

VOTE FOR IMPEACHMENT 62 TO 33

Judge Connor's Resolution of Disapproval Defeated by a Vote of 85 to 12.

TRIAL IN THE SENATE

Seventy Out of 101 Democrats Voted for Impeachment—Majority for Impeachment 29—There Were 16 Members Paired—Mr. Craig's Eloquent Speech Concluding the Argument

The Craig resolution for the impeachment of Chief Justice Furches and Judge Douglas of the Supreme Court, passed by the House yesterday by a vote of 62 to 33. The majority in favor of the resolution was 29. There were 16 members paired and nine did not vote. The Republicans voted against impeachment without a break. The Connor resolution of disapproval was first voted on, 12 votes being cast in its favor and 85 against. The other amendments were withdrawn and only two votes were taken on the impeachment proceedings, which have occupied the attention of the House for four days past. The fourth day of the argument came to an end yesterday afternoon. In all thirty-eight speeches have been delivered by the members of the House. Mr. Ebb's, the Republican leader in the House, made the principal speech against impeachment, while Mr. Craig of Buncombe, brought the argument to a close in an eloquent effort in favor of his resolution of impeachment. The House will probably name today a committee of five to proceed to the bar of the Senate and acquaint that body with the action of the House, and give notice that articles of impeachment will be preferred. Mr. Ebb's and Judge Douglas will not sit on the bench pending the trial of the case in the Senate. Both judges agreed yesterday not to sit with the court until the Senate makes known its decision. A statement will probably be filed by the judges today, giving their reasons therefor. It was 1:15 p. m. when Mr. Craig of Buncombe, the author of the impeachment resolution, called the previous question. Mr. Blythe of Henderson, Republican, then sent forward a protest in writing, having given notice that he wanted it to go on record. A motion was made that the protest be referred to the Committee on Rules, before it go on record. Mr. Blythe objected, contending that he had the Constitutional right as a member of the House to have the protest read on the records. The motion to refer to the Committee on Rules prevailed. Mr. Allen of Wayne, the chairman of the Judiciary Committee, having the resolution in charge, stated that an agreement had been reached as to the procedure of voting. He said it had been agreed that Judge Connor's resolution of disapproval should be voted on first. Mr. Whitaker of Guilford, having withdrawn his amendment and the amendment by himself (Mr. Allen) having also withdrawn, Mr. Connor's resolution of disapproval, which was offered as a substitute to the original resolution of impeachment, was then sustained. The vote was 62 for and 33 against. The following is the vote on the Connor resolution: Messrs. Alexander, Allen of Wayne, Andre, Barco, Barnhill, Beasley, Bedford, Blalock, Blount, Bradsher, Carr, Carraway, Carlton, Craig, Curtis, Daniels, Graham, Green, Hall, Harris, Harges, Hoer, Jenkins, Lane, Lawrence, Little, MacKethan, Mann, Mauney, McCulloch, McFev, Morgan, Morpheus, Nichols, Nicholson, Olliver, Owens, Pearce, Robinson, Ross, Rotchrock, Russell, Seawell, Shannons, Shelton, Simms, Smith, Spainhour, Taylor, Thompson, Welch, Whitaker, White of Forsyth, White of Halifax, White of Jones, Willard, Wilson, Winston, Yarborough, Zachary. Those voting against impeachment were: Messrs. Alexander, Allen of Wayne, Andre, Barco, Barnhill, Beasley, Bedford, Blalock, Blount, Bradsher, Carr, Carraway, Carlton, Craig, Curtis, Daniels, Graham, Green, Hall, Harris, Harges, Hoer, Jenkins, Lane, Lawrence, Little, MacKethan, Mann, Mauney, McCulloch, McFev, Morgan, Morpheus, Nichols, Nicholson, Olliver, Owens, Pearce, Robinson, Ross, Rotchrock, Russell, Seawell, Shannons, Shelton, Simms, Smith, Spainhour, Taylor, Thompson, Welch, Whitaker, White of Forsyth, White of Halifax, White of Jones, Willard, Wilson, Winston, Yarborough, Zachary. Those members paired were Messrs. Brittain and Baldwin, Pearson and Whitaker of Guilford, Rountree and Yarborough, Wright and Hood, Ellen and Richardson, Daniels of Vance and Parker, Mason and Duls, Stewart and Barker. Mr. Simms of Wake and Mr. Willard of New Hanover explained their votes. Mr. Simms said: "I stated in my remarks upon this floor the other day that I felt that some action should be taken by the House with reference to the conduct of these judges, because I believe that our silence would be their vindication. Therefore I have thought all the while that if a course would pursue a milder course. For such a milder course I pleaded and voted both in the committee room and upon this floor. But no milder course can now be pursued, because you have voted down the only resolution that would allow it. By this present vote, therefore, I am forced to declare my preference for impeachment and entire silence on the part of this House. I believe, as I said, that the conduct of these judges should not go without being in some way rebuked by this House. The impeachment and entire silence now is by the adoption of this resolution of impeachment. If I vote 'No' upon this resolution I am virtually voting for silence on the part of this House. I call for an amendment to the resolution. I should feel that I was lending the strength of my vote to the accomplishment of such a termination of this matter as would wash the conduct of these judges. This I will not do. Therefore, preferring protest rather than impeachment, but impeachment rather than silence, I vote 'Aye.' Mr. Willard said Mr. Simms' position was similar to that he had taken. He said he could not consent to a white-wash of the court. THE CRAIG RESOLUTION The First Move for Impeachment as It Passed the House Whereas, The Constitution of North Carolina, Art. IV, sec. 9, declares: "The Supreme Court shall have original jurisdiction to hear all claims against the State, but its decisions shall be merely recommendatory, no process in the nature of execution shall issue; there shall be reported to the next session of the General Assembly for its action." And whereas, The General Assembly of North Carolina, in its session of 1890, did enact chapter 21, Public Laws, section 1: "The Treasurer of the State of North Carolina shall not pay any compensation to any person or persons claiming the same for services rendered concerning the shellfish industry, unless such person or persons are authorized to render such services under the provisions of said act entitled 'To provide for the general supervision of the shellfish industry of the State of North Carolina,' and ratified March 2, 1890." And whereas, Theophilus White brought an action of mandamus against Hal W. Ayer, Auditor, and W. H. Ebb's, Treasurer, to compel them to issue a warrant for his salary for services rendered concerning the shellfish industry. And whereas, David M. Furches, Chief Justice of the Supreme Court, and Robert M. Douglas, Associate Justice of the Supreme Court, acting as judges of the Supreme Court of North Carolina, did, on the 17th day of October, 1890, under the color of the power and authority aforesaid, in their said judgments, cause to issue from the Supreme Court the following order: "Now, therefore, you (meaning the said Furches and Douglas) are commanded absolutely and peremptorily, without delay, to pay the warrants issued as aforesaid by the State Auditor on you as Treasurer in favor of the plaintiff, and that in all things you comply with and obey the mandates and requirements of this writ, and that herein you fail not;" the following copy of which writ is hereto attached. And whereas, The said writ was an usurpation, issued in violation of the Constitution, and in defiance of the statute of this General Assembly. And whereas, The said Furches and Douglas did draw their warrant upon the Treasurer, and the said W. H. Ebb's, Treasurer aforesaid, did pay the said Theophilus White the sum of \$831.75, contrary to the Constitution and laws of North Carolina as aforesaid; Now, therefore, be it Resolved by the House of Representatives of the State of North Carolina: That the action of the said W. H. Ebb's and Hal W. Ayer be condemned as unlawful and unconstitutional, meriting the rebuke of the people of North Carolina. That the action of the said judges of the Supreme Court is hereby declared to be in violation of the spirit and letter of the Constitution and in defiance of the plain statutory law of the State, a usurpation of power subversive of the rights and powers of the legislative department of government. THE REPUBLICAN PROTEST Record which Mr. Blythe Wants Spread on the Record The protest against the passage of the Craig resolution, which was introduced by Mr. Blythe of Henderson, is signed by the Republican and Populist members of the House, and is as follows: To the Honorable Speaker and Gentlemen of the General Assembly: We, the undersigned, respectfully request that this protest be spread on the record of the House, in order to prevent the passage of the resolution to impeach Chief Justice David M. Furches and Associate Justice Robert M. Douglas, and ask that same be printed in the Journal of this House, viz.: 1. It is the province of the Legislature to enact laws, and the province of the courts to interpret, construe and apply the laws. Robinson vs. Barfield, 6 N. C., 390, etc. 2. The power to interpret, construe and apply the laws is conferred by the Constitution; therefore any act of the Legislature attempting to prevent the courts performing this function is void. 3. The decision in the case of White vs. Hill, 125 N. C., giving White the remainder of a term of office for which he had been appointed, the duties and the salary being continued, was in accordance with the unanimous opinion of the Supreme Court in Hoke vs. Henderson, 15 N. C., 1, and upheld by the present court in Wood vs. Bellamy, 120 N. C., 493, and in State vs. Southern Railway, 125 N. C., 686, upholding Abbot vs. Beddingfield, 125 N. C., 256. 4. We cannot conclude that since the justices have followed a long line of judicial decisions that they have in any respect acted corruptly. 5. That the proceeding against the Auditor is not in our opinion a claim against the State within the prohibition of the Sub-Judicial Committee, and is against the State for which the Legislature has made no provision or appropriation. Garner vs. Worth, 122, 250, and Arendell vs. Worth, 125, 111. 6. The case of White vs. Hill is a special and particular fund is provided from a special and particular industry for this special and particular purpose. Laws 1897, chapter 13, and Laws 1899, chapter 13, sec. 1. The Superior and Supreme Courts have found the amount to be paid this particular office by the Treasurer; therefore nothing more than a ministerial act is required to make the Auditor and Treasurer. Cotton vs. Ellis, 52, 545, and Marbury vs. Madison, 1 Cranch, 64, etc.; Bailey vs. Caldwell, 68 N. C., 472, etc. 7. The evidence taken by the Sub-Judicial Committee, of itself ex parte in substance and manner of its production, and as stated by the gentlemen of the Sub-Judicial Committee, is the strongest that the committee could obtain, is, although uncontradicted and unexplained, not of itself sufficient to warrant this House in adopting any resolutions of censure or impeachment. For the reasons set forth, we deliberately and solemnly yet respectfully protest against the passage of either of these resolutions. Respectfully signed by O. C. F. Blythe, J. W. Ebb's, J. W. McFarland, C. M. Sheets, K. J. Petree, C. J. Carson, William H. C. Noway, W. T. Payne, John Burnett, H. D. Dean, William H. McIntosh, R. T. Colman, Hiram Weaver, John B. Jelwell, E. O. Mastin, F. B. Roubow, Sam G. Brint, T. E. Owen, N. G. Duncan, J. E. Burdison. FOURTH DAY OF SPEAKING Mr. Ebb's, Republican, Opened Against Impeachment Resolution The fourth day of the consideration of the resolution for impeachment was one of activity in the House of Representatives. No such number of people have knocked for admission in the Hall of the House for years. There was a stretch of fair faces in the gallery from wall to wall. On the lower floor of the House, where there was available space people crowded to hear the debate that will be historic. The usual morning business had not been transacted when the hour of the special order arrived. Speaker Moore, who was again in the chair of the presiding officer after an absence of several days, called up the resolution of impeachment of the judges, as unfinished business at 10 a. m. Mr. Ebb's of Madison, the Republican leader on the floor of the House was recognized and began to speak. He referred to the importance of the impeachment proceedings, not only to the State and the people, but also to the judges themselves. He said since early boyhood he had been taught to respect the judiciary and that that respect still lived. It is unprecedented, he said, for the legislative department of the government to infringe upon the functions of the judiciary, and to attempt to declare what is the law and what is not. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other. This clearly shows that the judicial department of the government is not subject to arbitrary instructions of the legislative department, and it seems that a legislative body of average intelligence should know that the court, if it did not resent, would at least ignore an effort on the part of the Legislature to instruct the court as to how it should construe a statute. In this country, where the legislative and judicial departments are entirely distinct, neither one is ever permitted to intrude upon the authority and domain of the other. The court never looks at the declaration that a Legislature makes, but it looks at the substance of what it does, and renders its judgment accordingly. The Supreme Court of North Carolina in the case of Robinson vs. Barfield (2nd Murphy) ignored such a declaration on the part of the Legislature, and in the decision said that the court would

SHIP SUBSIDY BILL

Senator Pettus Scores the Beneficiaries

NOT THE POOR HOUSE

But "Rubbing" Against Penitentiary Walls"—Question of Postoffice Appropriation. Senate Whirl of Yesterday

Washington, Feb. 18.—Only a few Senators being in the chamber when the Senate convened today, Mr. Pettigrew suggested the absence of a quorum. Forty-five Senators, a quorum, responded. In pursuance of previous notice, Mr. Pettus of Alabama then addressed the Senate in opposition to the Ship-subsidy bill. Referring to former Senator Edmunds, reputed to be the author of the original Subsidy bill, Mr. Pettus said that the distinguished Vermontor had demonstrated "his ability to cipher around the truth." He justified the provisions of the measure justifying him in saying that Mr. Edmunds, "as a Senator of the United States, could never have written this bill."

Bank Robbed of \$5,000

Texarkana, Tex., Feb. 18.—The bank of Omaha, at Omaha, Texas, thirty miles south of here, has been robbed of \$3,000 in cash and of paper amounting to \$2,000. The robbers made their escape on a hand-car. The lone occupant of the bank was rescued from town by a bogus telegram and remained away from Omaha on the night of the robbery.

LOT OF NEW LAWS

Liquor Selling Prohibited in Another County

THE JIM CROW LAW

Bill Affecting Homesteaders, "Jointures" After Divorce, Time of Fall Term Supreme Court Changed—Details

The Senate did a lot of solid work yesterday, and when it adjourned the calendar had been cleared. Several measures of importance were among the number, as will be seen by the proceedings in detail below. The sale or manufacture of spirituous liquors was prohibited in another county—this time Sampson county—after the bill had been amended so as to exempt from its provisions cider and wine made from the berries or fruit grown by the manufacturer. Last week Madison county was made a prohibition county by the passage of a similar law, except the exemptions above recorded were not made in that case. Senators Currie (Dem.) and Robeson (Rep.), who represent the district of which Sampson county forms a part, both supported the bill. Mr. Currie stated that he felt in duty bound to do so, because petitions had been sent here asking for it, signed by three-fourths of the voters of the county, and that he had told his people that if two-thirds of the white voters asked it he would favor the measure. He added that Chairman Kerr of the Democratic county committee had opposed the bill before the Senate committee, and that he had not allowed himself to be placed in a false position by such action as that. He would not be influenced against the bill by such "explanations" as the committee were giving, and he would be governed by that expression of the will of a large majority of the white people of the county. There were 700 signatures against prohibition. Mr. Robeson of Sampson arose and simply stated that he favored the measure. Senator McKell explained that while he was against the bill in committee, chiefly because the county chairman of the Democratic committee opposed it, he would now vote for the bill because both Senators present were so favorably disposed. The bill was then passed with only a few dissenting votes. The small railroads, chiefly in the eastern portion of the State, which Senator Warren has been dodging the separate coach or "jim crow" law, were caught up with yesterday. At least that was the intent of the bill changing the law so that "trains carrying passengers" in the act. Senator Ward stated that these small railroads would frequently hitch on a box-car with a few pounds of freight there, and pull the train a "mixed train," and so attach no separate coach for negro passengers. Under this bill they will not be allowed to do this; but if there are no passengers hauled by the train, a separate compartment or coach must be provided for the darkies. The time of beginning the fall term of the Supreme Court was changed by Senator Wood of S. B. 690, amending section 933 of the Code. The new date will be the fourth Monday in August, and the change is due to the increase of judicial districts from twelve to sixteen. Brunswick county was added to the list of eastern counties which shall elect county commissioners by the "mixed" law, and all the train a "mixed train," and so attach no separate coach for negro passengers. Under this bill they will not be allowed to do this; but if there are no passengers hauled by the train, a separate compartment or coach must be provided for the darkies. The time of beginning the fall term of the Supreme Court was changed by Senator Wood of S. B. 690, amending section 933 of the Code. The new date will be the fourth Monday in August, and the change is due to the increase of judicial districts from twelve to sixteen. Brunswick county was added to the list of eastern counties which shall elect county commissioners by the "mixed" law, and all the train a "mixed train," and so attach no separate coach for negro passengers. Under this bill they will not be allowed to do this; but if there are no passengers hauled by the train, a separate compartment or coach must be provided for the darkies.

"Mother" Jones to Help

Scranton, Pa., Feb. 18.—"Mother" Jones, the woman leader of the United Mine Workers, reached Scranton at noon today, coming from Arnot, Tioga county, Pa., to take part in the strike of the silk workers which has involved every mill in the Lackawanna and Wyoming valleys and by reason of which there are now nearly 6,000 girls idle, 4,000 of them in Scranton.

Found Dead in Bead

Asheville, N. C., Feb. 18.—Special—George W. Young, deputy clerk of the Superior Court, of Buncombe county, was found dead in his bed here this morning. The coroner found the cause of his death to have been heart disease, and thinks death occurred about midnight Sunday. Today was his 50th birthday. The funeral will be held Tuesday afternoon at 4 o'clock at Swananda Station.

THE INAUGURAL PROGRAMME

A Detail Statement of the Arrangements

Washington, Feb. 18.—The official program of the proceedings at the Capitol in connection with the inaugural ceremonies on March 4 has been completed. This program is the positive dictum in regard to the ceremonies, and declares the exact moment at which each of the legislative, executive and judicial bodies shall enter the Senate chamber to witness the administration of the oath of office to the Vice-President-elect, who shall be admitted to the floor, who to the galleries and to the stands on the east front of the Capitol. Its mandates are imperative, and will not be departed from. The President will be escorted to the Capitol by the committee of arrangements, says the program. As the President is also the President-elect, it follows that Senator Hanna and one or more members of his committee will be this honor. The presidential party will go to the President's room at the Senate and there remain until escorted to the Senate chamber and introduced to the committee of arrangements. The President will occupy a seat in front of that of the Vice-President. Other members of the committee of arrangements will be escorted to the galleries by the committee of arrangements. The President will administer the oath of office to the President-elect, the Vice-President, the Justices of the Supreme Court, the members of the Senate and the representatives in Congress, with the diplomatic and consular corps, foreign countries, will proceed to the platform erected on the east front of the Capitol. The President will there take the seat reserved for him, the Chief Justice of the United States will be seated to his right, and the Secretary of State to his left. The committee of arrangements will occupy seats next to and behind the President. The program details where expeditious, except where indicated otherwise. When all are assembled Chief Justice Fuller will administer the oath of office to the President, who will immediately thereafter deliver his inaugural address. The program states that tickets to the platforms north and south of the center platform will not admit their holders to the Capitol. Members-elect will receive cards of identification from the clerk of the House and are requested to accompany members of the present House. They will enter the Senate wing of the Capitol, as will all members and officials of the House entitled to admission by a card, and enter the rotunda from the House wing. The doors of the Senate will be opened at 11 o'clock. The Supreme Court, headed by its officers, will enter the Senate chamber at 11:50 o'clock. The two eastern doors of the Senate wing will be open at 10 o'clock to those holding cards entitling them to admission. Among the provisions governing admission to the committee of arrangements is determined by the House and are requested to comply with their capacity, and therefore but four tickets will be allotted to each Senator and Senator-elect, and but two to Representatives, delegates and elective officers of the House. Admission to the galleries and cards of admission to the floor of the Senate will entitle the holders to places on the inaugural platform. The program is calculated to secure order and freedom from rules of crowding at the inaugural ceremonies, and its rules, it is announced, will be rigidly enforced. Many thousands will be in line to the inaugural parade. Some time ago an act was extended to college students of the leading universities of the nation to be present, and many student bodies will accept. In addition, militia from a number of States will be present. The committee on invitations and tickets states that 12,000 bill tickets, 6,000 super tickets and 25,000 concert tickets have been delivered. The remainder will be delivered within a few days.

PROCEEDINGS IN DETAIL

Senate called to order by Lieutenant-Governor Turner and session opened with prayer by Senator Broughton. Journal of Saturday approved without being read. Reports from various standing committees sent forward and bills placed on Tuesday's calendar.

Bills Ratified The president announced the ratification of a large number of bills—many bills that had passed their final readings during the previous session, and some bills that had not passed their final readings. Among the bills ratified were the following acts of general interest: Amending the Code in reference to the incorporation of corporations; to enable the probates of corporate agreement; to secure the free passage of fish in the Cape Fear river; amendatory of the Code in regard to executors and administrators of deceased persons; resolutions of request of North Carolina Congressmen in regard to the purchase of Moore farm at Yorktown and preserve the same; enabling Forsyth county to fund its public debt; to enable persons once insane to manage their own property and sell same as desired, after recovery; authorizing Governor to fill vacancies in the Corporation Commission; to enable Halifax and Beaufort counties to levy special taxes; requiring erection of public signs along public roads in Forsyth county; to increase number of Superior Court judges and judicial districts, etc., together with a large number of local and minor bills. Messrs. Dula and Michael arose to correct two bills that had already been amended and ratified. They stated that the remedy was through a new bill amending the former bills. Petitions Presented By Mr. Dula: From W. H. H. Cowles and other citizens of Wilkes county in reference to a law regarding fishing and hunting in that county. By Mr. Warren: From citizens of Jones county, in regard to stock law in certain townships of that county. Also from citizens asking for the establishment of a liquor dispensary at Trenton, Jones county. Also from citizens of New Bern, with regard to fishing and shooting from bridges across the Neuse and Trent rivers. By Mr. Thomas: From citizens asking the incorporation of Boston Schoolhouses in Davidson county. New Bills Introduced By Mr. Currie: S. B. 778—To prevent live-stock from running at large in portions of Bladen county. Counties, Cities and Towns Committee. By Mr. Warren: S. B. 779—In regard to fishing and hunting on bridges across the Neuse and Trent rivers, being supplementary to bill already passed. Calendar. By Mr. Arrington: S. B. 780—To incorporate the Croatan Development Company. Corporations Committee. By Mr. Miller of Pamlico: S. B. 781—To appoint justices of the peace in Pamlico county. Justices of the Peace Committee. By Mr. Thomas: S. B. 782—To prohibit sale of liquor in No. 2 school district, Abbott's Creek township, Davidson county. Propositions and Grievances Committee. By Mr. Gudge: S. B. 783—To create a pension board in Madison county. Pensions Committee. By Mr. Gudge: S. B. 784—To appoint justices of the peace in Madison county. Justices of the Peace Committee. By Mr. Sugg: S. B. 785—To protect travelers along public roads of Craven county. Counties, Cities and Towns Committee. By Mr. Woodard: S. B. 787—For the relief of William Meacham, an ex-Confederate soldier. Pensions Committee. By Mr. Woodard: S. B. 788—To appoint Coffield Barnes et al. justices of the peace in Wilson county. Bills Passed Final Reading The following bills passed third reading and were ordered enrolled for publication, unless otherwise stated below: S. B. 302, H. B. 359—To improve the public roads of Person county, and levy tax for same. S. B. 182, H. B. 623—To establish a graded school to be known as the "Guilford" in Guilford county. S. B. 627, H. B. 307—Empowering

THE REPUBLICAN PROTEST

Record which Mr. Blythe Wants Spread on the Record

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Whereas, The Constitution of North Carolina, Art. IV, sec. 9, declares: "The Supreme Court shall have original jurisdiction to hear all claims against the State, but its decisions shall be merely recommendatory, no process in the nature of execution shall issue; there shall be reported to the next session of the General Assembly for its action." And whereas, The General Assembly of North Carolina, in its session of 1890, did enact chapter 21, Public Laws, section 1: "The Treasurer of the State of North Carolina shall not pay any compensation to any person or persons claiming the same for services rendered concerning the shellfish industry, unless such person or persons are authorized to render such services under the provisions of said act entitled 'To provide for the general supervision of the shellfish industry of the State of North Carolina,' and ratified March 2, 1890." And whereas, Theophilus White brought an action of mandamus against Hal W. Ayer, Auditor, and W. H. Ebb's, Treasurer, to compel them to issue a warrant for his salary for services rendered concerning the shellfish industry. And whereas, David M. Furches, Chief Justice of the Supreme Court, and Robert M. Douglas, Associate Justice of the Supreme Court, acting as judges of the Supreme Court of North Carolina, did, on the 17th day of October, 1890, under the color of the power and authority aforesaid, in their said judgments, cause to issue from the Supreme Court the following order: "Now, therefore, you (meaning the said Furches and Douglas) are commanded absolutely and peremptorily, without delay, to pay the warrants issued as aforesaid by the State Auditor on you as Treasurer in favor of the plaintiff, and that in all things you comply with and obey the mandates and requirements of this writ, and that herein you fail not;" the following copy of which writ is hereto attached. And whereas, The said writ was an usurpation, issued in violation of the Constitution, and in defiance of the statute of this General Assembly. And whereas, The said Furches and Douglas did draw their warrant upon the Treasurer, and the said W. H. Ebb's, Treasurer aforesaid, did pay the said Theophilus White the sum of \$831.75, contrary to the Constitution and laws of North Carolina as aforesaid; Now, therefore, be it Resolved by the House of Representatives of the State of North Carolina: That the action of the said W. H. Ebb's and Hal W. Ayer be condemned as unlawful and unconstitutional, meriting the rebuke of the people of North Carolina. That the action of the said judges of the Supreme Court is hereby declared to be in violation of the spirit and letter of the Constitution and in defiance of the plain statutory law of the State, a usurpation of power subversive of the rights and powers of the legislative department of government. 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The decision in the case of White vs. Hill, 125 N. C., giving White the remainder of a term of office for which he had been appointed, the duties and the salary being continued, was in accordance with the unanimous opinion of the Supreme Court in Hoke vs. Henderson, 15 N. C., 1, and upheld by the present court in Wood vs. Bellamy, 120 N. C., 493, and in State vs. Southern Railway, 125 N. C., 686, upholding Abbot vs. Beddingfield, 125 N. C., 256. 4. We cannot conclude that since the justices have followed a long line of judicial decisions that they have in any respect acted corruptly. 5. That the proceeding against the Auditor is not in our opinion a claim against the State within the prohibition of the Sub-Judicial Committee, and is against the State for which the Legislature has made no provision or appropriation. Garner vs. Worth, 122, 250, and Arendell vs. Worth, 125, 111. 6. 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THE CRAIG RESOLUTION

Whereas, The Constitution of North Carolina, Art. IV, sec. 9, declares: "The Supreme Court shall have original jurisdiction to hear all claims against the State, but its decisions shall be merely recommendatory, no process in the nature of execution shall issue; there shall be reported to the next session of the General Assembly for its action." And whereas, The General Assembly of North Carolina, in its session of 1890, did enact chapter 21, Public Laws, section 1: "The Treasurer of the State of North Carolina shall not pay any compensation to any person or persons claiming the same for services rendered concerning the shellfish industry, unless such person or persons are authorized to render such services under the provisions of said act entitled 'To provide for the general supervision of the shellfish industry of the State of North Carolina,' and ratified March 2, 1890." And whereas, Theophilus White brought an action of mandamus against Hal W. Ayer, Auditor, and W. H. Ebb's, Treasurer, to compel them to issue a warrant for his salary for services rendered concerning the shellfish industry. And whereas, David M. Furches, Chief Justice of the Supreme Court, and Robert M. Douglas, Associate Justice of the Supreme Court, acting as judges of the Supreme Court of North Carolina, did, on the 17th day of October, 1890, under the color of the power and authority aforesaid, in their said judgments, cause to issue from the Supreme Court the following order: "Now, therefore, you (meaning the said Furches and Douglas) are commanded absolutely and peremptorily, without delay, to pay the warrants issued as aforesaid by the State Auditor on you as Treasurer in favor of the plaintiff, and that in all things you comply with and obey the mandates and requirements of this writ, and that herein you fail not;" the following copy of which writ is hereto attached. And whereas, The said writ was an usurpation, issued in violation of the Constitution, and in defiance of the statute of this General Assembly. And whereas, The said Furches and Douglas did draw their warrant upon the Treasurer, and the said W. H. Ebb's, Treasurer aforesaid, did pay the said Theophilus White the sum of \$831.75, contrary to the Constitution and laws of North Carolina as aforesaid; Now, therefore, be it Resolved by the House of Representatives of the State of North Carolina: That the action of the said W. H. Ebb's and Hal W. Ayer be condemned as unlawful and unconstitutional, meriting the rebuke of the people of North Carolina. That the action of the said judges of the Supreme Court is hereby declared to be in violation of the spirit and letter of the Constitution and in defiance of the plain statutory law of the State, a usurpation of power subversive of the rights and powers of the legislative department of government. THE REPUBLICAN PROTEST Record which Mr. Blythe Wants Spread on the Record The protest against the passage of the Craig resolution, which was introduced by Mr. Blythe of Henderson, is signed by the Republican and Populist members of the House, and is as follows: To the Honorable Speaker and Gentlemen of the General Assembly: We, the undersigned, respectfully request that this protest be spread on the record of the House, in order to prevent the passage of the resolution to impeach Chief Justice David M. Furches and Associate Justice Robert M. Douglas, and ask that same be printed in the Journal of this House, viz.: 1. It is the province of the Legislature to enact laws, and the province of the courts to interpret, construe and apply the laws. Robinson vs. Barfield, 6 N. C., 390, etc. 2. The power to interpret, construe and apply the laws is conferred by the Constitution; therefore any act of the Legislature attempting to prevent the courts performing this function is void. 3. The decision in the case of White vs. Hill, 125 N. C., giving White the remainder of a term of office for which he had been appointed, the duties and the salary being continued, was in accordance with the unanimous opinion of the Supreme Court in Hoke vs. Henderson, 15 N. C., 1, and upheld by the present court in Wood vs. Bellamy, 120 N. C., 493, and in State vs. Southern Railway, 125 N. C., 686, upholding Abbot vs. Beddingfield, 125 N. C., 256. 4. We cannot conclude that since the justices have followed a long line of judicial decisions that they have in any respect acted corruptly. 5. That the proceeding against the Auditor is not in our opinion a claim against the State within the prohibition of the Sub-Judicial Committee, and is against the State for which the Legislature has made no provision or appropriation. Garner vs. Worth, 122, 250, and Arendell vs. Worth, 125, 111. 6. The case of White vs. Hill is a special and particular fund is provided from a special and particular industry for this special and particular purpose. Laws 1897, chapter 13, and Laws 1899, chapter 13, sec. 1. The Superior and Supreme Courts have found the amount to be paid this particular office by the Treasurer; therefore nothing more than a ministerial act is required to make the Auditor and Treasurer. Cotton vs. Ellis, 52, 545, and Marbury vs. Madison, 1 Cranch, 64, etc.; Bailey vs. Caldwell, 68 N. C., 472, etc. 7. The evidence taken by the Sub-Judicial Committee, of itself ex parte in substance and manner of its production, and as stated by the gentlemen of the Sub-Judicial Committee, is the strongest that the committee could obtain, is, although uncontradicted and unexplained, not of itself sufficient to warrant this House in adopting any resolutions of censure or impeachment. For the reasons set forth, we deliberately and solemnly yet respectfully protest against the passage of either of these resolutions. Respectfully signed by O. C. F. Blythe, J. W. Ebb's, J. W. McFarland, C. M. Sheets, K. J. Petree, C. J. Carson, William H. C. Noway, W. T. Payne, John Burnett, H. D. Dean, William H. McIntosh, R. T. Colman, Hiram Weaver, John B. Jelwell, E. O. Mastin, F. B. Roubow, Sam G. Brint, T. E. Owen, N. G. Duncan, J. E. Burdison.

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