The following is the affidavit to wit

State vs Thomas Dula. In this case defendant maketh oath that as he is advised & believes he can not come safely to trial for the want of the testimony of the following witness to wit, F F Hendricks of Caldwell County Francis Farmer & Mary Farmer of Wautauga County all of whom are under subpoena & absent without affiants consent or procurement. Affiant further states that as he is informed & believes all of the above named witness are necessary & material for him in the trial of this cause & that he expects to have the benefit of the testimony of all of them at the next term of this Court & that this affidavit is not made for delay

Sworn to & subscribed before me this 17th of April 1867 C L Simmons clk } Thos C Dula

The prisoners remanded to Jail

And at Fall Term 1867 of our said Superior Court of Law begun & held for our said County of Iredell on the 7th monday after the last monday in August 1867 The Honorable Alexander Little Judge was present and presided The following record was made

State vs Thomas Dula & Anna Melton } murder } The prisoners being brought to the bar of the Court by the Sheriff of our said County in whose custoday they are

James Simmons Lucinda Gordon & J M M Grason witness for the state were called & failed therefore Judgment nisi was rendered against them for the sum of Eighty dollars each.