile. It is not known when, nor under what management it will resume. ...The large, handsome plate glass have arrived for Messrs. Lonon's store front. The beautiful plate glass fronts of the new stores are a vast improvement over the appearance before the fire. ....On the night of April 30th, about midnight, some would-be robbers attempted to effect an entrance into the house occupied by our depot agent, Mr. Geo. Lee But they did not even get the blinds open before they were discovered and frightened away. They came the night before the show. Was that the introduction? ....Mr. Thos. McGuire has charge of the government signal service at this place—for the observation and recording of the temperature and condition of the atmosphere, daily, and for the measuring of the rainfall. He informs us that on last Friday night one and ninety-six-hundredths inches of rain fell—nearly two inches. In all, to Tuesday noon, three and five-twentieths inches. And the clouds promise more. ... We would call attention to the fact that the previous notice appearing in the *Record* that the special term of McDowell Superior Court being called for the 25th day of May (fourth Monday) is unchanged. On Monday last the Governor telegraphed that this special term of court for the trial of civil cases would be called on the above date—Monday, May 25th. All concerned can take due notice and govern themselves accordingly. ....On Wednesday as W. W. White was squirrel hunting on Tom's creek a genuine specimen of the horned owl flew down upon his large black shepherd dog, "getting the best of him," from the very earnest howls and yelps he made. Perhaps the dog was not expecting a winged enemy to come out of the air to claw him on the back and head. His wise looking owlship is quite an attraction to the smaller boys, and some larger ones about town. But the dog has positively cut his acquaintance.

Monthly Meeting of the Board of County Commissioners at Marion.

Marion Messenger.

All the members were present. After the usual monthly claims of the jailer, poorhouse, outside paupers, etc., were allowed, then the most important matter of receiving and making the first payment on the new jail came before the board. The jail is entirely completed, accepted by the board as fully satisfactory, and the first payment of $15,00 allowed on it. There is still due on the jail $2,000, $1,000 to be paid out of the taxes of 1896, the other $1,000 to be paid out of the tax levy of 1897.

It is supposed to be the best jail in Western North Carolina, and, if not larger, as good as any in the State. It is a credit to the county.

The changing of the public school books will be considered on the first Monday of June. Let us have those that do justice to our beloved Southland in her history. This is an important matter.

When fevers and other epidemics are around, safety lies in fortifying the system with Ayer's Sarsaparilla. A person having thin and impure blood, is in the most favorable condition to "catch" whatever disease may be floating in the air. Be wise in time.

☞ THE HERALD Office for Job Work.

CORN CRACKER AT COURT.

Some Things He Sees and Hears at the Rutherford Tribunal.

COLONEL AMOS OWENS,

A Noted Cherry Mountain Moonshiner—Col. Jerry Bowlin, of Golden Valley—Both These Characters Have Made Records that Will Live in Song and Story.

Special Correspondence of The Herald.

In this scribe's pursuit of life, liberty, and the pursuit of substantial happiness he went to Rutherford court. It is known that he very often goes to court, and for obvious reasons. His enemies say the strong arm of the law has something to do with his attendance. As usual on the advent of spring court a motly crew was in attendance, and the whangdoodle mourned, and the blind tiger mourned for his first born.

Jockey street was more terrible than an army with banners, while equine wonders of every age, color and previous condition of servitude shed their fragrance on the desert air. The politician was, as usual, in evidence, and the transgressor trod the wine press.

Among the central figures at the tribunal were Col. Amos Owens, of Cherry Mountain, and Col. Jerry Bowlin, of Golden Valley; all of Rutherford county, State of North Carolina. Both have succeeded in cording up a record that will in after years be celebrated in song and story. Amos was a follower of the Stars and Bars, and a gallant soldier. In after days he was a high priest in the Invisible Empire, and as he is conservative in nothing he undertakes, the red string and the erring colored brother felt the rod of his displeasure.

When the strong arm of the government collared the Kuklux Klan, Amos was sent to Albany State prison. But no punishment could cow his rebellious spirit, and he left the prison stripes by no means reconstructed. He considered Uncle Sam a despot, and resolved to play a lone hand, and to raise the flag of revolt. When the government wanted a revenue for whiskey, Amos tendered him the same message Vanderbilt gave the public, and the smoke at his still ascended continually. From time immemorial his family had made whiskey, and thought that every farmer should raise corn enough to make whiskey, and use the surplus to make bread. He reasoned that while bread is the staff of life whiskey is life itself. He had never known any circulating medium except confederate money and corn whiskey. When the Stars and Bars trailed in the dust confederate scrip depreciated, but corn whiskey had a more stable value around Cherry Mountain, than the yellow metal. Uncle Sam was the biggest, and again Amos went into the zebra uniform. Three times he has worn that costume, but it is a question whether or not the fires of geherma would work in Amos a change of heart. Every Federal court generally finds Amos treading the wine press, and though his form is bent with the weight of years and his head is like the almond tree, he persists in making that which maketh glad the heart of man, and putting the bottle to his neighbor's lips. He has a building on Cherry Mountain which has for many moons been making history. A species of fine mountain cherry grows here of which he has a large orchard. The trees grow some two feet in diameter, and the fruit is as sure a crop as the product of his still. Early in June of every year the gay and giddy, and often the more staid and orderly walking, make a pilgrimage to Cherry Mountain, for rest and refreshment. Amos is an adept in making a decoction called cherry bounce. This is said to contain cherry juice and corn whiskey. The whiskey is added to keep it from souring, and on the principle that you can't have too much of a good thing a quart of this famous elixir contains seven gills of proof whiskey, on which is a delinquent tax list. A few potations of this compound makes a poet go into ecstacies over mountain scenery, a minister organize a zealous hunt for the lost sheep of Israel, while the pugnacious pilgrim, like Job's war horse, snuffs the bottle from afar. Scenes have been here enacted that caused hitherto classic and celebrated Dorybrook to be relegated to eternal obscurity. As far as law was concerned it has been no man's land, because Amos was not clamoring for legal investigation.

However, last June a gay and festive party invaded Cherry Mountain, and Amos appealed to a magisterial tribunal. He was unhorsed in a literal and figurative sense. He lost his case, and the opposition made him give a mortgage on his war horse to bear expense of the action. At the Superior court Amos proved himself as irrepressible as Banquo's ghost. He reported with a stove pipe hat on his head, coperas breeches on his person, and the burden of a great sorrow on his heart. He claimed that he was living in peace with God and the State and trying to adjust a mantle of charity to fit himself; that he was trying to fence in Cherry Mountain so that the lion and the lamb could lie down together. But against his peace and dignity these sons of Bilial had fired on the American flag, rocked his dog, ridiculed his religion, and added insult to injury by taking the name of his "hoss" in vain. He therefore wanted them to know there is a God in Israel, and that Cherry Mountain is his castle. Racy developments are expected and it is that both sides will feel the upper and nether mill stones.

Col. Jerry Bowlin is an exponent of Squatter Sovereignty. The world, the flesh, a decree of the court, and for twenty years, the devil, has failed to remove him from the Golden Valley Mining Company lands. The sheriff ejected him two years since by legal process, but like a colony of ants, he built up again at the old stand. While his family planted, cultivated and gathered Jerry carried his gun like a Bold Buccaneer of the Spanish Main. But the tails began to tighten. This court he was not ready. His wife was a material witness, and was looking for the boatman pale. He had no witnesses, he said, and needed a lawyer. On being informed that he must go into trial he raised a yell, and more of his clansmen appeared as witnesses than sprang arms at the bugle blast of Highland Rhoderick Dhu. But the great forester was dethroned, and now feels that Jordan is a rough road to travel.

We have not space to give the particulars, but his general get up, his idea of mine and thine, his shrewd, evasive answers were, in the language of a celebrated Kentucky lawyer, "incongruvial."

It was a fight to the finish between chimney corner and traditional law on the one hand, and common and statutory law on the other, in which the latter triumphed. CORN CRACKER.

FEES OF WITNESSES.

A Raleigh Lawyer Gives Out Some Valuable Information.

Greensboro Patriot.

The subject of witness fees in our Superior Criminal Courts being one that is of frequent importance to all classes of our people, and much complaint sometimes made by witnesses who do not get any fees at all, I advance the following information, which will serve, I hope, to make clear to those who may become interested that which is now or may be misunderstood:

Witnesses for the State as a rule receive their fees from the county; if the defendant is convicted, full fees; if acquitted, only one-half. But witnesses who are subpœnæd on behalf of the defendant must look to the latter for their fees, if he is acquaitted, the amount due being of a personal debt, for which he may be sued, unless the witness avails himself of the following provision of The Code (section 747), which, of course, he would do if acquainted with it. The said section reads as follows:

"When the defendant shall be acquitted, a nolle prosiqui entered, or judgment against him arrested and it shall be made to appear to the court by the certificate of counsel, or otherwise, that said defendant had witnesses duly subpœnæd, bound or recognized, in attendance, and that they were necessary for his defense, it shall be the duty of the court (the judge) to make and file an order in the cause directing that said witnesses be paid by the county in such manner and to such extent as is authorized by law for the payment of state's witnesses."

As a rule those who are either convicted or acquitted are "bad pay" and against the latter of whom a suit by a witness for his fees would prove fruitless; hence, knowledge of the above law becomes important. If, however, the witness should fail to avail himself of said section, he may perhaps get the benefit of section 948 of the Code, which provides that, "the court, at any time within one year after judgment, may order that any witness may be paid, who, for any good reason, satisfactory to the court, failed to have his fees included in the original bill of costs."

The legal terms nolle prosequi and "judgment arrested" are too technical to be explained here, nor is an explanation of them important in this connection. It will always be sufficient for witnesses to make inquiry of the clerk of the court what disposition was made of the case and to govern himself accordingly. M. N. AMIS.

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