

The Ferguson Forum

Back to the Courtroom With the Political Lawyer



Back to the Pulpit With the Political Preacher

VOLUME I

TEMPLE, TEXAS, THURSDAY, APRIL 4, 1918.

NUMBER 22.

STAINED WINDOWS SHUT GOVERNOR'S OFFICE FROM VIEW

For First Time in History of Great Granite Building at Austin Painted Glass Bars Public View and the Governor Sits Behind Closed Doors and Darkened Windows to Deal With Affairs of State.

Hon. James E. Ferguson, Temple, Texas.

My Dear Governor: The declaration that "men love darkness rather than light because their deeds are evil" applies with greater force in the administration of public affairs than it does in the actions of private individuals.

The people's business must be done publicly. Until very recently this policy has been pursued in Texas.

In 1887 the Texas capitol was built. It faces south. To the right of the main entrance is the governor's office.

Within the last thirty days these windows have been stained to shut out the view of the public and the governor of Texas now sits behind closed doors and stained windows while he deals with public affairs.

Yours, etc., T. H. MCGREGOR.

Austin, Texas, April 3, 1918.

Forum Prophet Predicted Entries In Governor's Race Would Get Out

The FERGUSON FORUM in its issue of February 14 last published a review of the gubernatorial race in Texas under the caption: "Which One Will Quit Governor's Handicap First?"

At that time there were in addition to Jim Ferguson, in the race as avowed aspirants for the executive office: Charlie Morris, of Wimsboro, who was defeated by Jim Ferguson two years ago; B. F. Looney, attorney general of Texas; Earle B. Mayfield, railroad commissioner; Henry Clark, member of the legislature from Erath county, and William P. Hobby, who had been elected lieutenant governor twice on the ticket headed by Governor Ferguson.

The review referred to in one of its sections read as follows: "I may be wrong; I hope I am; but it looks very much to me as if the man up the tree like the whole bunch will get their bit and be told to 'git,' or quit as they may prefer."

In reference to Mr. Looney's coming retirement this was said: "General Looney, in my opinion, really wants to run for governor, but he has no the nerve to stay. The leaders of his faction will, in nice respectable language, tell him he can't win and he will withdraw probably in ninety days, or less time."

In reference to the other of the candidates who has withdrawn this was said: "Earle Mayfield is a pretty good fellow. But Earle won't wade into the water very deep. He might stand but his mule won't. When Brother Wolfe tells him to retreat he will retreat."

Charlie Morris got out before the ink on this review was dry. While the reviewer gave him until the fifteenth of May to quit, the chill in Uncle Charlie's feet caused him to jump the game about February 14. It was a lit-

tle earlier than forecast, but he quit just the same.

Henry Clark has made no announcement of his withdrawal from the race as yet and as long as there is a demand for his printed platforms at a nickel a shot he may stick around for a few weeks.

The last grand blow-up is scheduled for about June 1, according to the veracious reviewer and there seems no reason to change the scheduled announcement.

That the reviewer has proved himself a good prophet is shown by the number already withdrawn as forecast and as far as results are concerned the other fellows would as well get out for the people are doing the voting this year without the help, aid, assistance, connivance, co-operation or dictation of political bosses, large or small, past, present or future.

Ferguson Meeting At Meridian, on April 13

A meeting is hereby called of all voters of Bosque county who favor the candidacy of Hon. James E. Ferguson for governor, on Saturday, April 13, 1918, at 2 o'clock p. m. in the district court room at Meridian, Texas, for the purpose of effecting a county-wide organization.

Important—Attend this meeting. Ladies will be expected to attend.

Judge John P. Bell, 73, Honored Mason, Dead

San Angelo, Tex., April 2.—Judge John P. Bell, aged 73, past grand master of the Masons of Texas, retired attorney and for more than twenty years county judge of Austin county, died at his home here today.

Lothar Becker, of Houston, aged 50, has been married to Miss Marie Mayer, 32, who played the role of Mary Magdalene in the famous Passion Play at Oberammergau in 1910. They were married Tuesday at Chicago.

INTOLERANCE

Mr. Lobban stated he believed it was properly the province of the church to be interested in those matters of state which made for the betterment of the citizenship, and that public officials faithful to these ends, had a right to look, expectantly, to the organized church for commendation and support, and he believed the facts fully justified this church in taking that step, at this time, with respect to the candidacy of Governor Hobby, and he therefore desired, upon his own initiative and without consultation to present the following resolution, which he read, to-wit:

Whereas, the church, in civil life, stands for the enforcement of law and order, and for the encouragement of those officials who render these accomplishments more certain. Therefore, be it

Resolved, by the Madison Square Presbyterian Church, United States of America, of San Antonio, Texas, in annual congregational meeting assembled, that we heartily applaud the devoted patriotism of that splendid young governor of Texas who has dared to release women from the slavery of political servitude, and to free all Texas from the domination of the liquor traffic and its baneful influences, and to cause to be amended our election laws to the end that power be vested in the majority of the intelligent electorate, and that we have but one earthly allegiance and that to the Stars and Stripes. And be it further

Resolved, that it is the sense of this meeting where patriotic, self-thinking, sober men and women meet upon a level, that all patriotic citizens, including men, women, prohibitionists, and others, throughout Texas, should actively support and vote for Governor Hobby for re-election, as our expression of gratitude for his having shown as no other has ever, that he is made of the stuff of which governors should be possessed, and having voluntarily delivered the goods, in obedience to the will of the people, we sincerely hope and trust he will be re-elected as governor.

Which motion, being duly seconded, was put and unanimously carried, but for a single negative vote.—Text of resolution offered by W. P. Lobban, an attorney of San Antonio, at the annual congregational meeting and church dinner of the Madison Square Presbyterian Church, United States of America, of San Antonio, Dr. James Morillo Todd, pastor, held in the church assembly house, Thursday, March 28, 1918. This resolution as published in the Express was adopted with but a single vote in the negative.

While our soldiers are fighting for democracy in Europe, we must fight for it at the ballot box in Texas. There never was a time when disrespect for the constitution and disregard for human rights was more definite and defiant. It is the imperative duty of every man and woman who will cast their ballot in the July primary to study government, our constitution and our laws. Fortunately, the platform and the campaign of James E. Ferguson afford every citizen an opportunity to study and vote for human rights. Every sovereign in Texas should enter into a diligent, faithful and profound discussion of government, its objects and purposes, and the columns of the Forum are open to all citizens of the state for the intelligent discussion of this interesting and vital subject.

The most deadly enemy to democracy is class rule and abuse of official power. The perpetuity and success of our government depends upon the rule of the people. There never was a time in the history of Texas when liberty was more insecure, justice more uncertain or democracy in greater peril than at the present moment. We have become a government by secret treaties between political factions, gentlemen's agreements between political masters and conspiracies between sworn servants of government and other agencies of society.

This country was settled by men fleeing from political and religious persecution at the hands of autocrats of state and church. Our forefathers were hunted and shot down for holding minority opinions and today the liberty, and perhaps the life, of men who hold minority opinions in Texas is in danger. Our forefathers chose to have the unknown rather than endure the tyranny of class kings in government. They refused to be governed by class rulers and they suffered as all men suffer who stand in the forefront of human rights.

This nation was founded by men who had rather live in a wilderness with freedom than to abide in a civilization where liberty must get its license from church or state. Our forefathers preferred no government and the scalping knife of the Indians to the tyranny of majorities in state and the racks of torture in church. They preferred to worship God under a tree where liberty abounded rather than pray in a cathedral where intolerance reigned. The colonists chose war with the Mother Country rather than be ruled by machine-made governors and it was to force recognition of these human rights that the patriots of Boston gave a tea party and General Putnam ordered his Minute Men to shoot to kill.

Men whose political convictions did not coincide with those who ruled had a price placed upon their heads; jails were filled with prisoners who would limit the authority of the crown and men were sent to exile who dared advocate human rights. Then, as now, it was not how a man conducted himself in society and business that made his liberty secure but he must have the good opinion of those in power. It was a government by opinion then and we have a government by opinion now. We are no longer governed by the constitution—we are governed by the will of a legislative majority and the political opinion of law enforcement officials.

The Ferguson administration fought the battles of democracy. Ferguson smashed the political machine of the eliminators four years ago and broke the crown of class kings, both pro and anti, in Texas. Never again will the political masters be able to put shackles upon the constitutional rights of the people to elect whoever they please for governor. These machine politicians, beaten at the polls, transferred their operations to the state capital. They have used every device known in political trickery and formed a conspiracy involving high officials of state to defeat the rule of the people and eliminate the champion of democracy in Texas—James E. Ferguson. But with every politician in Texas arrayed against him, the people's candidate will win the victory for "the race is to the swift and the battle of the strong" and democracy shall yet triumph in all branches of state government in Texas.

People to Avenge Legislative Infamy Of 1917 at Polls

In refutation of the baseless and passionately distorted charges brought against him during the impeachment proceedings, the courts of Texas—presided over by just and upright judges—have declared that Governor Ferguson was innocent of the "high crime and misdemeanors" with which he was charged by that pack of legislative coyotes.

These same shamelessly lawless legislators and their political aiders and abettors are still at their old tricks. They are still working desperately to defeat the will of the people. Their malevolent hatred still follows the man they plotted to politically crucify. Will the people still permit these political jackals to make their laws, or will they pull their fangous teeth at the polls next July? Shall the crimes they have perpetrated against decency and the orderly well being of the Lone Star state go unrebuked? Shall their damnable persecution of an innocent and honorable man go unwhipped? Shall chicanery and low cunning and persecution become the hallmarks of our future lawmakers? Shall their illegal and unconstitutional detumescence still prevail to the everlasting shame of Texas?

It is up to the voters—the honest, law abiding, upright, common people to answer these questions in July. Will they permit the infamous crime of 1917 to go unavenged? If they do

DEATH DUTIES ON STILLMAN ESTATE TOTAL \$11,722,000

The estimated valuation of \$50,000,000 put upon the estate of James Stillman ranks it as one of the great, though not colossal, fortunes amassed in this country. Its public interest is due less to its size than to the amount of taxes it will yield to the government as the first conspicuous aggregation of private wealth to become subject to the increased rate of federal inheritance taxation imposed under the war revenue law of Oct. 3, 1917. On a valuation of \$50,000,000 the estate will pay a tax of \$11,722,000 to the general government, in addition to a tax of \$2,014,000 to the state of New York.

The Stillman fortune thus becomes notable not as an example of private wealth but as Uncle Sam's first "swollen fortune" derived from federal estate taxation. From this single source the government will receive a tax return larger than the combined individual income tax collected in Massachusetts and Pennsylvania in 1916, and likewise larger than the aggregate internal revenue receipts for that year from all the New England states except Massachusetts.—New York World.

Ferguson Indorsed For Governor By Coolidge Voters

Editor Ferguson Forum: We, some of the men voters of Coolidge, Texas, hereby indorse Ex-Gov. James E. Ferguson for governor of Texas. We are also glad to say that James E. Ferguson is very popular here with the following list of names: J. W. Barham, A. D. Hudson, H. A. Bolen, Will Adams, W. A. Jenkins, J. S. Bottoms, A. C. Darr, Slim Demmings, J. L. Gorman, Jude Demmings, J. J. Thompson, B. S. Demmings, J. H. Reins, Walter Demmings, J. E. Orsborne, J. E. Demmings, G. W. Lewis, John Bunch, J. L. Bliton, John Adams, W. A. Ray, E. T. Jones, W. C. Ray, H. W. Jones, G. M. Cavanar, R. W. Graham, J. R. Kimbell, Alma Dowdle, Berry Bunch, A. D. Stokeley, S. W. Hodges, J. F. Roberts, F. H. McClark, C. L. Roberts, C. A. Hopkins, J. A. Northam, B. U. Adams, J. T. Sanders, L. R. Brewer, G. T. Adams, H. D. Adams, Coolidge, Texas, April 3, 1918.

Correct You Are. General Sherman thought he knew what war was. But he probably never tried to raise a war garden and war chickens on the same lot. That sure enough is what he said.—Carrisa Springs Javelin.

CONGRESS VOTES LIBERTY LOAN TO BE \$4,500,000,000

Senate in Record Breaking Time Passes Bill for New Loan. Additional \$1,500,000,000 to Be Loaned to the Allies. Treasury Certificates Increased From Four Billion to Eight Billion—Higher Taxes May Come.

Washington, April 3.—In record breaking time the senate late today passed the new Liberty loan bill authorizing \$4,500,000,000 more war bonds, adding \$1,500,000,000 to the allies and increase of treasury indebtedness certificates from \$4,000,000,000 to \$3,000,000,000. The measure already has been passed by the house and slight differences will now be adjusted in conference.

It is possible even that the house will accept minor amendments and make a conference unnecessary. As approved by the senate without a roll call and after less than an hour's perfunctory debate, all important provisions of the house measure were retained. All congressional leaders agree that the bill must be law before the new Liberty loan campaign begins Saturday.

During today's debate Chariman Simmons of the finance committee, said with the enactment of the bond legislation all treasury needs could be met this year and that further war revenue legislation would not be necessary until the session of congress next December.

Should the war continue for a long period, there would have to be some increase in taxes.

During his explanation of the provisions of the bill, Senator Simmons also told the senate that Secretary McAdoo felt that it will be unnecessary to increase the future interest rate on bonds. Replying to a question by Senator Lewis of Illinois, he said there is nothing in the bill to prevent the allies from spending money loaned them outside of the United States if that is shown to be necessary.

Ferguson to Make Second Speech of His Campaign at Crockett on April 13

James E. Ferguson will make the second speech of his campaign for governor at Crockett Saturday, April 13. Reports from Crockett say that there will be a large attendance of the loyal democrats of Houston and several surrounding counties on that occasion to hear what Farmer Jim has to tell them. Governor Ferguson's opening speech will be made at Mount Pleasant, Saturday, April 6. Hon. T. R. McLean, former member of the state highway commission who is in charge of the arrangements on behalf of the citizens of Mount Pleasant and Blinn county, is preparing for a tremendous out-

Captain Harry L. Ransom, Gallant Ranger, Is Killed In Hotel at Sweetwater

Sweetwater, Tex., April 3.—Capt. H. L. Ransom of the ranger force, located here, was shot and instantly killed at the Wright hotel Monday night. According to reports, W. C. Miller of near Snyder and Marion Long of Borden county were engaged in a shooting affray in the hallway of the hotel and Ransom, who was in the room across the hall, ran out and received two shots accidentally from the weapon of one of the parties. Ranger Koon, who was also in a room near by, ran out and shot the pistol from the hand of Marion Long and Miller ran out of the hotel, but later in the night was located and arrested near Hermleigh. It was found that he had received a shot in the left leg, just below the knee. Long only received a wound in the hand. Captain Ransom leaves a wife and two children, residing at Hempstead, where his body was sent.

Austin, Tex., April 3.—The news of the killing of Captain Ransom was received here in a telegram to Adj. Gen. James A. Harley from Sam McKenzie, sergeant in Captain Ransom's company. McKenzie wired that Ransom had been killed at the door of his room in the Wright hotel and that Marion Long and W. C. Miller had been arrested and placed in jail. Later on he wired the following details of the tragedy: "Long and Miller were shooting at each other in the hall of the Wright hotel. Captain Ransom came out of his room to stop the shooting and was killed. Ranger Koon overtook and arrested Miller about fifteen miles from Sweetwater. Miller and Long are both in jail here." Captain Ransom had been stationed at Sweetwater since last December, having been transferred from the ran-

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Preparedness

(By Edwin Markham.) For all of your days prepare, And meet them ever alike; When you are the anvil, bear— When you are the hammer, strike!

Use less wheat and help whip the Huns.

Fewer wheat buns will make more dead Huns.

Subscribe for the Forum. Only one dollar a year.

Is the United States senate trying to get into the class with the senate of the Thirty-fifth Texas legislature?

Already three entries in the Texas gubernatorial handicap have been scratched and the date of the great race is yet afar off.

It is understood some of the members of the senate are ready to join the "Buttermilk Rangers," since the recent vice raid in Austin.

Cotton in Texas reached thirty-four cents Monday and its tendency still is upward. The Texas farmers' next cotton goal is forty cents.

With our aircraft program almost obliterated by the activity of German spies it is time to inaugurate a grand spy drive in the United States.

A good way to observe Liberty day is to buy War stamps or subscribe for some of the new Liberty bonds. Every little bit helps. Don't hold back.

April 6 will be Liberty Day in the whole country and Texas is preparing to make it a memorable occasion by pushing along the great drive to help the new Liberty loan.

The war goes on; the Huns still are fighting desperately to break through to Paris while the allied armies are mowing down their massed columns with showers of shells.

Thrift stamps and War Saving stamps are thorns in the side of the autocratic government of the kaiser. The more thorns the sooner the kaiser will be whipped and stay whipped.

That long gun that has been dropping shells into Paris slaughtering women and children may make a good monument for the victims when it is wrested from the Huns and upended in the Champs Elysee.

Fifteen Texans were in the list of dead recently identified among the victims of the Tuscania tragedy. Only another inspiration to get the kaiser, and the Texans may be relied upon to go after his autocratic majesty.

The battlefield in France is not the only place where deadly poison gas is being used. There is entirely too much of it being turned loose in the United States senate. It should be stopped or the people should be provided with gas masks.

One of the American kings of finance passed out when James Stillman died in New York recently. Stillman was a native of Brownsville, Texas. He had invested more than ten millions of his vast fortune in Liberty and other war bonds.

Col. Tom Ball having been sidetracked for the federal judgeship at Houston because of his age and the appointment having gone to the young mayor of the Bayou city friends of Colonel Ball proposed that he run for mayor, but he emphatically refused and will continue in the practice of law.

One by one the roses fall; one by one the would-be governors are shaken off the political bush. The people still are on the job and will see that their favorite gets the votes that will settle forever the right of democratic voters in Texas to put into office and keep in office the men they want to serve them.

As a newspaper and as an advertising medium the Forum cannot be excelled. The Forum covers the state, having substantial circulation among the readers and voters of nearly all the counties in the state. Subscribe and if you have anything to advertise let it be known through the columns of the Forum.

There are entirely too many spies at work in the plants that are doing work for the government in connection with war equipment and it would seem that sound judgment and practical common sense would suggest a firing squad and a few good marksmen at the butts of good rifles. Spies are spies and death should be their certain portion once they are detected.

The certainty that Ferguson will get a heavy majority of the Texas women who will vote under the new suffrage law is moving a number of the highbinder editors to lecture the ladies on how they should vote. There need be no fear that the women will use good judgment when they come to exercise the limited franchise that has been given them. They, like all good Texans, love fair play and a square deal and will, in most cases, especially in the rural districts, vote for Farmer Jim, the man who has given good school houses to their children and lightened the burdens of those who have tenant farmers for husbands.

Rockport will have its channel deepened without a special appropriation from congress for that purpose. A large wooden ship has been built at the shipyards there and it was found that the water in the channel was too shallow to admit of its being launched safely. Through Congressman Slayden the trouble was communicated to Washington and the navy department has given assurance that a dredge will be sent from Galveston to dig out the channel so the boat can float. That is one way for a live town to get a deepwater port. Uncle Sam needs ships so badly he will climb trees for them.

The death of George Clark at Waco removes from earthly scenes one of the grandest citizens, noblest patriots and ablest lawyers that this state or the whole country ever has known. In the times that tried men's souls George Clark stood the test and proved his democracy and his patriotism, his unflinching devotion to his friends and his lofty conception of duty. As a public man he held the respect and admiration of all, even of those who opposed him in politics or discussion; as a private citizen he was a splendid example of American manhood, of southern chivalry and knightly honor. The world is better for his having lived in it, and Texas is proud of the honor of claiming him as a citizen.

EVERY PATRIOTIC IMPULSE BEHIND LIBERTY LOAN

For the third time since the United States entered into the great world war the people are asked to subscribe to a national loan to raise money with which to carry on the battle for world democracy. The campaign for the new loan of three billion dollars will be started April 6, the first anniversary of the formal entry of this nation into the struggle against the hideous and ghastly crimes of a merciless and brutal autocracy. The loan will be a success, of course, but under the peculiar circumstances of the day it should be successful without any urging.

News comes from the front where the British and French are at grips with the murderous Hun and where the soldiers of the United States, under that matchless commander, Pershing, are being hurried to aid the allied forces, that the supreme drive of the Kaiser, the drive which he hoped and promised his deluded men, would take the Germans all the way to Paris, has been halted.

While the cost to the Germans has been unparalleled in the bloody history of the bloodiest war that the world's annals ever recorded, the allies, including several detachments of Americans, have not escaped without the sacrifice of many gallant men and much fighting equipment.

In every mind, however, deep in every heart that battles beneath the Stars and Stripes, the tri-color of France or the Union Jack of Great Britain, there reigns unflinching confidence in a final victory for the freedom of democracy. This drive which has shown the world how strongly capable of resistance and retaliation are the allied forces, but emphasizes the determination to win, to drive forever from the face of the earth the hideous demon of intolerance, autocracy and despotism; that form of government that makes pawns of humanity and preys upon the lives of women, children and helpless age.

The last great drive of the Hun has been halted and the sacrifice of human life made by the kaiser in his desperate plunge to gain a victory or to force peace terms of his own dictation has failed, but there is much yet to do before the cruel despot is humbled and his power wholly broken. To do this fresh sacrifices by the people are necessary and the people of the United States, ever mindful of their own glorious struggle in the past for freedom, will make the sacrifices. They will meet all the needs of the hour and when the new loan is presented to them their purses will be opened to pour out the golden stream that will help overwhelm kaiserism and blot forever from human history the rule of autocracy.

Every impulse of loyalty and patriotism is back of the new loan. Every one in the country, whether rich or poor, high or low, millionaire or day laborer, social leader and sewing girl can help; and they will help.

In Texas there will be able men and noble women to present the need, the details and the scope of the new loan to the people and they will find their audiences ready to respond liberally and unselfishly. Texas is giving her splendid young manhood to go to the battlefield; her noble, self-sacrificing and tender-hearted women to encourage them at home and lend their every effort to bring victory speedily and surely. The veterans who have fought in wars of long ago still cherish the story of patriotic endeavor and are an inspiration to their sons and their sons' sons.

Texas will do her part in this new loan and the record will add another laurel to her crown of patriotism and loyalty.

MORE THAN ONE MILLION NOW CAN VOTE IN TEXAS

More than a million persons, men and women, will be entitled under the statutes of this state to vote in the primaries to be held in Texas in July next. This estimate is based on returns from the various counties of the state which show a total of 610,944 poll tax payments for the year 1917. On these receipts the holders will be entitled to vote in all elections held in the state in 1918. In addition to the poll tax payments there are exemptions, which, it is estimated, will raise the total poll tax holders to 702,585.

These figures show an increase of more than five per cent over the poll tax records of 1916, the actual gain in number of holders of poll tax credentials being 28,820. To this grand total of more than 700,000 is to be added the number of women who are given the ballot in primary elections by the act passed at the recent special session of the legislature. Based upon federal census figures which show the proportion of male to female population there will be between 300,000 and 400,000 women voters, if all choose to avail themselves of the privilege. These women must register during the seventeen days between June 26 and July 13, as all must be registered with the tax collector of the county in which they expect to vote not less than fifteen days before the date of the primary.

Registration may be made with a deputy tax collector in the precinct of the woman voter's residence, under a decision from the attorney general's office, and thus many farmers' wives, daughters and mothers may be saved going to the county seat for this purpose. All who intend to vote should see that they are registered in time.

With a total of more than one million votes possible in the July primaries, those who have observed the course of previous elections estimate that there will be cast in the July primaries not less than 650,000 to 700,000 votes, and if the women vote any great proportion of their number they will be in position to swing the result of the election. Taking this into account the candidates for county and district offices especially are showing deep interest in the probable outcome of the enfranchisement of Texas women. As practically all the tax collectors in the state are candidates for re-election they doubtless will see that the ladies are given every opportunity to enroll their names on the poll lists which must be furnished in cities of 10,000 and more to the election officers.

The election in July, 1918, will make new political history for Texas and will mark the end of usurpation of power by a select hierarchy of political highbinders and the restoration of popular democratic government in this state.

Meatless days have been cancelled for the next thirty days but restrictions on wheat consumption are tightening. Wheat is an absolutely necessary factor in winning the war.

Good rains over the greater portion of the state have made the prospects for the Texas cattleman and farmer brighter than they have been for two years. West and south Texas, where drought has prevailed for about two years, especially have been favored with bountiful rainfall and with pasturage and farm crops practically assured, the Huns' hopes for victory diminish.

South Texas cattle are coming into their own at the Fort Worth stockyards. Recently steers from that section have topped the market with prices ranging from \$11.80 to \$12.25. Cows reached \$11.50, calves \$14.00 and lambs \$17.50. This last price eliminates lamb chops from the menu of all but oil kings and the cattle barons themselves. No wonder Hoover says mutton is permissible on meatless Tuesdays. The price enforces the meatless provision nilly willy.

For a man of mystery and silence Col. E. M. House, of Texas and New York, suddenly has loosened up in a way that will make amends for any delinquency of talk or story writing in the past. Beginning April 8 a number of papers in the country, including several in Texas, will publish the story of Colonel House's diplomatic voyages and various other missions as the personal representative of President Wilson. The story will be in twenty-five installments of about 3,000 words each, which is some story for a silent man to unbosom himself of. The colonel always has been heralded as a man of extreme modesty and as shunning the glare of publicity but the advertisements of the forthcoming yarn bristle with alliterations that would make a circus press agent turn green with envy. In fact the Texas colonel's story of his travels and missions is being exploited with all the zest and promise of interest that attended the first appearance of Eleanor Glyn's "Three Weeks." The colonel's narrative may be highly interesting from an historical viewpoint but it will not attract the attention and discussion that was given "Three Weeks."

Sally Jane Spottswood Writes Poems About Governor Jim Ferguson

Pine Hollow, Texas, April 1, 1918.

Dear Governor Jim: We accepted your suggestion that the pictures of great men should hang upon the walls of our school. I let the school decide which great Americans should be thus honored, and by unanimous vote Andrew Jackson and Abraham Lincoln were selected. You know Jackson is dear to the heart of every back-woodsman because his virility of mind and body, and attractive plainness calls to their honest hearts. Then, too, Jackson's great big honesty made him afraid of nothing, absolutely nothing, and a man like Jackson makes dishonest men afraid of him, so afraid that after awhile they will let him alone.

I have more than one boy in school who, like Lincoln, studies by a pine torch. Lincoln, nor any other great student, had a harder time locating an education than these boys of mine. I think I may have Jacksons and Lincolns both in my school, just wait until they get their just dues, and you do all the good things for them that you are going to do. Pine Hollow may prove to be the crucible for very rare gold.

Good old Brother Greathart preached Sunday from the text, "If thou seekest oppression..." and violent preventing of judgment and justice in a province, marvel not at the matter; for he that is higher than the highest regardeth; and there be higher than they." He was eloquent and simple and straight to the truth along this searching line, and in the course of the sermon he took occasion to tell us that "there is nothing new under the sun," and that what has been is now, and what is now is going to be, etc. He talked so straight and so true that we all knew he was talking about present day occurrences. Finally he said: "If a man is treated with rank injustice he needn't worry about it or give it a second thought, for retribution is as certain as the day follows the night." You know retribution is like a mule's hind foot. It waits for its chance which is sure to come. But this is my own observation and not what Brother Greathart said.

"Now," continued Brother Greathart, "a great injustice was attempted in this state last summer. A good man who was not afraid to stand up for you and for me and for all the other poor people was crucified. But remember the crucifixion has to come before the resurrection, and that man, by the great God sent, and the true representative of plain, honest people, is going to be heard and will be heard." He then told us about the picnic that you gave the poor children when you chartered a whole train. What a great day it was when an engine, baggage car, and plenty of chair cars took five hundred poor children to the beautiful picnic grounds, twenty miles away, where they had a wonderful time. He told us about the music, the beautiful lunch, the flying-jennies, the red lemonade, and how many big basketsful of good lunch the poor mothers took home with them. He told us you did every bit of this in secret, and how deeply he trusted a heart that could do so noble a thing. I sat by our senator's wife and she said, "That's not the only good thing I have heard of Jim Ferguson doing, he is always doing something for poor people and he never lets his right hand know what his left hand is busy with."

"I heard your husband wasn't going back to the senate," I said. "When did he decide not to go back?" "He didn't decide," she said, "his constituents did that for him."

When you come to the Hollow two of my big boys are going to introduce you. These "introductions" speak your name down the front just like the buttons on your coat, "Governor Jim E. Ferguson." This is the first boy's speech: "Governor." "Go you into your native state O! you with the heart of gold! Vale and hill and town and mart Each need your spirit hold! Reach far out to your fellow man Nor stop 'till the price you pay, O now we can sit and patiently wait Re-assured that you will not delay!"

And this is the second boy's speech: "Jim E. Ferguson." Just to let you know that we in this green, happy hollow Most ardent are to work for you and Each man glad to follow Ferguson! when e'er he call. Enough to know he's leading Regardless what the senate says, None wrong have they, and needing U! to surely throw the out So all can see the splendor Of a fearless man who wins with truth Not by false and foul demeanor.

Accept love from everybody in the Hollow. SALLY JANE SPOTTSWOOD.

Letters From Loyal Texans

FARMERS WILL REBURE LEGISLATURE.

Hon. James Ferguson, Temple, Texas.

Dear Governor: I see the solons have got to the legislation that they were called together by Fuller and Hobby to pass. Of course they met in the guise of saving the soldier boys from ruin. But we farmers knew that well, we know now, that their purpose was to keep your name off the democratic ticket; and, if they just will pass that with teeth in it strong enough to keep the farmers and working people from breaking the teeth out of it; it will be a prouder act for Hobby to sign the bill, or let it become a law, than it was when he signed that extravagant appropriation bill and, if they can't muster enough votes to put this bill by, of course they can organize them another smelling committee and give all the doubtful voters a job until he has another call session and he may have jobs enough to fix this up alright himself.

I see where the woman suffrage bill is about ready for Bill's signature. This was passed for the purpose of making Hobby governor. There were no women, except the city club women, as a rule, clamoring for this. Some of these city women are the ones who talk most about conserving food and winning the war, but they never produce any of the food, but live in extravagance, while the farmers, their wives and daughters are working with their hands.

But at this bill is passed I hear lots of the farmers' wives and daughters say they are going to vote for Jim Ferguson, as he made it possible for them to get an education, and as he had the tenant law passed to keep the unholy hands of the extortioners off what justly belongs to the farmers' wives and daughters.

Well, governor, we didn't get any reply from our petition we sent to Senator Hopkins, and didn't much expect any. There were just eighty-four of us, common farmers. Of course two political long tail coats can send a telegram for what they want and it will be in all the daily papers.

But that political bunch of coyotes have reserved the right not to read or have read any petitions that are sent in by the farmers, and we are just reserving our poll tax receipts until the primary. The political lawyers here say they believe you are going to be governor, if your name is allowed on the ticket, but they say it will be a great pity for the ignorant farmers to elect a man like you.

The trouble is though, governor, we are not as ignorant as we used to be since we got rural mail delivery and better schools. We can study some for ourselves. It is a wonder that Fuller and his gang don't send a bunch of long tail coats to Washington and have the mail delivery law repealed under the guise of helping to win the war. Then they could elect more governors to suit themselves.

Now, we don't care for the majority primary; in fact that just suits us Ferguson men. Now we wish there would about six of the high brows get in the race. We want to show them that you will get the majority in the

first one and save them the trouble of combining all the highbrows together for the second one. All we want is your name on the ticket.

Governor, we are sending our boys 3,000 miles across the water to fight against this same rule they are trying to establish in Texas. We are working like slaves observing all the meatless and wheatless days, trying to feed them while that bunch at Austin wants to create governors and make us, by law, accept them.

Well, we are just not a-going to accept him. Well, governor, that bunch has surely set aside a slush fund, that two million dollars they say is for the drought sufferers, but, instead, it is for the political sufferers to get into office once again. And then it was unconstitutional last year, when you asked for it, according to General Looney; but Looney has reversed his opinion. Well, the election is closer, that makes a difference, and they can just say "To H--- with the constitution," as they did at the Hobby meeting at Dallas.

Our created governor has said all along that he wouldn't call the legislature together any more after the thirty days were out. But us farmers are predicting that he will, provided Fuller wants him to.

Well, that bunch has set aside two million dollars for Little Willie's slush fund to run for governor on and at the same time trying to pass a bill limiting campaign expenses. But I am guessing that General Looney will declare it unconstitutional as they didn't let him in on the deal. And as sure as your name is on the ticket, and you are elected, we know that you will establish a university at Austin of the first class as our forefathers intended it to be. We know you will have those aristocratic highbrow fraternities abolished.

Then there will be no more mobs organized to try to intimidate governors into signing university appropriation bills so that those extravagant lords down there can live like kings, while we bend our backs to pay the taxes that support them.

Yours very truly, JOHN B. THOMAS.

Aubrey, Texas, March 16, 1918.

WILL GARRY TYLER COUNTY.

Hon. James E. Ferguson, Temple, Texas.

Dear Governor: I have your letter of the 25th inst. and also 100 copies of the speech you made before the senate during the impeachment trial. I have bought newspaper wrappers and my daughters will begin this afternoon mailing them out to the people over the county.

From the number of fine boy babies and fine bull calves, stud colts and boar hogs named after you in this county it looks like you will carry it in a storm.

Don't hesitate to call on me at any time to help your candidacy along. With best wishes, I am your friend, W. E. ADAMS.

Woodville, Texas, March 27, 1918.

He Finds a Reason.

Another reason, ma'be, why some of our bald-headed and grey-haired contemporaries are so strenuously and frantically opposed to woman suffrage is that the envious cusses can't bear the idea of us red-headed patriots holding most of the fat offices.—Memphis (Tex.) Democrat.

Short News Notes From Over Nation

The Texas quota of the third Liberty loan is \$80,000,000.

Germany has called into army service youths of 17 years.

The federal espionage act now applies to enemy alien women.

Up in Arkansas a man was horse-whipped for disloyal language.

The United States government has obtained 200,000 tons of shipping from Japan.

Rates for aerial postage have been placed at 42 cents an ounce for first class mail.

Two submarines recently were sunk with depth bombs dropped by American destroyers.

Hotel men in Washington have taken a pledge to cut out all wheat items from their menus.

The draft law now covers young men who have become 21 years old since the ordering of the first draft.

Taking over control of the meat packing industry is the next move looked for in the way of government ownership and control of food products.

Rev. William E. Hinshaw, sentenced to life imprisonment for killing his wife at Indianapolis, has been paroled and now is in Arizona with another wife.

General Foch has been placed in supreme command of all the allied troops in France and is directing the defense against the great drive by the Germans.

Charles Edison, son of the great electricity wizard of Menlo park, has married Miss Carolyn Hawkins, daughter of Mrs. Ada Jane Hawkins, of Cambridge, Mass.

The palatial home of William R. Coe on Long Island has been destroyed by fire entailing a loss of \$700,000. Coe is a son-in-law of the late H. H. Rogers.

The federal government has taken over in New Jersey six woolen mills owned by Germans and valued at \$70,000,000. All the earnings will be invested in Liberty bonds.

Nelson Morris, 26 years old, who sought to escape army service by claiming exemption under the industrial clause, is now filling a place in the quartermaster's corps.

Latest reports show the menace of submarines is growing. The total sinkings for the last week reported were twenty-eight, nearly double the number sunk in the preceding week.

A lumber deal involving \$9,000,000 has been closed with the heirs of Jay Gould by the Forest Lumber company and other concerns headed by J. B. White. The lumber lands sold are in Louisiana.

Henry Hirsch has paid a fine of \$300 assessed against his wife in connection with an attempt to blackmail Asa Chandler of Atlanta, Ga., and the court has remitted a jail sentence against her.

Madame Storch, beautiful suspect arrested as a spy, was found dead in her quarters on Ellis Island, N. Y., where she was incarcerated. Investigation into the manner and circumstances of her death is being made.

E. C. Senter has been made general manager of the stockyards at Kansas City to succeed George R. Collett, who has gone with Morris & Co. W. H. Weeks, former assistant to Collett, has been elected vice-president of the stockyards.

Practically all the victims who lost their lives in the sinking of the Tuscania have now been identified by their finger prints and relatives have been notified officially of their deaths. In the last list of twenty-five identified there were fifteen Texans.

By the decision of the arbitrator in the wage hearing in reference to the pay of packing house employees a general raise is ordered aggregating millions and affecting all the big packing houses in the country. The increase will reach \$75,000,000 a year.

Seventy-five persons, of whom fifty-four were women, were killed when a shell from the long range gun with which the Germans are shelling Paris, on Good Friday morning, crashed through the roof of a church. A number of children also were killed.

URGES LABOR TO WORK FOR BETTER MEN FOR SOLONS

In his report to the lodges of the Brotherhood of Railroad Trainmen in Texas, Robert McKinley, legislative representative, pays his respects to the Texas legislature and advises the selection of men of greater caliber for representatives in both branches. He says there need be no surprise over the failure to get through the full crew bill, but the surprise is that laws already passed for the protection of laboring men were not repealed. In this connection he remarks: "Texas today has the most antagonistic conglomeration of self-interest seeking political hucksters that ever disgraced its fair name in the legislative halls of our capitol."

Dealing with conditions existing in the state, he adds: "Organized labor of this state has been asleep at the switch and allowed our enemies to dominate, and if we do not awake and go to the polls in July as a unit then I say you do not need a legislative representative, you need a doctor—a head specialist. Our people have been used as a bumping post for the prohibitionists and anti-prohibitionists. The keen political highbinders of this state have blinded our people with issues not germane to the labor movement, and we have been sacrificed unmercifully by this horde of hypocrites that smile at us during a campaign and stab us in the back when they are seated in office."

FERGUSON'S ATTEMPTED IMPEACHMENT VOID

Opinion of Able Jurist, Concurred in By Former Justice of Civil Court of Appeals, Shows the Whole Proceeding By Which Governor Ferguson Was Deprived of Office Was Contrary to the Constitution, in Violation of Law and Wholly Without Force or Effect—Ferguson Can Hold Office If He Is Elected.

With a well formed design the politicians, aided by most all of the big daily newspapers, are continually circulating the statement that though Governor Ferguson may get the majority of the votes and though the people may elect him, he cannot qualify or hold the office.

In answer to this attention is invited to the opinion of Judge A. S. Fisher, the well known jurist who formerly served as judge of the Austin district, which opinion is also concurred in by Judge S. J. Hunter, a former member of the court of civil appeals of the Fort Worth district, in which the attempted impeachment of Governor Ferguson is shown to have been illegal and void.

From a careful reading of the opinion it conclusively appears that Governor Ferguson may run for and hold the office of governor if the people elect him.

The opinion follows:

The attempted impeachment of Governor Ferguson was null and void.—Opinion by Judge A. S. Fisher.

FIRST PROPOSITION.

The trial and conviction of Governor James E. Ferguson was contrary to and without "due process of the law of the land" and therefore void and of no effect; IN THIS:

Article 15 of the State Constitution is not self-executing. Neither the Constitution nor the Statutes have defined or prescribed the cause for impeachment and the Common Law not being in force in this state as to crimes or misdemeanors, the House of Representatives was without jurisdiction to present the articles of impeachment, and the Senate to try, render judgment and pronounce sentence.

We will quote so much of this article as is necessary to present the question:

Section 1.—The power of impeachment shall be vested in the House of Representatives.

Section 2.—The impeachment of the Governor * * * shall be tried by the Senate.

Section 4.—Judgment in cases of impeachment shall extend only to removal from office and disqualification of holding any office of honor, trust or profit under this state. A party convicted on impeachment shall also be subject to indictment, trial and punishment according to law.

Section 7.—The legislature shall provide by law for the trial and removal from office of all officers of this state, the modes for which have not been provided in this Constitution.

From the foregoing it will be observed:

1st. That no cause for impeachment is mentioned or provided for, as against the Governor;

2nd. That no mode of procedure is prescribed other than to name the tribunal in which the proceeding as to impeachment is to be had.

In determining these questions, two facts must be considered:

1st. Impeachment is a criminal action and rules applying to such action must govern;

2nd. We can not, under our Texas system, be governed by Common Law practice pertaining to any kind of criminal action.

Whatever may be the rule in other states, or England, under the Constitution and laws of this state impeachment is recognized as a criminal action.

Section 10 of the Bill of Rights and Article 4 of the Code of Criminal Procedure says:

"And no person shall be held to answer for a criminal offense unless upon the indictment of a grand jury—except in cases of impeachment, etc."

Section 3, Article 15 of the Constitution says:

And no person shall be convicted without the concurrence of two-thirds of the Senators present.

Section 4, Article 15, says:

A party convicted on impeachment shall also be subject to indictment, trial and punishment according to law.

Section 11, Article 4, says:

In all criminal cases, except treason, the Governor shall have the power to pardon after conviction.

Article 26 of the Penal Code defines criminal action as follows:

A criminal action, as used in this Code, means the whole or any part of the procedure which the law provides for bringing offenders to justice, and the terms "prosecution," "criminal prosecution" and "criminal action" are used in the same sense.

But the great weight of authority in this country and England is to the effect that prosecution by impeachment is a criminal action. Under the English rule an individual as well as a Lord, could be impeached before the High Court of Parliament, sitting as a criminal Court.

An impeachment before the Lords by the Commons of Great Britain in Parliament is a prosecution of the already known and

established law, and has frequently been put in practice, being presented to the most high and supreme court of criminal jurisdiction by the most solemn request of the whole Kingdom. A Commoner can not, however, be impeached before the Lords for a capital offense, but only for high misdemeanors. A peer may be impeached for any crime. "Weldell's Blackstone" (B4 P254).

The American rule, however, confines impeachment to certain officers, the penalty generally being removal from office and disqualification to further holding office. Under the English proceeding the offender impeached may suffer not only the forfeiture of office (if an officer) but also may suffer any other penalty known under the law, even privation of life.

It is claimed that impeachment under our constitution is only a civil suit, and that the statute under discussion must be construed according to the rules applicable to civil remedies.

Impeachment, like most of our proceedings, civil and criminal, came to us from English jurisprudence. In England it was regarded and treated as the highest form of criminal prosecution. There, the penalties of the law could be inflicted.

—See Parliamentary History of England, Vol. 26, 1218, et seq.; Black's Com. 258; 2 Hale Pleas of Cro. 150; Comyn's Dig. Title, Parliament.

The Constitution of Alabama, article 7, section 4, penalties in cases of impeachment "shall not extend beyond removal from office, and disqualification from holding office under the authority of this state, for the term for which he (the officer impeached) was elected or appointed."

The Constitution of the United States, article 1, section 3, subdivision 7, contains precisely the same limitations on the measure of punishment in impeachment as that found in our Constitution, save that the disqualification to hold office may, under it, be extended during the life of the officer.

Mr. Story, in his commentaries on the Constitution, section 688, after stating that in England articles of impeachment are a kind of bill of indictment, found by the Commons, and tried by the Lords, adds: "In the Constitution of the United States, the House of Representatives exercises the functions of the House of Commons, in regard to impeachment; and the Senate, the functions of the House of Lords, in relation to the trial of the party accused. The principles of the Common Law, so far as the jurisdiction is to be exercised, are deemed of primary obligation and government. The object of prosecutions of this sort in both countries, is to reach high and potent offenders, such as might be presumed to escape punishment in the ordinary tribunals, either from their own extraordinary influence, or from the imperfect organization and powers of those tribunals. These prosecutions are, therefore, conducted by the representatives of the nation, in their public capacity, in the face of the nation, and upon a responsibility which is at once felt and reversed by the whole community. The notoriety of the proceedings, the solemn manner in which they are conducted, the deep extent to which they affect the reputations of the accused, the ignominy of a conviction which is to be known through all time, and the glory of an acquittal which ascertains and confirms innocence,—these are all calculated to produce a vivid and lasting interest in the public mind, and to give to such prosecutions, when necessary, a vast importance, both as a check to crime and an incitement to virtue."

The same author, in section 798, says: "It is the boast of English jurisprudence, and without it the power of impeachment would be an intolerable grievance, that in trials by impeachment the law differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions and of crimes and punishments prevail."—See, also, sections 759, 764, 781; 1 Bish. Cr. Law, Par.

915 (362); 9 Appleton's Amer. Cyclopaedia, 187; 4 Kent Com. (mark) 289; Bouv. Law Dic. "Impeachment."

The authorities above hold that removal from office, and disqualification to hold office, are criminal punishment. But the doctrine has been carried to a farther extreme.

In ex parte Garland, 4 Wal. 333, it was shown that Mr. Garland had, before the war, been licensed to practice law in the federal courts. Having subsequently participated on the side of the Confederates in the war between the sections of the Union, the question was whether he should be allowed to practice his profession, without taking the oath prescribed by the act of congress of January 4, 1865. That act declared that "no person shall be admitted as an attorney and counselor to the bar of the supreme court, or to the bar of any circuit or district court of the United States," etc., or be allowed to appear and be heard by virtue of any previous admission," etc., "unless he shall have first taken and subscribed the oath . . . that he has never voluntarily borne arms against the United States since he has been a citizen thereof, and that he has never voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto," etc. It was ruled by the court that to take away the right to practice law, guaranteed to Mr. Garland by his license previously obtained, was punishment for past conduct; that it imposed a punishment for some of the acts specified, which were not punishable at the time they were committed, and to other of the acts it adds a new punishment that before prescribed, and it is thus within the inhibition of the Constitution against the passage of an ex post facto law."

The only punishment which the act imposed, was a deprivation of the right to practice law in the United States courts.

To the same effect as the case above, and for the same reasons, are the cases of Cummings vs. State of Missouri, 4 Wal. 277; Ex parte Wm. Law, 35 G. 303; Impachment of Andrew Johnson; Rev. Code, Par 3755; Ex parte Dorsey, 7 Por. 233. The case last cited was decided by this court near forty years ago, and has never been overruled. In his opinion, Mr. Justice Goldthwaite says: "I have omitted any argument to show that disqualification from office, or from the pursuits of a lawful avocation, is a punishment; that it is so, is too evident to require any illustration; indeed, it may be questioned whether any ingenuity could devise any penalty which would operate more forcibly on society."

Mr. Justice Ormond concurred with the majority of the court that the statute they were construing, whose only penalty was disqualification to hold office, or to practice law, was "highly penal."

We feel constrained to hold that impeachment under our Constitution, is a criminal prosecution. Section 7 of the bill of rights, distinguishes between criminal prosecutions, which may be conducted without indictment, and those which can be conducted only by indictment. In all cases falling within the latter class, the accused is entitled to a trial "by an impartial jury of the county or district in which the offense was committed. In cases falling within the former class, he has no right to demand a jury, unless some other clause of the constitution secures to him the right. Impeachment falls within the class first named; and in proceedings under section 7, the accused has no constitutional right to demand a trial by jury. This conclusion is very much strengthened by the varying phraseology found in sections 2 and 3.

Certain rights, however, are guaranteed to the accused in all criminal prosecutions. Among these is the right "to be confronted by witnesses against him." The inquiry arises, what is meant by the language, "confronted by the witnesses against him?" Evidently, the same meaning, scope and construction must be given to this clause, whether it arise in a criminal prosecution by indictment or without indictment. The language precludes any other.

State vs. Buckley, 54 Alabama, (P. 617-620).

In the case of Cummings vs. State of Missouri, 4 Wallace 277, the Supreme Court of the United States held that:

Disqualification from office may be punished as in cases of conviction upon impeachment.

In the case of the State vs. Hastings, 37th Nebraska 118, it is said:

Another question which is suggested in this connection is the character of this proceeding, viz., whether it is to be regarded as a civil action or as a criminal prosecution for the purpose of the production and the quantum of proof to warrant a conviction. It may be safely asserted that the decided weight of authority in this country and England, if indeed there exists a diversity of opinion on the subject, is that impeachments in that respect must be classed as a criminal prosecution, in which the state is required to establish the essential elements of the charge beyond a reasonable doubt.

The same author, in section 798, says: "It is the boast of English jurisprudence, and without it the power of impeachment would be an intolerable grievance, that in trials by impeachment the law differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions and of crimes and punishments prevail."—See, also, sections 759, 764, 781; 1 Bish. Cr. Law, Par.

might come to the conclusion that the evidence of payment was not reliable, but was a mere technicality, and that the respondent is entitled to the benefit of every reasonable doubt, both upon the facts and the law, and I can not say that the evidence which has been introduced is not sufficient to create some doubt."

And again: "The allegation that the respondents acted willfully and corruptly being without support, it follows that there is a failure of proof with respect to specification 3."

Impeachment being a criminal proceeding, a criminal prosecution, it follows that the rules prescribed by law in criminal matters must govern, except when modified, excepted or changed by either the Constitution or Statutes.

First. There must be a presentment by the House of Representatives charging with crime or misdemeanor, first declared by law to be such. Article 3 of the Penal Code provides:

In order that the system of penal law in force in this state may be complete within itself and that no system of foreign laws, written or unwritten, may be appealed to, it is declared that no person may be punished for any act or omission unless same be made a penal offense and a written act of this state. (See also Arts. 9 and 12 P. Code.)

While the allegations are not required to be as specific or technical as in a criminal prosecution, they must state with substantive accuracy the offense charged.

Second. Unless either the Constitution or Statutes declare some cause for impeachment other than causes made penal by statute, those causes not be had to such other causes as a basis for impeachment, because to do so would be to put a citizen upon trial for a forfeiture not previously declared in violation of sections 16 and 19, Bill of Rights, State Constitution, and the 14th amendment of the Constitution of the United States.

Third. Being a criminal action, the defendant shall have the right to demand the nature and cause of the accusation against him under section 10, Bill of Rights.

Fourth. He shall not be compelled to give evidence against himself—section 10, Bill of Rights.

Fifth. He shall have the right of being heard by himself, or his counsel, or both—section 10, Bill of Rights.

Sixth. He shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor—section 10, Bill of Rights. In fact, every right provided for by section 10, is guaranteed by the bill of rights by a jury and indictment by a grand jury.

Seventh. This being a criminal prosecution, the prosecution must be carried on (and the information containing the presentment and charges must so declare on its face) "in the name and by the authority of the State of Texas" and conclude "against the peace and dignity of the State."—Article 5, section 12, State Constitution. And unless it does, the presentment is void and does not confer jurisdiction upon the Senate.

Sections 2, 3, and 4, Article 15 of the Constitution, contain nothing more than to designate and appoint the tribunals to present and try the matter of impeachment. Neither of these sections in any way or manner define or declare the grounds or causes for impeachment, nor do they define the mode or procedure for trying provided for or fixed, nor is there any authority given by this article, or any other article or provision of the Constitution to either the House of Representatives or the Senate, acting judicially, to make or prescribe the rules of procedure, practice, or to define any causes for impeachment. In fact, the framers of the Constitution, after having made and declared the tribunals with jurisdiction to present and try, intended that the Legislature, as a legislative body and not as a judicial body, should not only declare the grounds for impeachment, but must fix the mode of procedure.

Now, I wish to ask, the Constitution being silent as to the grounds or causes for impeachment, in the absence of some legislative act defining such grounds or causes, where does the House of Representatives get the power to present, or the Senate the power to try for some infraction of the law or some violation of the Penal Code? Certainly not from the Common Law, because we have no Common Law offenses. Every offense known to our law must be declared by the Statutes of the State of Texas. Not from any legislative act of the State of Texas defining the grounds or causes for impeachment, for no such grounds or causes are anywhere defined or declared.

Bear in mind that the House of Representatives, in its examination of the case and presentment of the Governor, was not acting as a legislative body, but as a judicial tribunal of special and limited jurisdiction and power; so with the Senate in the trial upon the presentment made by the House of Representatives. In these proceedings the House and Senate possess no legislative power whatever. Their power is strictly judicial and must be governed by some kind of judicial procedure first declared and defined by law and made to apply to the cases of like character.

The right or power to make rules, unless expressly given by the Statutes or constitutional provision, does not carry with it the right or power to make a law providing for procedure or practice. The law must be fixed by statute or rule can be framed and made to apply.

There is nothing in the Constitution of this state or in any Statute of the state, which gives to the Senate, as a court of impeachment, or to the House of Representatives, acting in a judicial, or quasi-judicial capacity, the power to make either laws or rules of procedure and practice, and to declare or define causes for impeachment.

Further quoting:

In the impeachment of Barnard, 1872, the judges of the court of appeals of New York sat with the senators and appear to have been consulted upon all doubtful questions. Chief Justice Church, p. 2070, speaking upon the subject of impeachment, said: "If I felt warranted in balancing the evidence and in determining that question in a civil action, I

might come to the conclusion that the evidence of payment was not reliable, but was a mere technicality, and that the respondent is entitled to the benefit of every reasonable doubt, both upon the facts and the law, and I can not say that the evidence which has been introduced is not sufficient to create some doubt."

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Now, I wish to ask, the Constitution being silent as to the grounds or causes for impeachment, in the absence of some legislative act defining such grounds or causes, where does the House of Representatives get the power to present, or the Senate the power to try for some infraction of the law or some violation of the Penal Code? Certainly not from the Common Law, because we have no Common Law offenses. Every offense known to our law must be declared by the Statutes of the State of Texas. Not from any legislative act of the State of Texas defining the grounds or causes for impeachment, for no such grounds or causes are anywhere defined or declared.

Bear in mind that the House of Representatives, in its examination of the case and presentment of the Governor, was not acting as a legislative body, but as a judicial tribunal of special and limited jurisdiction and power; so with the Senate in the trial upon the presentment made by the House of Representatives. In these proceedings the House and Senate possess no legislative power whatever. Their power is strictly judicial and must be governed by some kind of judicial procedure first declared and defined by law and made to apply to the cases of like character.

The right or power to make rules, unless expressly given by the Statutes or constitutional provision, does not carry with it the right or power to make a law providing for procedure or practice. The law must be fixed by statute or rule can be framed and made to apply.

There is nothing in the Constitution of this state or in any Statute of the state, which gives to the Senate, as a court of impeachment, or to the House of Representatives, acting in a judicial, or quasi-judicial capacity, the power to make either laws or rules of procedure and practice, and to declare or define causes for impeachment.

Further quoting:

In the impeachment of Barnard, 1872, the judges of the court of appeals of New York sat with the senators and appear to have been consulted upon all doubtful questions. Chief Justice Church, p. 2070, speaking upon the subject of impeachment, said: "If I felt warranted in balancing the evidence and in determining that question in a civil action, I

might come to the conclusion that the evidence of payment was not reliable, but was a mere technicality, and that the respondent is entitled to the benefit of every reasonable doubt, both upon the facts and the law, and I can not say that the evidence which has been introduced is not sufficient to create some doubt."

And again: "The allegation that the respondents acted willfully and corruptly being without support, it follows that there is a failure of proof with respect to specification 3."

Impeachment being a criminal proceeding, a criminal prosecution, it follows that the rules prescribed by law in criminal matters must govern, except when modified, excepted or changed by either the Constitution or Statutes.

First. There must be a presentment by the House of Representatives charging with crime or misdemeanor, first declared by law to be such. Article 3 of the Penal Code provides:

In order that the system of penal law in force in this state may be complete within itself and that no system of foreign laws, written or unwritten, may be appealed to, it is declared that no person may be punished for any act or omission unless same be made a penal offense and a written act of this state. (See also Arts. 9 and 12 P. Code.)

While the allegations are not required to be as specific or technical as in a criminal prosecution, they must state with substantive accuracy the offense charged.

Second. Unless either the Constitution or Statutes declare some cause for impeachment other than causes made penal by statute, those causes not be had to such other causes as a basis for impeachment, because to do so would be to put a citizen upon trial for a forfeiture not previously declared in violation of sections 16 and 19, Bill of Rights, State Constitution, and the 14th amendment of the Constitution of the United States.

Third. Being a criminal action, the defendant shall have the right to demand the nature and cause of the accusation against him under section 10, Bill of Rights.

Fourth. He shall not be compelled to give evidence against himself—section 10, Bill of Rights.

Fifth. He shall have the right of being heard by himself, or his counsel, or both—section 10, Bill of Rights.

Sixth. He shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor—section 10, Bill of Rights. In fact, every right provided for by section 10, is guaranteed by the bill of rights by a jury and indictment by a grand jury.

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