

THE ARTICLES OF IMPEACHMENT ADOPTED

By the House Yesterday and Presented at the Bar of Senate

VOTE WAS 56 TO 33

First Adopted Separately by the House as a Committee of the Whole—Managers Accompanied to the Senate by Members and Officers

The House yesterday adopted and preferred before the bar of the Senate articles for the impeachment of Chief Justice Furches and Judge Douglas of the Supreme Court.

The articles of impeachment were adopted by the House by a vote of 56 to 33. Previous to this, the House resolved itself into a committee of the whole and passed favorably upon the articles by a vote of 50 to 26.

The following gentlemen voted to adopt the articles:

Messrs. Allen of Wayne, Ardrey, Blanton, Barco, Barnhill, Beasley, Blount, Blount, Bradsher, Brittain, Carraway, Craig, Curtis, Daniels of Vance, Daughtridge, Ellen, Fields, Garrett, Gattis, Graham, Harris, Hayes, Jenkins, Lane, Lawrence, MackKewen, Mann, Meunier, McCulloch, McCreer, Morgan, Morrow, Nicholson, Owens, Pearce, Pearson, Robinson, Rothrock, Rountree, Seay, Shannonhouse, Shelton, Simms, Smith, Stewart, Taylor, Thompson, Ward, Welch, Whitaker of Forsyth, White of Halifax, White of Jones, Willard, Wilson, Winston, Zachary.

Those voting "No" were:

Messrs. Baldwin, Benbow, Blythe, Blinn, Bonison, Burnett, Caloway, Carson, Coleman, Connor, Dean, Duncan, Ebbes, Gaither, Hood, Isabel, Mastin, McFarland, McIntosh, McLean, Morris, Pate, Page, Patterson, Payne, Petree, Reinhardt, Sheets, Stevenson, Watts, Weaver, Whitaker of Guilford, Yarborough.

Mr. Mason, who favored the articles, was paired with Mr. Duls.

Twelve Democrats voted against adoption. They were Messrs. Baldwin, Gattis, Hood, McLean, Morris, Page, Patterson, Reinhardt, Sheets, Whitaker of Guilford and Yarborough.

A few minutes before noon the managers on the part of the House entered the Senate chamber and presented the articles of impeachment, which were discussed for more than an hour and a half. Mr. Spainhour was the only absent member of the board, being absent at his home.

At 2:15 the managers proceeded to the Senate, accompanied by members and officers of the House, where the articles were presented.

THE ACTION OF THE HOUSE

Consideration of the Articles of Impeachment

At three minutes to twelve o'clock the board of managers having in charge the articles of impeachment entered the hall of the House. Both doors were open, and the time managers were standing. The doorkeeper heralded the approach of the managers, who walked down the center aisle of the House, accompanied by members and officers of the House, where the articles were presented.

The board of managers elected by the House of Representatives to consider the impeachment trial of Chief Justice David M. Furches and Judge J. M. Douglas of the Supreme Court of North Carolina, who are charged with high crimes and misdemeanors in office, have prepared articles of impeachment for consideration and adoption.

Mr. Gattis of Orange moved that the articles of impeachment be read and discussed separately. The motion prevailed, the opposition voting "No."

Mr. Winston of Bertie, at the request of the managers, then began the reading of the articles of impeachment, which continued nearly half an hour. After a copy of the articles had been read, Mr. Zachary of Transylvania moved that the articles be adopted.

Mr. Connor of Wilson thought it wise to have the document read in its entirety, and Mr. Zachary gave his assent.

After the reading had been completed, Mr. Allen of Wayne announced that Mr. Spainhour did not sign the articles of impeachment by reason of the fact that he had been detained at home. He said Mr. Spainhour had given his assent to the committee's report.

Mr. Connor suggested that some member give an outline of each article to the House.

Mr. Blythe of Franklin—I voted against the resolution of impeachment and I shall vote against the articles of impeachment. I have no desire to obstruct the action of the managers who are discharging a duty imposed on them, and I shall content myself with voting against the articles as read.

Mr. Connor said he would vote for the first article. He referred to the fact that the House had not had the articles

printed, though that would have been the more orderly course he realized there was little time left, and he did not criticize the committee.

The articles were taken up one by one and discussed for nearly an hour. Mr. Connor, Mr. Allen of Wayne, and Mr. Ebbes of Madison, taking the lead in the discussion. Each one of the articles were adopted, though the opposition voted against them.

When the second article of impeachment was under consideration Mr. Ebbes said he could not acquiesce in action on the part of the House without opening his mouth. He said the Legislature was entering on an era of history which the people of the State would regret.

He stated that stress had been laid upon the alleged conflicting course of the judges. "It has been claimed," Mr. Ebbes said, "that the judges had information from the treasurer that he would honor the mandamus if issued." Where is such evidence. It has not been produced by the committee.

Mr. Rountree—Judge Montgomery made a statement. Mr. Ebbes—Judge Montgomery made a qualified statement as to this matter. He said possibly such might be the case. Mr. Rountree—Judge Clark said so in his testimony.

Mr. Ebbes—Judge Clark's thoughts are not to be taken for the action of these judges. In making this statement these gentlemen seem to me to have drawn on their imagination. Such a statement is not warranted by the evidence. Mr. Rountree—Judge Clark said so in his testimony.

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Mr. Ebbes said: "Since the matter was first mentioned in the newspapers last year, I have not believed the judges guilty. The evidence does not warrant such a conclusion. I again protest against this action. Many of you will live to regret the page in history, which you are now making. In the whole of these articles there is not enough to warrant impeachment. Such an action will disgrace the State. I wish to go on record in the Journal of the House as opposing this action. I wish it to be known to history that I oppose it and if I die I will oppose it."

After the adoption of the fifth article Mr. Rountree moved to adopt the articles of impeachment as a whole. The reading was dispensed with and the articles were adopted, the opposition voting no with strong lungs. A division was called for with the result that there was 50 yeas for and 29 nays against.

Mr. Winston then moved that the committee rise and inform the House that the articles of impeachment had been considered and that the committee of the whole recommended their adoption. The motion prevailed.

The House again resumed its session with Speaker Moore in the chair. Mr. Gattis of Orange was recognized and moved that the articles of impeachment, which had been passed upon favorably by the committee of the whole, be adopted. On motion of Mr. Rountree the further reading of the impeachment articles were dispensed with.

Mr. Ebbes of Madison, then demanded an aye and no vote. The roll of the roll began at 1:52 p. m. The result, as announced elsewhere, was 56 in favor of the articles and 23 against. Several gentlemen explained their votes.

Mr. Brittain of Randolph, said he had been excused from voting in the committee and that it was not because he was wavering. He said he had been for impeachment all the while. He was paired on the Craig resolution, being paired in favor of the measure. He voted aye.

Mr. Connor of Wilson, said there were two articles of impeachment for which he could vote, but the others he could not vote for. He said this being so he would be forced to cast his vote against the articles of impeachment.

Mr. Winston then offered the following resolution, No. 1675, notifying the Senate of the action of the House, which was adopted, when the House adjourned. Resolved, That a message be sent to the Senate informing that honorable body that the House of Representatives have adopted specific articles of impeachment against David M. Furches, late Associate Justice and now Chief Justice, and Robert M. Douglas, Associate Justice of the Supreme Court of North Carolina, of high crimes and misdemeanors in office; and that the House have elected the following gentlemen managers to conduct such impeachment: Messrs. Allen of Wayne, Craig, Rountree, Graham, Hayes, Spainhour, Nicholson, Shannonhouse and Seay, and have directed the said managers to carry to the Senate the articles agreed upon by the House to be exhibited in maintenance of their impeachment against said David M. Furches and Robert M. Douglas as aforesaid, and that the Senate is respectfully asked to name the hour when such articles of impeachment shall be presented to the Senate by the managers heretofore elected by this House.

In a few minutes a resolution had been received from the Senate saying that body would receive the House at 2:15. It was then 2:12 p. m. Mr. Winston then offered this resolution, No. 1674, which was adopted:

Whereas, the Senate has notified the House that the Senate will receive the articles of impeachment against David M. Furches and Robert M. Douglas at the hour of 2:15 p. m. this day;

Resolved, That the House do present to the Senate the articles of such impeachment, heretofore elected by the House to the Senate Chamber today at 2:15 p. m. in the following order:

First—The managers, two and two, headed by their chairman.

Second—The Speaker of the House.

Third—The principal and assistant clerks.

Fourth—The members of the House, two and two, in the order given above and proceeded to the bar of the Senate. Thirty-five minutes later the members returned, when adjournment was taken until 10 a. m. Monday.

The members of the House then formed in the order given above and proceeded to the bar of the Senate. Thirty-five minutes later the members returned, when adjournment was taken until 10 a. m. Monday.

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12:30 MONDAY

Senate Will Organize as High Court of Impeachment

RULES OF THE COURT

Adopted Yesterday—Scene in Senate—Corporation, Pension and Anti-Trust Bills Passed—Details

The impeachment proceedings may now be said to be fairly under way, and the trial proper will really begin tomorrow at 12:30 o'clock, when the Senate will organize itself into the High Court of Impeachment.

Counsel will then be formally notified and the defendant judges notified to appear and stand trial. Of course such "reasonable time" as the attorneys for the defendants may ask will be granted, in order that they may properly prepare their defense.

Therefore it cannot be definitely stated at this time just when the taking of evidence will begin, nor exactly how long the trial, including the speeches of counsel on both sides, will last.

Whether the great trial will last beyond the limits of this session of the General Assembly, and whether an extra session will be necessary, are questions which are alike impossible to correctly answer at this juncture.

Yesterday at 2:20 o'clock p. m. the managers on the part of the House, Mr. Allen of Wayne, chairman and spokesman, followed by the entire membership of the House of Representatives and the officers and clerks of that body, accompanied by the managers, proceeded to the bar of the Senate, where they took their positions.

Mr. Speaker, Managers and Gentlemen of the House of Representatives—The Senate will take proper order on the articles of impeachment against David M. Furches, late Associate Justice and now Chief Justice of the Supreme Court of North Carolina, of which due notice will be given to the House of Representatives, and the managers and members of the House would retire and await the action of the Senate.

As soon as the House had retired from the Senate chamber, Senator Landon arose and offered a resolution providing for the organization of the Senate into the High Court of Impeachment, as provided in the Constitution, at 12:30 o'clock p. m. on Monday, February 25, 1901, and that summons then issue to defendants to appear at some future date, etc. Adopted.

Senator Arrington introduced a resolution empowering the President of the Senate to employ one or more stenographers to officially report the impeachment trial. Adopted.

Rules Governing Impeachment Trial. Senator Arrington, for the Committee on Rules, reported the rules which shall govern the Court of Impeachment, and they were placed on the calendar to be taken up the first thing after the morning hour expires next Monday.

Resolved, That the public will be interested in pending these rules, and they are therefore printed herewith, as follows:

Rule I. Before proceeding to the consideration of the articles of impeachment, the presiding officer shall administer to the members as they shall appear the following oath: "I, swear truly and impartially to try and determine the charges in the articles of impeachment exhibited against David M. Furches, Chief Justice of the Supreme Court of North Carolina, and Robert M. Douglas, Associate Justice of the Supreme Court of North Carolina, under the constitution and laws thereof, according to the evidence: So help me, God."

Rule II. The principal clerk of the Senate shall act as clerk of the court of impeachment, and shall read the proceedings of the court in the same manner as the legislature proceedings of the Senate.

Rule III. The doorkeeper of the Senate shall execute all orders of the presiding officer of the Senate, and he may employ such assistants as may be necessary for that purpose.

Rule IV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

Rule V. Before proceeding to the trial on each day the following proclamation shall be made by the doorkeeper of the Senate: "O yes, O yes, O yes; all persons are commanded to keep silence, on pain of imprisonment, while the Senate of North Carolina is sitting for the trial of articles of impeachment against David M. Furches, Chief Justice of North Carolina, and Robert M. Douglas, Associate Justice of the Supreme Court of North Carolina."

Rule VI. That the following form of summons be adopted, to-wit:

The State of North Carolina, to David M. Furches and Robert M. Douglas, Associate Justice of the Supreme Court of North Carolina, Greeting:

Whereas, The House of Representatives of the State of North Carolina, did, on the . . . day of . . . , exhibit to the Senate articles of impeachment against you, the said David M. Furches and Robert M. Douglas, and each of you, should be put to answer the accusations as set forth in said articles. And that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice, you, the said David M. Furches and Robert M. Douglas, and each of you, are therefore herewith summoned to appear before the Senate of North Carolina, at their chamber in the city of Raleigh, then and there to answer to the said articles of impeachment, and then to abide by, obey, and perform such orders, directions and judgments as the Senate of North Carolina shall make in the premises, according to the laws and constitution of North Carolina. Hereof you are not to fail. Witness, W. D. Turner, Lieutenant Governor, and President of the Senate, at the city of Raleigh, this . . . day of February, 1901.

Rule VII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be from 11 o'clock a. m. to 2 o'clock p. m., and when the hour for such sitting shall arrive, the presiding officer of the Senate shall so announce; and thereupon the President shall cause proclamation to be made, and the business of the trial shall proceed until 2 o'clock and 30 minutes p. m., unless upon a motion, seconded by one-fifth of the members present, the court shall determine to adjourn earlier or sit longer. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legitimate business.

Rule VIII. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any Senator shall require it, they shall be committed to writing and read at the clerk's desk.

Rule IX. The reading clerk of the Senate shall read all papers which may be sent to the clerk's desk, and act as the deputy of the principal clerk, and assist in the performance of the duties presented for that officer.

Rule X. Witnesses shall be examined by one person on behalf of the party introducing them, and their cross-examination by one person on the other side.

Rule XI. If a Senator is called as a witness he shall be sworn, and give his testimony standing in his place.

Rule XII. If a Senator wishes a question to be put to witnesses or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing and put to the presiding officer.

Rule XIII. All preliminary or interjectory question, and all motions, shall be argued for not exceeding one-half hour on each side, unless the Senate shall, by order, extend the time.

Rule XIV. The case on each side shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed upon the part of the House of Representatives.

Rule XV. If the Senate shall at any time fail to sit for the consideration of the articles of impeachment on the day or hour fixed therefor, the Senate may, by an order, be adjourned without debate for a day and hour for resuming such consideration.

Rule XVI. Witnesses shall be sworn in the following form: "You solemnly swear that the evidence you shall give in the case now pending between the State of North Carolina and David M. Furches and Robert M. Douglas, shall be the truth, the whole truth, and nothing but the truth: So help you, God." Which oath shall be administered by the clerk of the Senate or other authorized person.

Rule XVII. The following shall be the form of subpoena which shall be issued upon the application of either of the parties or their counsel:

vid M. Furches, Chief Justice of North Carolina, and Robert M. Douglas, Associate Justice of the Supreme Court of North Carolina."

Rule VI. That the following form of summons be adopted, to-wit:

The State of North Carolina, to David M. Furches and Robert M. Douglas, Associate Justice of the Supreme Court of North Carolina, Greeting:

Whereas, The House of Representatives of the State of North Carolina, did, on the . . . day of . . . , exhibit to the Senate articles of impeachment against you, the said David M. Furches and Robert M. Douglas, and each of you, should be put to answer the accusations as set forth in said articles. And that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice, you, the said David M. Furches and Robert M. Douglas, and each of you, are therefore herewith summoned to appear before the Senate of North Carolina, at their chamber in the city of Raleigh, then and there to answer to the said articles of impeachment, and then to abide by, obey, and perform such orders, directions and judgments as the Senate of North Carolina shall make in the premises, according to the laws and constitution of North Carolina. Hereof you are not to fail. Witness, W. D. Turner, Lieutenant Governor, and President of the Senate, at the city of Raleigh, this . . . day of February, 1901.

Rule VII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be from 11 o'clock a. m. to 2 o'clock p. m., and when the hour for such sitting shall arrive, the presiding officer of the Senate shall so announce; and thereupon the President shall cause proclamation to be made, and the business of the trial shall proceed until 2 o'clock and 30 minutes p. m., unless upon a motion, seconded by one-fifth of the members present, the court shall determine to adjourn earlier or sit longer. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legitimate business.

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Rule XVII. The following shall be the form of subpoena which shall be issued upon the application of either of the parties or their counsel:

The Senate of North Carolina, to James R. Smith—Greeting:

You are hereby commanded to summon before the Senate of North Carolina, on the . . . day of . . . , 1901, at the Senate Chamber in the city of Raleigh, then and there to testify your knowledge in the cause which is before the Senate, and in which the House of Representatives have impeached David M. Furches and Robert M. Douglas, and make due return of the service of this subpoena.

Witness, A. J. Maxwell, clerk of the Senate, at Raleigh, this . . . day of . . . , 1901.

Rule XVIII. All the orders and decisions shall be made and had by yeas and nays upon the demand of one-fifth of the members present and without debate, except upon a vote of a majority of the members present allowing discussion, and in that case no member shall speak more than once on one question, and not more than five minutes upon an interjectory question, and not more than ten minutes on the final question, unless by consent of the Senate, to be had without debate; but each Senator shall be permitted to file, within five days after the debate, to be printed with the proceedings.

Rule XIX. The Senate shall sit upon the trial of an impeachment at such place as the Senate may determine.

Rule XX. The Senate shall sit upon the trial of an impeachment at such place as the Senate may determine.

Rule XXI. The Senate shall sit upon the trial of an impeachment at such place as the Senate may determine.

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AGAIN ON DECK

The Nicaragua Canal Bill Brought Forward

VICTORY FOR MORGAN

St. Louis Exposition Bill Passed with an Amendment Providing for Government Exhibit at Charleston—The Fortifications Bill

Washington, Feb. 23.—The Nicaragua Canal bill came before the Senate this afternoon in connection with a discussion of its parliamentary status before that body, and a great victory was scored by Senator Morgan in having the bill declared unfinished business before the Senate. Immediately after this ruling by the chair, on motion of Senator Perkins, the Fortification bill was taken up, which displaced the Canal bill. The parliamentary status of the Nicaragua Canal bill before the Senate is now practically the same as that of the ship-subsidy bill, and a motion to consider it will be in order just as would be a motion to take up the Shipping bill.

This places the Canal bill before the Senate in such a way that if it is not passed, or at least voted on by the Senate before adjournment, it will be because of a lack of desire to do so, but not because of its parliamentary status.

Senator Morgan moved that the Nicaragua Canal bill be declared the unfinished business before the Senate, stating that it had already been made the special order by action of the Senate last December, and that as no other business came over as unfinished from yesterday the Canal bill had the right of way. Senator Chandler was in the chair when this motion was made, but when a decision was reached Senator Frye, the president pro tem, was presiding.

Mr. Morgan showed some feeling in discussing his motion when it became evident that there would be considerable opposition to it, and he referred sarcastically to members who showed that they were not in favor of the motion.

He also appealed to the Senate to proceed with the great measure, although "it was fashionable in some quarters to be kicked and cuffed about by King Edward VII. We ought not to wait the consent of any power in proceeding with a measure of so much importance to the American people."

At one time Senator Chandler, as presiding officer