

# A Florida Judge Under Very Damaging Charges

## The Impeachment of Judge Swayne Asked for on the Score of Ignorance of the Law and Improper Conduct

Alabama has presented to the House Administration, N. C., Feb. 23.—Special memorial of W. C. O'Neal, of Pensacola, praying for proceedings looking to the impeachment of Judge Charles Swayne of the northern district of Florida. The memorial presents six charges upon which is based the request for action.

First, that in violation of the statutes, Judge Swayne is not a resident of the district, but a resident of Delaware.

Second, that he is incompetent to perform the duties of his office, because of lack of legal learning, the records of the appellate courts showing that only about 25 per cent of his decisions are sustained.

Third, that his conduct and improper administration of the office has brought him into disrepute and caused his court to be discredited, in support of which the memorial cites a resolution passed by the Legislature of Florida the second of June, 1893, calling upon the congressional delegation to cause an investigation of his conduct as judge to be made. The preamble to the resolution declares that the people of the state doubt the integrity of Judge Swayne and believe his official actions to be susceptible to corrupt influences and that his reputation as a corrupt judge is injurious to the state of Florida.

Fourth, that he keeps in office as United States commissioner H. C. Tunison, of Pensacola, who, the memorial declares, to be of notoriously bad character and repute, which fact, it is asserted, is well known to Judge Swayne. In 1881, it is told, his evidence as a witness in a criminal trial before Judge Swayne was impeached by a number of people who declared they would not believe him under oath.

On November 17, 1902, it is further asserted, Judge Swayne permitted Tunison to represent, as counsel for a fee,

A. G. Nicholson, who was on trial upon an indictment charging him with murder committed on the high seas, Tunison as commissioner having previously committed Nicholson to jail to await action by the grand jury upon the charge. This over the protest of District Attorney John E. Gan, whom Judge Swayne ignored.

Fifth, that he has appointed as a referee in bankruptcy at Pensacola, E. K. Nichols, who, the memorial alleges, is notoriously incompetent and unable intelligently to perform the duties of that office, which fact Judge Swayne well knows.

Sixth, that by tyranny, by oppression, by arbitrary conduct, and by other improper acts and practices, Judge Swayne has brought discredit on himself and his court into disrepute to the extent that people living within its jurisdiction have lost faith in its integrity and doubt the righteousness of its adjudications.

"Wherefore," says the memorialist in conclusion, "in order that, in behalf of the people of Florida, whose faith in the judicial department of the United States government his conduct threatens to impair, if not totally to destroy, and in behalf of the federal judiciary, whose character for incorruptibility should not be jeopardized, the acts and conduct of the said Judge Swayne may be investigated and the facts made known, your memorialist prays your honorable body for the adoption of a resolution charging the said Judge Charles Swayne according to the terms hereof; or, if your honorable body deems best, that a committee be appointed to inquire into the acts and conduct of the said Judge Charles Swayne."

The memorial is accompanied by a number of affidavits, one of which seems to have no relation to the charges made. This was to the effect that a bank in Pensacola had received from Judge Swayne, December 16, 1901, a certificate of deposit of \$4,000 issued by the City National Bank of New York to H. M. Flagler, and by him endorsed to Swayne. The bank paid the judge \$1,000 in cash and the balance was collected through regular channels. The memorial was referred to the committee on judiciary.

course of the negotiations do not consider the attitude of the company antagonistic to the position of the United States. The officials continue to take an optimistic view of the successful close of the transaction, as they consider that the position of the company is such that the purchase can be consummated by an extra session of the Senate in case no action is taken before March 4th.

### Rescue of an Assailant

Mr. H. Haglins of Melbourne, Fla., writes: "My doctor told me I had Consumption and nothing could be done for me. I was given up to die. The offer of a free trial bottle of Dr. King's New Discovery for Consumption induced me to try it. Results were startling. I am now on the road to recovery and owe all to Dr. King's New Discovery. It surely saved my life." This great cure is guaranteed for all throat and lung diseases by all druggists. Price 50c and \$1.00. Trial bottles free.

## HIS OWN LAWYER

### A Moonshiner Sets His Peg for a Seat in Congress

Richmond, Va., Feb. 23.—J. O. Terry, accused of being a bold moonshiner, is preparing to enter the race for Congress from the sixth district, now filled by Hon. Carter Glass.

Terry's career is a remarkable one. Some ten or twelve months ago he was arrested on the charge of being engaged in the illicit manufacture of whiskey. While confined in jail pending a trial he secured possession of some law books. His education was of the most elementary character, but aided by strong common sense and native wit, he made such progress that when he was brought to trial in the United States court he announced that he would employ no lawyer, being able to look after his own case. Attired in fannel shirt and high boots, he was a picturesque figure. He succeeded in worsting the district attorney and was finally acquitted. He believes that he can win for Congress.

### Bitter Than Gold

"I was troubled for several years with chronic indigestion and nervous debility," writes F. J. Green, of Lancaster, N. H. "No remedy helped me until I began using Electric Bitters, which did me more good than all the medicines I ever used. They have also kept my wife in excellent health for years. She says Electric Bitters are just splendid for female troubles; that they are a grand tonic and invigorator for weak, run-down women. No other medicine can take its place in our family." Try them. Only 50c. Satisfaction guaranteed by all druggists.

## YELLOW VS. BLACK

### Poultney Bigelow on Negro and Chinese Problems

New York, Feb. 23.—Poultney Bigelow lectured before the League for Political Education Saturday morning on "Our Duties to Subject Races." He said:

"In my opinion if we are to solve the negro problem right we must bring to the solution a consideration of the Chinese. Instead of keeping the Chinese out of the country we should welcome them as we welcome the immigrants from all other nations. The Chinese exclusion act should be repealed, and the inflow of orientals should be promptly set to work in the cotton and rice fields of the south. They will do the work better than the negroes and cheaper, and against the competition of the yellow man the black man can not stand.

"His fate will be the fate of the negro in South Africa, where the blacks are slowly but surely dying out. It is a mistake to think that the negro will increase and multiply in the face of hardy competition. He reproduces rapidly in the farming districts of this country, but he is becoming extinct in the cities. The fittest will survive and the negro is not the fittest.

"And you cannot put fitness into him by appointing him to office. The action of President Roosevelt in imposing upon the southern whites office holding blacks is an insult to the south. If the president insists on having negro office holders, let him select his men and put them in office in Massachusetts, or Pennsylvania, or New York. May the people of the north will take kindly to them. The south never will."

## Help for Bishop Watson

Washington, Feb. 23.—Mr. Clayton of The standing committee of the diocese of Eastern Carolina, summoned as an advisory counsel to the bishop in view of the enfeebled condition of his health, unanimously recommends that for any urgent episcopal acts, he might invite any bishop to perform the same, and most earnestly insist that Bishop A. A. Watson should abstain until the meeting of the diocesan council in May from any physical or mental exertion in regard to the affairs of the diocese. Bishop Watson continues in ill health and is still confined to his bed.

## Will Meet at Wrightsville

Wilmington, N. C., Feb. 21.—Special The next annual meeting of the North Carolina Teachers' Assembly will be held at the Seashore Hotel, Wrightsville Beach, in June. This information was received today through a letter from Prof. W. D. Carmichael of Durham, secretary of the Teachers' Assembly. The invitation to hold the next meeting at Wilmington was extended by the chamber of commerce. Last year the assembly met at Morehead City and the year before at Wrightsville Beach.

## DOOM OF THE SUCK-EGG DOG

### Mr. Self of Catawba Would Stop His Fastial Wanderings

Mr. Self, the able and handsome young representative of Catawba county has won fame. His name will be handed down to posterity, in his county, as a benefactor of his race, but his bill will raise a howl from one end of the state to the other on the part of that much despised and degraded animal, the suck-egg dog.

Mr. Self's bill makes it a misdemeanor, punishable by fine and imprisonment, or both, for the suck-egg dog, he be hound, cur, bird dog, bull pup, or by whatever name or species known, to run at large. His owner must confine him. By the eternal, he is doomed to wear the shackles of the slave. No longer may he roam at night under clear skies or amid howling storms in quest of eggs, now worth 20 cents on the Raleigh market. No longer may he bathe his panting sides in babbling brooks, or lap its cool and sparkling waters after a long or hasty run. No longer may he meet his comrades on street corners, in alleys, or in the quiet of the country for fight or fun, but with chain about his neck, or surrounded by prison walls he will bark at the moon, and his oration entitled, "Ye call me slave, and ye do well to call me slave," will be heard night after night for miles and miles.

But "every cloud has its silver lining." There will be a crowing time, in the barnyard tomorrow morning when this bill is announced in the claxon notes of the high-cock-a-foram!

### Special Rates via S. A. L. Railway

Account of Southern Educational Conference, Richmond, Va., the S. A. L. Railway will sell round trip tickets from Raleigh and all points at the rate of one-third fares for the round trip. Tickets on sale April 20th and 21st with final limit April 28th.

Account of Anniston Chautauqua, Anniston, Ala., the S. A. L. Railway will sell round trip tickets to Anderson, Ala., at the rate of one first-class fare for the round trip. Tickets sold

April 18th to 24th with final return April 26th.

Madras, New Orleans, Mobile and Pensacola, Feb. 28th-24th.

Account of the above occasion, the S. A. L. Railway will sell round trip tickets to the above points at the rate of one first-class fare for the round trip. Tickets will be sold February 17th to 23rd, final limit February 24th, but may be extended for a longer period.

For further information apply to  
C. H. GATTIS, C. P. & T. A., Raleigh, N. C.

### Southern Railway Special Rates

\$6.05 Raleigh to Winston-Salem, N. C., and return, account Annual State Convention North Carolina Y. M. C. A. Tickets on sale March 6, 7, 9 and 10; final return limit March 12.

\$2.75 Raleigh to Wilson, N. C., and return, account Grand Chapter Order of Eastern Star. Tickets on sale April 5, 6 and 7, with final limit April 12.

\$4.65 Raleigh to High Point, N. C., and return, account Annual Meeting State Council J. O. U. A. M. Tickets on sale Feb. 15, 16 and 17; final limit Feb. 18, 1903.

Raleigh to New Orleans, La., and return, account National Manufacturers' Association. Tickets on sale April 11, 12 and 13; final return limit April 19, except by depositing ticket with joint agent New Orleans and on payment of a fee of 50 cents, return limit will be extended until April 30.

For any other information apply to any ticket agent Southern Railway, or address  
T. E. GREFF, C. T. A., Raleigh, N. C.

### Improved Passenger Service via S. A. L. Railway

To Cincinnati, Indianapolis, St. Louis, Chicago and all points West and Northwest.

Leave Raleigh 11:50 a. m.  
Arrive Richmond 4:55 p. m.  
Leave Richmond 7:00 p. m.  
Arrive Cincinnati 11:45 a. m.  
Arrive Indianapolis 3:25 p. m.  
Arrive St. Louis 8:45 p. m.  
Arrive Chicago 8:40 p. m.

Through Pullman Drawing Room Sleeping Cars and Day Coaches Raleigh to Atlanta, Atlanta to New Orleans, connecting with New Orleans and all through trains to points West and Southwest.

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Arrive Chicago 8:40 p. m.

Through Pullman Drawing Room Sleeping Cars and Day Coaches Raleigh to Richmond, Richmond to Cincinnati, Indianapolis, St. Louis and Chicago.

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7th Illinois, Pullman, Representatives of any information apply to  
C. H. GATTIS, C. P. & T. A., Raleigh, N. C.

### Special Rates by S. A. L. Railway

\$25.50 to New Orleans, La., account St. Gras Celebrations February 18 to 4, 1903. Tickets on sale February 17 to 23 inclusive, final limit February 23th. On payment of fee of 50 cents tickets will be extended until March 14th.

\$25.50 to New Orleans, La., and return, account American Medical Association May 5 to 8. Tickets on sale May 1, 2, 3 and 4, final limit three days from date of sale. On payment of fee of 50 cents tickets can be extended until May 20th.

For further information apply to  
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H. S. LEARD, T. P. A., Raleigh, N. C.

### Improved Passenger Service via S. A. L. Railway

To Atlanta, Montgomery, New Orleans, Texas, Mexico, California and Pacific Coast Points.

Leave Raleigh 6:27 p. m. 5:25 a. m.  
Arrive Atlanta 5:25 a. m. 7:40 p. m.  
Leave Atlanta 5:20 a. m. 11:15 p. m.  
Arrive Mobile 4:12 p. m. 7:30 a. m.  
Arrive New Orleans 8:25 p. m. 11:10 a. m.

Through Pullman Drawing Room Sleeping Cars and Day Coaches Raleigh to Atlanta, Atlanta to New Orleans, connecting with New Orleans and all through trains to points West and Southwest.

For information apply to  
C. H. GATTIS, C. P. & T. A., Raleigh, N. C.

H. S. LEARD, T. P. A., Raleigh, N. C.

Congressman Littlefield: "But how about my anti-Trust bill? Where do I come in?"

President Roosevelt: "My dear fellow, you have done nobly. Like Washington, you have drawn the spear of the enemy to your own bosom, and allowed Nelson and Elkins to gallop through to victory."

# The South Will Never Permit the Negro to Rule

## Notable Speech at the Banquet of the Southern Society in New York by a Virginia Visitor

New York, Feb. 23.—The members of the New York Southern Society who attended the annual banquet of the organization at the Waldorf-Astoria Saturday night showed they are still true to the southern country. "There were about three hundred southerners present and their enthusiasm, aroused by hearing such tunes as "Dixie" and "My Maryland," was practically boundless.

The hit of the evening was made by the Hon. A. Capron Braxton, who, speaking on "George Washington," devoted most of his time to a discussion of the negro problem. Mr. Braxton was a member of the recent constitutional convention in Virginia. He was interrupted by applause many times, and when he said that white men in the oath will never allow negroes to govern them the cheers sounded like a bel yell. Mr. Braxton was optimistic regarding the negro problem. He said that the constitutional convention fixed it so that only those negroes who can vote intelligently may vote.

Mr. Braxton said in part:

"In a moment of infatuation and thoughtless folly, in an evil hour, by the combined agency of fraud and force, the fifteenth amendment was added to our federal constitution, thus bringing us as far beyond reason and right in one direction as slavery had taken us in the other."

"No white man believes in the fifteenth amendment, save as a theory to be applied to some other man's case. (Cheers.) It is wrong in principle; it is impossible of enforcement where the inferior race is numerous; it is demoralizing to the negro; it is corrupting to the white man. To abandon that ignorant and hopeless race to their own devices and control would be the greatest cruelty; to set them up as rulers over the race that produced Washington and Lee would be a crime against nature and a sin against God."

"The southern people entertain not the slightest animosity against the negro. They are, in fact, the best friends he ever had. In this their acts speak louder than their words." His condition in the south today is far better, he said, than in any other country, and development are far greater than in any other country on the face of the earth. And none of the rights guaranteed to him under the fifteenth amendment, as it was understood when adopted, are either denied or begrudged to him there.

"But, while all this is true, still in the south white men are unalterably moved that, come what may, no black, red or yellow man shall ever sit over them or their children so long as time shall roll. (Cheers.) This decree of nature which no human statute can reverse. As well try to set crows to rule in a nest of eagles or owls to make laws for lions. (Applause.) There is but one way to enable negroes to govern white men and that is to first kill all the white men, and then give to the Caucasian his great

qualities of mind, his virtues and his courage, in order that he might govern; and protect his weaker brethren of the human race and mitigate the consequences of their vice and folly. The southern people determined to give the negro a fair trial as a voter, and God only knows what the trial cost them.

Utterly impoverished as we were, we spent tens of millions upon public schools for the education of the negroes, to which they practically contributed nothing, and from which they graduated only to officer the vast army of blacks arrayed solidly and persistently against the very men who were educating them. No sooner was the fifteenth amendment proclaimed than the negroes banded themselves together in a solid, impenetrable mass, and, true to the instincts of their race, voluntarily submitted themselves to a political bondage, as complete as that from which, without any effort of their own, they had recently been liberated. They soon became a menace to the very civilization of the country.

"When God, in His wrath, saw fit to banish us into the wilderness under the fifteenth amendment. He still, in His mercy, left a difficult, narrow, but safe, path by which we might, with much striving and tribulation, once more achieve salvation and regain the promised land. We have reached Mount Pisgah and are now, with rejoicing and gratitude to God, gazing once more into the happy land of Canaan.

"One by one the southern states have placed such restrictions upon suffrage, irrespective of race or color, that the vast sea of ignorance of the venal and vicious negroes is now safely and perpetually shut out. The negro vote has not been entirely eliminated in the south; but by permitting only those to vote who can be entrusted with the ballot without too great peril to the state, that vote has been reduced far below the danger point, and thus one-third of the fairest and richest domain of this great nation has been saved from the threatened possibility of becoming like another Haiti, the permanent home of anarchy and barbarism. This is the work of the southern people since the civil war, and this is what they have accomplished by their settlement of the negro question that once rent our land in twain."

## SITTING ON PINS

### Panama Canal Officials Uncertain of the Outcome

Paris, Feb. 23.—Officials of the Panama Canal Company are maintaining a rigid reserve concerning their plans. One of the chief officers said it was considered of the utmost importance, owing to the delicate stage of the negotiations, not to throw anything into the discussion which might unfavorably affect the results. At the company's headquarters great anxiety has been shown since the receipt of advices from Attorney General Knox, accepting the company's offer for the sale of its property subject to ratification by the United States Senate.

Persons in a position to know the

But, while all this is true, still in the south white men are unalterably moved that, come what may, no black, red or yellow man shall ever sit over them or their children so long as time shall roll. (Cheers.) This decree of nature which no human statute can reverse. As well try to set crows to rule in a nest of eagles or owls to make laws for lions. (Applause.) There is but one way to enable negroes to govern white men and that is to first kill all the white men, and then give to the Caucasian his great

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### For Cash Only. All Guaranteed. This Sale begins Monday, Feb. 16.

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You can select whatever is here yet at the same price-sacrificing reduction as from the start. Every garment, every piece of furnishings, every hat, goes at cut prices till the store closes next Saturday night.

## We Thank Our Friends

and Patrons for their confidence and liberal patronage during this sale. We have made a considerable price-sacrifice since January 1st in order to pay the outgoing partner, yet we appreciate your liberal response.

## All Unpaid Accounts

must be settled before March 1st. We will appreciate the prompt attention of all those who owe us.

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