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NO. 2.

THE IMPEACHMENT TRIAL.

Judge Allen Opens for the Prosecution—Judge Bynum for the Defense—Judges Furches, Douglas and Montgomery on the Witness Stand.

Wilmington Star.

Raleigh, N. C., March 14—The impeachment trial of Chief Justice Furches and Associate Justice Robert M. Douglas, of the North Carolina Supreme Court, began before the State Senate at noon today, the accused judges and the counsel on both sides being present. Judge Allen, of Wayne, one of the managers on the part of the House, spoke for nearly three hours, presenting the case on the part of the prosecution. He gave a complete review of the circumstances leading up to the institution of impeachment proceedings, and preferred the following five charges against the judges:

1. Violation of sections 9, article 4, of the constitution.
2. Violation of the section 3, article 14, of the constitution, that no moneys be drawn from the public treasury except by legislative appropriation.
3. Violation of chapter 19, section 9, Laws of 1899, which forbids payment except in prescribed cases.
4. Violation of chapter 21, Laws 1899.
5. That is a series of acts during a period of two years they disregarded the acts and will of the State.

At the conclusion of Judge Allen's speech the court took recess until tomorrow noon, when evidence will be introduced on the part of the prosecution.

The Court met Friday at noon. The taking of evidence was begun and Major Guthrie presented the official oath of Robert M. Douglas and David M. Furches as Associate Justice of the Supreme Court. A certified copy of the records in the case of White as State Auditor was presented and read; also a certified copy of the judgment.

Major Guthrie then presented a letter of J. C. L. Harris to the State Treasurer, Osborne objected that this was not a part of the record. Guthrie explained that this was only Harris' formal demand and if the counsel objected they would later introduce the original. Patterson and Busbee insisted and Guthrie said that they would introduce the original and withdrew the letter for the present. A certified copy of the mandamus was then read.

The afternoon session was taken up with the examination of J. C. L. Harris, counsel for White and Col. Kenan, clerk of the Supreme Court.

Raleigh, N. C., March 16—Counsel for the prosecution in the impeachment trial of Chief Justice Furches and Associate Justice Douglas, before the State Senate, announced at 6 o'clock this evening that they rested their case. Ex-Governor Jarvis, for the defence, stated that if the case were pending before an ordinary jury, they (the defence) would also rest and introduce no evidence on the ground that no case was made out against their clients; but inasmuch as the prosecutor is the House of Representatives, in the name of the people of North Carolina, they proposed to proceed with the presentation of their evidence, beginning Monday morning, by placing Chief Justice Furches and Associate Justice Douglas on the stand, and subject them to the most rigid cross examination that the ingenuity of the able counsel of the prosecution can devise.

The principal witness examined to-day was Col. Kenan, clerk of the Supreme Court. He was on the stand the entire morning session. He testified to his having declined to issue a mandamus on the auditor and treasurer, except in compliance with an order from the Supreme Court, of the issuance of such an order and his compliance; of the refusal of the majority of the court to allow Judge Clark's dissenting opinion to be filed. Du-

ring his examination the original records in office-holding cases, heretofore ruled on by the Supreme Court, were introduced.

During the evening session of the court the principal witnesses were Dr. B. F. Dixon, State auditor, and State Treasurer B. R. Lacy. There were many clashes between counsel, the principal fight of the day being over the admission of records in the auditor's office connected with the payment of Theophilus White's claim in compliance with the writ of mandamus. The defence objected on the ground that the judges were not responsible for the actions of the auditor. President Turner overruled the objection and the defence appealed; but the Senate sustained the ruling by a vote of 36 to 5.

Raleigh, N. C., March 18—There were two sessions of the Senate today. The morning session was taken up entirely by Judge W. P. Bynum, Jr., counsel for the defence, in masterful argument of three hours outlining the defence. He maintained that the prosecution must prove not only a violation of the constitution in issuing a mandamus upon the State treasurer but the violation must be shown to be with willful intent. He took the position that the amount due Theophilus White for which a mandamus was issued was not a claim against the State, the suit being in reality on the part of the State to compel payment of salary to an officer, the money as a specific appropriation being in the hands of the treasurer for payment. The doctrine that office is property has he urged, stood for sixty years in North Carolina.

This afternoon Chief Justice Furches went on the witness stand. He was under cross examination when a recess was taken at 6 o'clock. He bore himself with great dignity. His direct testimony was in justification of his course on the bench. He testified that in their ruling in office holding cases, the court was not influenced by any partisan bias, but sole by the law on questions at issue. He said of a dozen or more office-holding cases passed upon by the court they decided a majority in favor of Democratic parties to suits. The cross-examination was by Jas. H. Pou, Esq., and was not characterized by any important developments.

Raleigh, N. C., March 19—During to-day's session of the Court of Impeachment the cross-examination of Chief Justice Furches was continued and the testimony of Associate Justice Douglas was taken. The cross examination of Judge Furches, as on yesterday, was conducted by James H. Pou. It involved principally the course of the court in the famous office-holding cases and the soundness of the doctrine that a person appointed to office has a property right vested in both the office and the duties thereof, and could not be divested of the right as long as the office existed, except for misconduct. Chief Justice Furches has a ready answer for every question, and cited precedents through a course of sixty years for justification of his position.

At the conclusion of Judge Furches' testimony Major W. M. Robbins, J. B. Holman, J. H. Hoffman and Dr. W. S. Stephenson were introduced as witnesses to prove Judge Furches' character. All gave him the highest possible standing. Holman said Judge Furches was a strong partisan, but did not think that would sway him in judicial decisions. Major Robbins shed tears in testifying; he had loved Furches all his life as a man, and hated his politics.

Watson was cross examining, and Robbins, in answer to a question, said Furches was no more a partisan in his politics than he (Robbins) and Watson were in theirs.

Associate Justice Douglas' direct testimony was very similar to that of Furches. His cross examination by Watson was very rigid, involving all manner of questions of law. The only notable feature was that Douglas admitted that according to his

ruling in White's case the Legislature could elect a man to an office for forty years or life, and he would have a vested right that could only be annulled by abolishing the office and its duties.

Raleigh, N. C., March 20—The defence in the impeachment trial rested their case at 5 o'clock this afternoon. An hour was devoted to hearing rebuttal testimony offered by the prosecution. It is expected all the evidence will be in by noon to-morrow, provided the prosecution don't put Justice Walter Clark on the stand. If he goes on a lively time is expected.

The star witness for the defence to-day was Justice Montgomery, whose testimony was very harsh against Justice Clark; so much so that it is believed Clark will demand to testify in self defence. Montgomery testified that Judge Clark caused the whole trouble in the office holding cases; that when the opinion of the majority of the court was in favor of the Democratic officeholders, Judge Clark would concur; but with the same principles involved and the opinion of the court, in accordance with law and facts, was favorable to a Republican officeholder, Judge Clark would offer a dissenting opinion. He said that Clark's judicial opinions were tainted with politics. But that rulings of a majority of the court were in line with Hoke vs. Henderson and other precedents which the court cited as the ground for their opinions. Montgomery's testimony was wholly in favor of the accused judges and a rigid cross-examination by Hon. C. B. Watson failed to develop any advantage for the prosecution.

At one time Judge Montgomery refused to answer questions, unless propounded by Watson more respectfully and he was allowed to answer one to his satisfaction before another was "fired" at him; he said that the questions asked involved his personal integrity, and the conduct of his associates of the Supreme Court bench. Mr. Watson said he had not intended to be disrespectful and changed the method of cross-examining.

The defence offered expert testimony as to the legality of the course of the judges in issuing the mandamus and in their ruling in the White case, but it was ruled out by the Court.

A School Closing.

On last Friday evening just as old Sol was sinking behind the western horizon, and long before 'twas dark, the friends and patrons of the school at Batton's School-house began to assemble for the closing exercises. Although the school has only been taught four and one-half months, the children have made rapid progress under the supervision of the present teacher, Miss Anne Hood, and all are anxious to have her teach for us again.

The exercises were splendid and the children as well as the audience enjoyed them, as 'twas the first entertainment of the kind in which most of them had ever taken part. Prizes were offered at the beginning of the term to the ones receiving the highest number of perfects, which were awarded to Ethel Smith, Emma Batton and Norman Wall. The recitation by Miss Donia Hood, of Selma, was very much appreciated, as was also the one by Miss Anne, upon the request of the school.

May both the teacher and pupils spend many more just such pleasant sessions, out of which, the same amount of good may be derived.

A COMMITTEEMAN.

March 13, 1901.

It is to be noted, among other things, that two very nimble attorneys are conducting the examination of witnesses in the impeachment trial—Benj. F. Long for the defence, and Jas. H. Pou for the prosecution. These two are among the very best lawyers in the State—valuable to their clients; dangerous to the opposition.—Charlotte Observer.

STATE NEWS.

Short Items of Interest Culled From our State Exchanges.

Salisbury is to have a \$30,000 furniture factory.

Work on a street railway for Durham is to soon begin.

Rockingham suffered a \$10,000 fire Thursday night. Insurance \$4,100.

A trestle bridge, near Fayetteville, on the A. C. L. main line, was burned Sunday afternoon about 3 o'clock.

Col. J. S. Carr, of Durham, will deliver the address at the commencement of the Presbyterian College at Charlotte in May.

Ralph, the 16 year-old son of Solicitor Mott, was married to Miss Adelaide Cowles at Winston-Salem Thursday. The girl was aged 18.

Revenue officers found 26 barrels of whiskey at Smith Grove, Davie county, Friday night. It was concealed by earth being thrown over it.

Morganton will have a "wet" and "dry" election the first Monday in May. The town has a contest of this kind about every two years.

Governor Aycock has appointed Miss Bessie Henderson, of Salisbury, one of three lady managers from North Carolina for the Buffalo exposition.

James Walker, Wilmington's greatest philanthropist, is dead. His last gift was a hospital, which cost \$30,000. His death was due to heart disease.

Governor Aycock has offered a reward of \$200 for the capture of J. P. Fulton, of Winston, a chain gang guard who is charged with whipping a convict to death.

Mr. Z. I. Walsler, of Lexington, was suddenly stricken blind last week. He is a young attorney at Lexington and is a brother of ex-Attorney General Zeb Vance Walsler.

The Morganton correspondent of the Charlotte Observer says that the appropriation of \$110,000 made by the Legislature for additional buildings at the State Hospital, will accommodate 200 additional patients when the buildings are completed.

Mr. Andrew Carnegie, the millionaire philanthropist, has offered to give the city of Charlotte \$20,000 for a public library if the city will guarantee a site for the building and \$2,500 annually for its support. Mr. Carnegie gives away immense sums of money every year and his donations are largely for the purpose of establishing libraries.

Some time ago Mr. R. J. Reynolds, of Winston, offered to give \$1,000 towards erecting a technological and industrial school at the Thomasville Orphanage as a memorial of Mr. J. H. Mills, the founder of the orphanage, provided Dr. J. B. Boone, the superintendent of the orphanage, would raise \$4,000. Dr. Boone's \$4,000 has been raised and the school will be ready to begin work soon.

The interest taken in the public school library question is very gratifying. It has already given a new impetus to education and many districts throughout the State have raised the money necessary to secure the sum promised by the State and counties. General Toon, State Superintendent of Public Instruction, will soon send out rules for the securing and preservation of these libraries.

A Horrible Outbreak

"Of large sores on my little daughter's head developed into a case of scald head" writes C. D. Isbill, of Morganton, Tenn., but Bucklen's Arnica Salve completely cured her. It's a guaranteed cure for Eczema, Tetter, Salt Rheum, Pimples, Sores, Ulcers and Piles. Only 25 cents at Hood Bros.

Legislation Relative to Johnston County.

Senator Allen K. Smith has furnished us with a list of the acts passed by the Legislature relative to this county.

The acts are as follows: An act to enlarge the corporate limits of Benson.

An act to amend the charter of Smithfield. This act extends the corporate limits, taking in Mr. C. Radford, the depot and railroad property, the Brooklyn Manufacturing Co., Turlington Institute and that part of Brooklyn west of road.

An act to amend the charter of Selma, allowing an increase in the tax levy.

An act to establish graded schools in Smithfield and Selma. These acts were passed as presented and authorize an election on the question. A special tax is to be levied for the support of the graded schools.

An act to establish county convict system. This act was published in THE HERALD several weeks ago.

An act to incorporate the Bank of Benson.

An act to incorporate the Clayton Banking Co.

An act for the relief of Thomas Woodall.

An act to provide liens for Johnston county. The fees are to be 10 cents for probate and 30 cents for registering. This act is published in this paper.

An act to charter the Smithfield Fire Co. Some amendments were made to the bill submitted. The exemptions were eliminated.

An act to establish a dispensary at Kenly, under the same regulations as the Smithfield dispensary. It will pay two liquor licenses to the general school fund. D. L. Godwin, R. R. Hales, and — are commissioners.

An act to amend the Smithfield, Selma and Clayton dispensaries regarding the tax on them. Smithfield is to pay three liquor licenses, Selma two and Clayton two. To go to general school fund. These are the amounts of taxes paid by the liquor dealers before dispensaries were established.

An act to prohibit the manufacture and sale of liquor in Smithfield, Selma, Clayton and Beulah townships except as it is now permitted. The act provides that nothing is to prevent dispensaries and incorporated towns from it.

An act to amend the stock law of Johnston county. Only extends the territory to the Hunter road from Sandy Grove church down to A. Wallace's, and abolishes the inside territories; to go into effect January 1, 1902. Also a general law authorizing the County Commissioners to declare the law in force and effect upon a petition of a majority of the land owners in any township, section or territory under known boundaries. Said commissioners having complete control of all stock law matters.

A more detailed statement of some of these acts will be given as soon as the laws are published.

GENERAL NEWS.

Half of Cloverport, Ky., was burned last week and 1,000 persons made homeless.

Another \$1,000,000 hotel is to be built in Chicago, Ill., just south of the Auditorium.

Democrats of Toledo, O., have endorsed Mayor Jones, of "Golden Rule" fame, for a third term.

Miss Eliza Anderson has been nominated by the Democrats for city clerk of Denver, Col.

The Newport News Shipbuilding Company has contracts for building 13 ships, to cost \$28,000,000.

Including the late Marriott Brosius, 17 members of the Fifty-sixth Congress have died since it was convened.

Surrounded by fully 15,000 of his fellow-citizens the body of Benjamin Harrison was Sunday afternoon buried in the family lot in Crown Hill Cemetery, at Indianapolis, Ind.

Libraries for Public Schools.

EDITOR HERALD:—The writer wishes to see every boy and girl educated. To bring about this state of affairs the Legislature has made some advances. One of these is the offer of the State to give ten dollars toward a library to any school district that will raise an equal amount.

Every school district in North Carolina should take advantage of this offer. Every school-house would then become a center of influence in the community. Many noble boys in the country districts are thirsting for knowledge. They have only a few dry text-books—only drinking from the rivulets and rills, whereas with the library well established they might drink deeply from the great fountains of knowledge.

There might be books in the library for the help of every member in the community—the wife, for her poultry, her dairy, her laundry, and her cooking; the farmer for his stock, farm implements, cultivation and seeds on improved methods; the mechanic for his machinery, plans, etc.; books to aid the boys in debate, and the girls in reading circles; good moral books to tame the wayward, wild and wandering; poetry, history, science, biography, discovery, etc.

It should be remembered that books are written by the great thinkers. The readers at once become the pupils and companions of the best, the wisest, and greatest who have lived.

Of course twenty dollars for a library is small to start on, yet we are sure more would be added, and many books would be given.

The writer can see that with the advent of the library, rural mail delivery, the increased appropriation for public schools, the numerous private schools and academies, springing up, county life will be more charming in the future.

We were about to forget it, but Benson Academy is on a boom, there being now twenty-five boarding pupils and home patronage good.

Respectfully,

J. P. C.
Benson, N. C., Mar. 19, 1901.

Married.

At the residence of the bride's parents in Elevation, Sunday, March 17, at 9:30, a. m., Mr. Sir Wm. Lassiter and Miss Vickie Lassiter were united in the holy bonds of matrimony, Josephus Johnson, J. P., officiating.

This happy young couple are held in high esteem by all who know them, the bride being the eldest daughter of Mr. P. W. Lassiter, a successful farmer of Elevation, and the groom being the son of Mr. H. Lassiter, one of Elevation's most prosperous and enterprising farmers.

The attendants were: Mr. O. D. Stanley with Miss Livie Lassiter, Mr. D. C. Lassiter with Miss Minnie Allen, Mr. D. H. Sanders with Miss Louie Lassiter, Mr. P. W. Massengill with Miss Bettie Lassiter.

After the ceremony was performed the happy young couple and their attendants returned to the residence of the groom's parents where a most sumptuous dinner awaited them.

May happiness and prosperity be theirs ever in the future and their lives together crowned with success.

A FRIEND.

Stops the Cough and Works off the Cold
Laxative Bromo-Quinine Tablets cure a cold in one day. No Cough, no Pay. Price 25 cents

The Legislature adjourned temporarily last Friday until April 3rd.

About 40,000 claims, mostly from soldiers, growing out of the Spanish War, have been filed against the Government.

When you are bilious, use those famous little pills known as DeWitt's Little Early Risers to cleanse the liver and bowels. They never gripe. Hood Bros., J. R. Ledbetter, Haer & Son.

Very Respectfully