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FOUR GREAT SPEECHES IN THE HOUSE FOR IMPEACHMENT.

VOTE OF THE HOUSE ON THE RESOLUTION

It Was Passed by a Vote of Nearly 2 to 1.

CRAIG'S GREAT SPEECH

The Most Stirring Argument of This Memorable Debate.

A REVIEW OF THE POLITICAL CONDITIONS

Mr. Craig Traces the Work of the Supreme Court in Its Usurpation of the Power of the Legislative Branch of the Government.

The tidings of a great excitement on last Monday shot athwart the sky of the North Carolina General Assembly and the thunder thereof shook the very dome of the capitol.

It was the fourth and last day of the debate in the House on the resolution for impeachment of two of the Supreme court judges. It ended—as all had seen for days it must end—in adoption of the resolution.

The vote was 82 to 33, and its announcement was greeted with a roar of applause. The hands on the clock pointed to 12:15.

It was a history-making day, the like of which it is to be hoped North Carolina will not see again. Realizing that to witness such an event was the opportunity of a lifetime, people had gone to the House early. Women folk crowded the galleries, their gay dresses making great splashes of color against the white walls and pillars. In the lobbies men thronged each other and every available seat on the floor of the House was filled also.

Argument on the resolution began at 11 and the vote was to be taken at 3 o'clock. Of this time, the first two and a half hours were allotted to the Republicans. They spoke generally from manuscript or notes, and were plainly very guarded in their utterances. Mr. Ebbs made the principal argument; he was followed by Messrs. Owen, McIntosh, Pearce and Blythe.

This extended over two and a half hours.

The first speaker on the Democratic side were Messrs. Alexander, White, of Halifax, and Morphew, who consumed five minutes each. Then Mr. Craig, introducer of the resolution in the House, was recognized to make the concluding argument.

When he arose the hall was packed almost to suffocation but the stillness of death pervaded it, and every eye was turned toward the speaker.

He began slowly, deliberately, telling of the gravity of the question presented to the house and the awe with which he approached it. Then he referred to the solemnity of an impeachment proceeding, declared it the keystone of the constitution, but put there as a safeguard but as a shield of the law. Already the voice of the speaker had risen till he could be heard in the farthest recesses of the hall, his eyes began to gleam with the fire of enthusiasm and a roar of applause burst over his audience when he declared that "today the majesty of the people, expressed under forms handed down from the fathers, speaking through their representatives will remind the highest judges in this land that they too are amenable to law and must answer for its violation at the bar of the High Court of Impeachment."

Now the speaker's utterances became more rapid, and self-consciousness had passed away. He had forgotten himself in his subject. His words of denunciation met hissing across the hall like lightning in a storm: "And, gentlemen, I say if there ever was a time when the extraordinary power of impeachment ought to be invoked it is now. Go search the record of all judges from the time of Jeffries down to the present and you'll find no example in which judges usurped more power as those."

People in the lobbies crowded closer and closer to the speaker, but the silence was unbroken and the speaker's words rang out more clear and more startling as he proceeded. Old men who had gone through the terrors of war wept as he told how our land sacrificed life and treasure and all for a constitutional principle, and finally, as he pointed to the picture of Vance, and appealed to "those dumb lips to speak and guide aright the people that has to love to honor him," a perfect whirlwind of applause swept over the floor and gallery, having so long that Mr. Craig had to pause until he could be heard.

It was a great speech, greatest of this memorable debate. High in thought, broad in conception, convincing in argument and terrible in denunciation, but above all eloquent. Men were thrilled and swayed by it as only the true orator and the thinker can thrill and sway them.

Mr. Craig spoke for an hour and five minutes and when he ceased there was a wild scene of applause lasting many seconds. Members rushed forward to congratulate him on his superb effort.

As the vote was about to be taken Mr. Hinsdale sent forward a written protest. For it was immediately referred to the committee on rules without being read.

Judge Allen then announced that under an agreement the amendments of Mr. Whitaker, of Guilford, and his (Allen's) amendment to Judge Connor's resolution were to be withdrawn. This was done and the question came up on adoption. On this Judge Connor called the Ayes and Noes, and the roll call resulted: Ayes, 82; noes, 33.

Those voting Aye were: Connor, Fields, Gaither, Long, McLean, Morris, Nash, Reinhardt, Simms, Thompson, White of Halifax, and Willard.

This defeated the Connor resolution and the question was now on adoption of the impeachment resolution. The roll call resulted in its adoption by a vote of 82 to 3, the vote being as follows:

For impeachment, 82, as follows: Alexander, Allen of Wayne, Ardrey, Barco, Barnhill, Beasley, Beddingfield, Blalock, Blount, Bradsher, Carr, Carraway, Carlton, Craig, Curtis, Daniels of Warren, Dees, Fields, Garret, Gatis, Graham, Green, Hall, Harris, Hayes, Hoey, Jenkins, Lane, Lawrence, Little, MacKethan, Mann, Mauney, McCulloch, McIver, Morgan, Morphew, Nichols, Nicholson, Oliver, Owens, Pearce, Robinson, Ross, Rothrock, Russell, Seawell, Shannonhouse, Shelton, Simms, Smith, Spainhour, Taylor, Thompson, Welch, Whitaker of Forsyth, White of Halifax, White of Jones, Willard, Wilson, Winston and Zachary. All democrats.

Against Impeachment, 33, as follows: Benbow, Rep.; Blythe, Rep., Brim, Rep.; Burlison, Rep.; Burnett, Rep.; Caloway, Rep.; Carson, Rep.; Coleman, Rep.; Collins, Dem.; Connor, Dem.; Dean, Rep.; Duncan, Rep.; Ebbs, Rep.; Gaither, Dem.; Isbell, Rep.; Long, Dem., Mastin, Rep. McFarland, Rep.; McIntosh, Rep.; McLean, Dem.; Morris, Dem.; Nash, Dem.; Owen, Pop.; Page, Dem.; Patterson Dem., Payne, Rep.; Petree, Rep.; Reinhardt, Dem.; Sheets, Rep.; Stevenson, Dem.; Stubbs, Dem., Watts, Dem.; Weaver, Rep. Eighteen Republicans, two Populists and thirteen Democrats.

Eight pairs were announced as follows: Brittain and Baldwin; Preston and Whitaker, of Guilford; Rountree and Yarborough; Wright and Hood; Allen and Richardson; Daniels of Vance and Robeson, of Guilford; Stewart and Parker; Moore and Dols.

In each case the first name of the pair favored the resolution to impeach, and the second name was against it.

Those absent and not paired were 9 in number as follows: Allen of Columbus, Bannerman, Blythe, Daughtridge, Hartley, Mason, McNeill, Ward and Williams.

The Democratic vote was 81 for impeachment and 11 against it. In addition to this there were Republicans, 1 of them in favor of impeachment and 8 against it. This would make the Democratic vote 79 to 31. It is not certain how all the 9 absent members would have voted, though it is known that at least 6 of them were for impeachment.

The vote was announced amid applause at 2:55 and the House took a recess till 8 o'clock.

MR CRAIG'S SPEECH.

Mr. Craig, who made the concluding argument in the debate on the impeachment resolution in the House on Monday, said:

"Gentlemen of the House: It is said by some that this resolution ought to have been introduced in recess, so that our party friends might have there considered its advisability. It is not a party matter and should not be decided upon a question of politics. It should be considered on a higher plane than that. Each member of this House should consider this question according to the dictates of his own conscience and not according to the dictates of any party caucus.

"I shall not discuss the gravity of this occasion. I believe that every member of this House sits here in the full realization of his solemn and momentous responsibility. These proceedings for the last few days, or as my friend from Martin has termed it, this spectacle has been witnessed with great interest by the people. I hope its necessity has been witnessed with great sorrow by all good people. It is no difficult task to bring the smaller offender to the bar of justice—the poor, the weak, the feeble—but today the majesty of the people of North Carolina, acting under the forms handed down from days of the fathers of the Revolution, and speaking through the voice of their chosen representatives, teach the great truth so plainly that 'he who runs may read,' that the highest judges are amenable to law and must answer for its violation at the bar of the high court of impeachment. (Applause). I rejoice that this is yet a land of law and constitutional government. While there is none so low and so feeble as to be beneath its reach, there is none so high and great and powerful as to be above it. (Loud applause).

"The power of impeachment, as I understand it, is the very keystone of the Constitution. It was not put there as a scarecrow. It was not put there as a dry bone to be rattled. It was not put there for the purpose of shooting fire crackers, as the Chinese did when they attacked the legations at Pekin, but it was put there as a vital force of the Constitution, as a shield of the Constitution; yes to protect the right of the private citizen—the law of the State and the Constitution do that, and if the right of any citizen be intruded upon he can go into court and vindicate himself and claim his rights and have these rights enforced. But the court of impeachment was organized and established by our fathers to protect and maintain that law. Whenever we fail to exercise our duty as a court of impeachment, sitting here with the power to impeach, which we do not strike directly at the liberty and the rights of the citizen, we are responsible for the destruction of the law and the Constitution and shield and protection of every man.

HIGH TIME TO ACT.

"Gentlemen of the House: I say it if there ever was a time in human history, if there ever was a period in this Government or any other Government when the high and extraordinary power given to this high court of impeachment should be invoked, it is here in the year 1901.

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FACTS ON WHICH THE CASE IS BASED

They Are Reviewed in the Opening Speech.

JUDGE ALLEN'S SPEECH

An Able Discussion of the Law Points That Are Involved.

CHARGES PERFERRED AGAINST JUDGES

"Ignorance of the Law Does Not Excuse the Humblest Citizen in the Land and it Should Not Excuse Those in High Places."

In his opening remarks Judge Allen spoke of the seriousness of the charges made in the resolution and the consequent gravity of the responsibility resting upon members. He added:

"It has been now nearly two weeks since a distinguished member of this body introduced this resolution. It is a resolution that no lawyer would introduce except from a sense of duty that he could not escape, and it is a duty that every one in this House would have avoided, had it been possible to do so. It is the disposition of every lawyer to stand up for and sustain to his utmost the judiciary of the State. We, the members of the Judiciary Committee entered upon the consideration of this resolution in this spirit and came to a consideration of it, desiring to enter into it with no spirit, but to enquire whether the law has been violated and whether these judges have done their duty as prescribed by the laws of the land.

"The resolution was referred to the committee by the chairman and was referred, without discussion, to a sub-committee of five, consisting of Judge Connor, Judge Graham, Mr. Craig, Mr. Spainhour and myself. The sub-committee examined all witnesses who knew anything about the facts, and directed at its first meeting not to discuss any conclusions until all had agreed upon the facts."

The speaker then told of the meetings held by the sub-committee and its deliberations and method of investigation and enquiry into the facts in the case. He continued:

"We first ascertained the facts and then we discussed conclusions drawn from them and the law governing the case. After the examination of witnesses there was no disagreement as to the facts or the law bearing on those facts, among members of the committee. So careful were we that the sub-committee, without a dissenting voice, decided to make no recommendation as to the report that ought to be made by the full committee, because we thought the full committee ought to be free to act as it thought best and ought not to be in the position of either having to adopt our recommendations or repudiate the committee.

"After the sub-committee made its report, the full committee took it up with a spirit of fairness and a sense of sworn duty. There was not an impassioned speech made, nor any attempt to force upon any one a conclusion. It was left to the conscience of each member. The full committee had three meetings of about three hours each. After the committee had practically come to a conclusion we adjourned for two days before taking a vote in order that no action might be taken that was not the deliberate judgment of the committee.

THE SUB-COMMITTEE'S REPORT.

"In making up its report, the sub-committee considered, first, what facts were found, and then what facts were undisputed. And there was not a fact disputed by any Democratic member, and there was but one Democrat who disagreed with any conclusion of law. There was no suggestion of partisan politics, except that which came from the leader of the Republican party of North Carolina at Washington city.

"Now, Mr. Speaker, what are the facts? In 1897 Theophilus White was elected Chief Inspector of the shell fish industry for four years. By chapter 18, laws of 1899, the office of White was abolished. By chapter 19, laws of 1899, seven Commissioners were appointed by name to perform the services connected with the shell fish industry in the several counties, and it was provided in the act substantially that the money should be paid out upon the certificate of the chairman of the Board of Shell Fish Commissioners, countersigned by the secretary of said board. By chapter 22, Laws of 1899, it was provided that the treasurer of the State should not pay any money for services rendered in connection with the shell fish industry to any persons except those authorized to act under chapter 19, Laws of 1899.

"The Constitution, article 1, section 9, provides that no process in the nature of execution shall issue against the State, and article 11, section 3 of the Constitution provides that no money shall be paid out of the treasury except in consequence of appropriations made by law. The two judges against whom this resolution is directed ordered the clerk of the Supreme court to issue a mandamus compelling the Treasurer to pay money out of the treasury to White.

"It is admitted that the funds in the

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LEGAL ARGUMENT BY MR. ROUNTREE

An Able Discussion of the Law Points.

READS COURT'S DECISION

The Judges by Their Former Opinions Convict Themselves.

RUSH IN WHERE MARSHALL FEARED TO GO

"Mandamus Cannot be Issued to Compel Payment of the State's Liability But to Enforce Obedience to a Legislative Enactment."

On Saturday Mr. Rountree's speech was delivered. It was a masterly discussion of the law points involved in the case.

Mr. Rountree declared that he had never approached a duty that gave him so much concern and that if he could have found an honorable way out of it, he would have escaped its performance. He continued:

"From the evidence as I have been able to see it, and from the argument of those preceding me, I am constrained to the conclusion that these judges have committed a wilful breach of the Constitution and are liable to impeachment."

Referring to the earnest appeals for mercy by the opponents to impeachment, Mr. Rountree said:

"I have found myself so moved by them that while I felt that the judges ought to be impeached, I have found myself wishing to God some one else had it to do."

Then he turned his attention to certain attorneys and others who have been posing before members as "disinterested patriots," dispensing free advice. He said:

"We have received a great deal of advice, some wise and some otherwise, some from people who are disinterested and some from people influenced by other motives. I will not say that there has been a concerted attempt to manufacture sentiment in favor of these judges, but the counsel so freely given on the streets and in newspapers, the demonstrations here in galleries and lobbies, indicate that the advice is at least factitious and should be received with caution.

"True and disinterested advice I would like to have, for I have been anxious to find the right in this matter; but after all is said and done, we alone must decide. There is no other way.

With this introductory Mr. Rountree proceeded to give the reasons that had impelled him to his conclusion in favor of impeachment, first defining the nature of impeachment and the punishment prescribed. He went on to say:

"Some have taken the ground that it is a criminal proceeding whose punishment is of such awful solemnity that it ought never to be invoked. Others hold that it is a mere inquest of office. I will not discuss these views, but will merely stop to say that in my opinion it is a method devised in constitutional governments by which the representatives of the people may remove unfaithful officials when their conduct is prejudicial to the public welfare.

"It has been argued to you that these judges must not only be guilty of intentional violation of the Constitution, but that such violation must have been committed with a corrupt motive. Without stopping to inquire what is meant by 'corrupt motive' in this connection, I will say that if what is ordinarily termed 'corruption,' is meant, that position is overturned by authority.

WHO MAY BE IMPEACHED.

"A disciguished writer in the American Law Review, writing of impeachment says:

"'There is one class of cases in regard to which it is much more difficult to lay down a rule, that is, where the acts of the judge are discretionary, or where he must act on his own interpretation of the law. In these cases it must be shown that the judge intentionally acted contrary to the law; that he knowingly violated the rights of the parties, but it is not necessary, we think to show a partial or corrupt motive. If his motive be merely spite against a party or his attorney, an intentionally erroneous decision is equally criminal; so a number of rulings contrary to law, which lead the community to believe that the judge acts contrary to law, that he considers only his own will, is dangerous to society, by diminishing respect for justice and mischievously affecting the rights of the parties and should render him liable to impeachment.'"

"There is no necessity in law for proving corruption on the part of the judges before impeachment. In a former constitution of the State it is specifically laid down that a judge may be impeached for wilful violation of the constitution. Our present Constitution, like the Constitution of the United States, does not define what are impeachable crimes, but leaves it to the common law which we derived from England. In the Code, however, it is expressly declared that impeachment lies for 'corruption OR MISCONDUCT IN OFFICE.' This conclusively shows that 'corruption' is not necessary."

Still another objection referred to by Mr. Rountree was that Judge Furches could not now be impeached because he had resigned the office he held when the act was committed and accepted another. This objection, Mr. Rountree considered hardly worth serious refutation. He added:

"Impeachment is a means of removing unfaithful officials, and the authorities relied upon by the advocates of these judges do not apply, because they refer solely to impeachment of persons who were at the time the charges were preferred not officials, but private individuals.

"There are, however, numerous cases holding that an official cannot escape impeachment by resigning before the charges can be filed."

In this connection he cited the Belknap case, and added:

"That would be a bad form of government in which an unfaithful officer could escape responsibility for his misdeeds by running away from the charges against him.

"However this may be an official can be impeached and disqualified for misconduct in other terms or offices. In a case decided by the Supreme court of Louisiana reported in 45 Louisiana Annual at page 1355, it is held:

"The great weight of authority is that an officer may be impeached while in office for acts committed in a prior term."

After reading this Mr. Rountree continued:

"It is also laid with great confidence that a judge cannot be impeached for merely declaring an act unconstitutional. While this is at least doubtful, Foster, the latest and an admirable writer on the Constitution, says, speaking of impeachable offenses, citing many authorities:

"'It does not consist in an error in judgment made in good faith in the decision of a doubtful question of law except perhaps in the case of a violation of the Constitution.'

INTENTION OF THEIR OPINIONS.

"We do not attack these judges merely for declaring acts of the Legislature unconstitutional. We do complain that the decisions in those so-called office-holding cases were not honestly made with a single desire to administer justice according to the rights of the parties, but were partisan, and made with the intent and purpose to destroy the confidence of the people in the General Assembly as to enable them to usurp legislative functions.

The speaker then referred to the first of these cases, Day vs. State Prison, and called attention to the fact that a suit by a man claiming to be a Democrat and represented by strong Democratic lawyers, gave them the opportunity so ardently desired by the Republican leaders of destroying the confidence of the people in the Legislature.

After referring to several other of the cases, in which the court reversed the principle laid down by them in the case of Ewart v. Jones, wherein a Democrat was ousted from office, the speaker declared that the sovereignty of the State rested with the people, and was exercised by their representatives in the General Assembly. He said that the partisanship of the court culminated in directing a mandamus to issue in White vs. Ayer, Auditor, against the express prohibition of the General Assembly.

"But it is said that the great Chief Justice Marshall once issued a writ. Let's see. President Adams appointed a man named Marbury as a justice of the peace and the commission was signed by Chief Justice Marshall. The appointment was made late at night and left on the desk. When Jefferson came into office next day he ordered his secretary to hold up the appointment. Marbury appealed to the courts and the court, Marshall writing the opinion, held that Marbury's appointment was complete, and as the law gave him the right to hold for five years, independent of the executive, his appointment was not revocable: 'To withhold his commission, therefore, is an act deemed by the court not warranted by law, but violative of a legal vested right.'

"Touching this case, Henry Adams in his History of the United States, says: 'The decision in Marbury's case naturally exasperated Jefferson; but the Chief Justice knew the point beyond which he could not go in asserting the jurisdiction of his court, and was content to leave the matter as it stood. Marbury never applied for the mandamus in the court below. The opinion in the case of Marbury and Madison was allowed to sleep, and its language was too guarded to furnish excuse for impeachment.'"

"Wonder what would have happened if he had issued the writ? I know, and I think you do.

"Also the gentleman from Martin (Stubbs) claims that the court was justified in its action by Cotten vs. Ellis, 152 N. C., 549. That likewise is an untenable position.

MANDAMUS MUST NOT ISSUE.

"This Ellis case was a petition for an alternative mandamus. The petitioner had been appointed Adjutant General of North Carolina under Governor Bragg with a salary attached. Subsequently the law was changed and another gentleman was appointed to the position of Adjutant General. The man who lost his office brought action to compel the Governor to issue a warrant upon the Treasurer for his salary. The court held the subsequent act void and the petitioner entitled to his salary, but at the end of the decision the very question with which we are now dealing, to wit, how to get the money out of the Treasury, was presented and the court said:

"'We do not enter upon the inquiry

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POPULAR RIGHTS ARE THREATENED

A Violation of the Law That Must be Rebuked.

WINSTON'S FINE SPEECH

Stirring Presentation of the People's Side of the Question.

NO ORDINARY INFRACTION OF THE LAW

"It is Always the First Encroachment on the People's Right That Grows Until it Has Destroyed Popular Government."

The first speaker at Friday afternoon's session was Mr. Winston, of Bertie.

He began by expressing regret at the position he was compelled by duty to take on this question, and spoke of his opposition to the Norwood impeachment two years ago. Touching that proceeding, he said:

"The current of history will let you know that two years ago when there was brought to the bar of this House an offending judge, I found circumstances that called for mercy. When we had from his own hand and his own lips the promise that the offending should cease, the appeal for mercy found a responsive beat in my breast; and today, if I could catch the faintest echo of a penitent and contrite heart, I should be among the first to let mercy speak. There is no promise of reformation, no evidence of regret for the sin.

"Are we met here today with any cry that excites sympathy or pity save that of old age, which comes to all men? On the other hand we are met with facts which declare that the constitution and laws of the State have been openly and boldly violated. In defiance of the written law, this court has gone beyond the limits of the Constitution and has taken from the treasury funds around which the most inviolable safeguards had been thrown.

"The facts justify the conclusion that from the decision of the White case in May down to the mandamus in September, there was a deliberate, a studied and a carefully executed purpose to override the law of the land. Has that purpose culminated in fulfillment?"

He declared that this purpose had been consummated and referred to the opposition offered to it by one member of the court (Judge Clark), and to the hitherto unheard of action of his associates in finally suppressing one of his opinions:

"A judge whose clarion notes have rung out on more than one occasion strong and clear for the liberties of the people, was denied the right of protest.

"We are appealed to on the ground of high character. Their high character shows the danger of longer allowing these men to sit on the bench, if they are violating the law and the Constitution.

"High character did not save the first man whose ship graced on our sands and gave knightly grace to North Carolinians, nor did it save many of the greatest and best who have stood in violation of the law. I reverence high character. I never attack it.

"If there is one thing that I do despise it's the miserable creature who does not drink enough of the pure air of heaven, but has to take draughts of the fetid scum of assailing men and trying to destroy their characters.

"The fact that these men are men of exalted character makes it dangerous for them to sit longer on the bench when the future has so much in store for us and our children.

FIRST INSTANCE IN HISTORY.

"Never before has the writ of mandamus been used to destroy the law but always to uphold it.

"I repeat that this is the first time in the history of North Carolina that the strong arm of her judges has been used in destroying her laws. It formerly this arm had been used in upholding the law the presumption would have been in their favor.

"As I understand it, impeachment is the court of the people. It is the one court the people have reserved to themselves. To other courts they have committed the right to deal with property and character, life and limb, but to themselves the people have reserved the right to deal with criminal officials.

"We are not trying these judges for any ordinary infraction of law. We are trying them for an offense on which rests the very foundation of our government. There is but one bar at which they can be called to answer. If they are innocent, give them a chance to answer; and if they guilty, let them reap the harvest of their sowing.

"My friend from Wake, (Mr. Simms), refers to North Carolina's conservatism and proud history and to the fact that she was last to enter the union. He might have added that North Carolina has always been the last to surrender the rights of the people. And I want to say right here if North Carolinians had seen her rights in the Union passing from her as she sees them today, she would not in 1780 have become one of the original thirteen States. They did not fight at King's Mountain and at Guilford Court

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