

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 keynote of Mr. Wilson's great speech on diplomacy was that it should be Mr. Wilson's great speech on diplomacy was that it should be in the open. The demand of the hour in public affairs is for a pitiless publicity. Democracy if it survives at all must do so in the clear light of day. In her house there must be no dark rooms, no closed doors, no painted windows.

The people's business must be done publicly. Until very recently this policy has been pursued in Texas. This great principle has long been recognized in the United States and only two public parties in all our government have the legally vested right to meet in secret.

ed right to meet in secret.

One is the grand jury, which deals with criminals. The other is the United States senate, which deals with delicate foreign relations. Even the secrecy of this last body should be abolished under the principle of publicity advocated by Mr. Wilson. There is no reason which appeals to anybody why the people's business should be transacted behind closed doors and rainted windows.

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 painted windows.

west of this office are two large windows, each more than four feet across and about ten feet high, constructed of clean, translucent glass. For more than thirty years the public came

of open diplomacy. Let us remove the stain from the win- and they suffered as all men suffer who stand in the forefront of human rights. people of Texas.

Yours, etc.,

Austin, Texas, April 3, 1918.

T. H. McGREGOR.

## Forum Prophet Predicted Entries In Governor's

sue of February 14 last published a just the same review of the gubernatorial race in ment of his withdrawal from the race Will Quit Governor's Handicap First?" mand for his printed platforms at a nickel 2 shot he may stick around for that by June 1 all of the then acknowledged candidates for the governorship would get out of the way and veracious reviewer and there seems n leave the field undisputed to Jim Ferreason to change the scheduled anPeople to Avenge

ed aspirants for the executive office: cast and as far as results are concerncharlie Morris, of Winnsboro, who was defeated by Jim Ferguson two years ago; B. F. Looney, attorney general of Texas; Earle B. Mayfield, railroad dictation of political bosses, large or commissioner. Henry Clark member commissioner; Henry Clark, member small, past, present or future. of the legislature from Erath county, and William P. Hobby, who had been elected lieutenant governor twice on the ticket headed by Governor Fergu-

sections read as follows: "I may be wrong; I hope I am; but it looks very much to a man up the tree like the whole bunch will get their bit and be told to 'git,' or quit as they may pre-

In reference to Mr. Looney's coming purpose of etirement this was said: "General ganization. retirement this was said: Looney, in my opinion, really wants to run for governor, but he has not 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

In reference to : ..other of the candidates who has withdrawn this was said: "Earle Mayfield is a pretty good John P. Bell, aged 73, past grand mas-fellow. \* \* \* \* \* But Earle won't wade ter of the Masons of Texas, retired into the water very deep. He might attorney and for more than twenty stand but his mule won't. When Brother Wolfe tells him to retreat he died at his home here today.

game about February 14. It was a lit- married Tuesday at Chicago.

The last grand blow-up is scheduled for about June 1, according to the

At that time there were in addition to Jim Ferguson, in the race as avow-number already withdrawn as fore-

## Ferguson Meeting At

A meeting is hereby called of all tive coyotes. andidacy of Hon. James E. Ferguson or governor, on Saturday, April 13, 1918, at 2 o'clock p. m. in the district ourt room at Meridian. Texas, for the purpose of effecting a county-wide or-

Important-Attend this meeting. Ladies will be expected to attend.
CITIZEN'S COMMITTEE.

### Honored Mason, Dead

San Angelo, Tex., April 3.-Judge

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 law of feet caused him to jump the charlie's feet caused him to jump the law of feet caused him to jump the law of feet caused him to jump the law of feet caused him to jump the Charlie's feet caused him to jump the law of feet caused him to

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 asembled, 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

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 consti-In 1887 the Texas capitol was built. It faces south. To the right of the main entrance is the governor's office. On the afford every citizen an opportunity to study and vote for human rights. Every sovernment its object. afford every citizen an opportunity to study and vote for human rights. Every sovereign in Jects and purposes, and the columns of the Forum are open to all citizens of the state for spending money loaned them outside of the United States if the intelligent discussion of this interesting and vital subject

and went with an unobstructed view and unlimited vision of the governor's office. In this office, with clear windows, the great Hogg served the people of Texas; here Culberson prepared his great messages; here behind clean windows sat Sayers and Lanham, Campbell, Colquitt and Ferguson. These men were pioneers in public publicity.

Within the last thirty days these windows have been stained to shut out the view of the public and the governor of Texas.

This country was settled by men floring from political and religious from politica

This country was settled by men fleeing from political and religious persecution at the now sits behind closed doors and stained windows while he deals with public affairs. Why this change? Why shut from the view of the people the governor's office? Let us advocate the two down of the people the governor's office? Let us advocate the two down of the people the governor's office? The two down o This country was settled by men fleeing from political and religious persecution at the the doctrine of pitiless publicity. Let us stand for the principle dure the tyranny of class kings in government. They refused to be governed by class rulers

dows of the governor's office and let in the sunlight of confidence which radiates through the eyes from the hearts of the government and the scalping knife of the Indians to the tyranny of mafathers 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 gov- of Mount Pleasant and Titus county, and places of speaking by Governor Race Would Get Out erned by the will of a legislative majority and the political opinion of law enforcement offi-

The Ferguson administration fought the battles of democracy. Ferguson smashed the po-The FERGUSON FORUM in its isthe earlier than forecast, but he quit
the of February 14 last published a
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
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politicians, beaten at the politicians, beaten at the politicians, beaten at the politicians, beaten at the politicians. Texas under the caption: "Which One as yet and as long as there is a delof 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.

## 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-preided over by just and upright judges -have declared that Governor Fergu-Meridian, on April 13 son was innocent of the "high crime and misdemeanors" with which he 000,000 put upon the estate of James

and the orderly well being of the Lone Star state go unrebuked? Shall their damnable persecution of an innocent and honorable man go unwealth but as Uncle Sam's first
whipped? Shall chicanery and low
cunning and persecution become the
hallmarks of our future lawmakers?
Shall their illegal and unconstitutional dictums still prevail to the everindividual income tax return larger than the combined
individual income tax callegted in

of 1917 to go unavenged? If they do New York World.

then justice is a stark corpse in the Lone Star state, that liberty for which Ferguson Indorsed heroic Texans gave up their lives a 'government of the people, by the people and for the people," is a farce.

Do not fail then in your duty.— Odessa Herald.

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

was charged by that pack of legisla- Stillman ranks it as one of the great, though not colossal, fortunes amassed These same shamelessly lawless leg- in this country. Its public interest is slators and their political aiders and due less to its size than to the amount abettors are still at their old tricks. of taxes it will yield to the govern-They are still working desperately to ment as the first conspicuous aggregadefeat the will of the people. Their tion of private wealth to become submalevolent hatred still follows the ject to the increased rate of federal inman they plotted to politically crucify. Will the people still permit these political jackals to make their laws, or a valuation of \$50,000,000 the estate W. will they pull their fangous teeth at 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 Berry Bunch.

ional dictums still prevail to the ever-asting shame of Texas? individual income tax collected in Massachusetts and Pennsylvania in

## For Governor By Cooolidge Voters

J .W. Barham. Sim Demmings Gorman. Jude Demmings. Walter Demmings
J. E. Demmings Reins. John Adams. R. T. Jones. H. W. Jones. R. W. Graham Alma Dowdle. F. Roberts L. Roberts. J. A. Northan J. T. Sanders.

G. T. Adams.

Coolidge, Texas, April 3, 1918.

Correct You Are.

# 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 authorizing \$4,-500,000,000 more war bond addition on \$1,500,000,-000 to the allies and increase of treasury indebtedness certificates from \$4,000,000,000 to \$8,000,000,000. 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 t will be unnecessary to increase the future interest rate on

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

James E. Ferguson will make the pouring of the people of that section 3. Reports from Crockett say that

The report published in Waco that there will be a large attendance of the loyal democrats of Houston and sevitation would speak in that city Monday, April 15, is erroneral surrounding counties on that oc- ous. Governor Ferguson has not yet casion to hear what Farmer Jim has considered a date for speaking at to tell them. Governor Ferguson's opening speech city during the campaign. Publicawill be made at Mount Pleasant, Sat-tion of the report that he would speak urday, April 6, Hon. T. R. McLean, there on April 15 was wholly unauormer member of the state highway thorized and misleading. Due and full commission who is in charge of the announcement will be made from Ferarrangements on behalf of the citizens guson headquarters in Temple of dates

### 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 Editor Ferguson Forum: We, some the room across the half, ran out and rection with work relative to several old feuds, which have been in exercise. hereby indorse Ex-Gov. James E. Fer- | Ranger Koon, who was also in a room ence in that section of the state for 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 is.

J. W. Barham.

A. D. Hudson.

H. A. Bolen.

Will Adams.

W. A. Jenkins.

J. S. Bottoms.

A. C. Dark.

Branger 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 was about 45 years old and was first connected with the state ranger force in 1905.

He served in the First Texas cavalry in the Spanish-American war and later in the left leg, just below the knee. Long only received a wound in the hand. Captain Ransom was about 45 years old and was first connected with the state ranger force in 1905.

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Austin, Tex., April 3.—The news of the killing of Captain Ransom was received here in a telegram to Adjt. Gen. James A. Harley from Sam McKenzie, sergeant in Captain Ransom's company. McKenzie wired that 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 a day of the tragedy:

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"Long and Miller were shooting at each other in the hall of the Wright hotel. Captain Ransom came out of late Capt. Bill McDonald. He was his room to stop the shooting and was killed. Ranger Koon overtook and City, and during the administration arrested Miller about fifteen miles of Mayor Rice of Houston was made

having been transferred from the ran- Grande country.

Ransom leaves a wife and two chil-dren, residing at Hempstead, where of Capt. John A. Hulen, now Brigadier General in the national army and stationed at Camp Bowie, Fort

## THE FERGUSON FORUM EVERY PATRIOTIC IMPULSE BEHIND LIBERTY LOAN Sally Jane Spottswood

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Office of Publication—TEMPLE, TEXAS.

#### 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.

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 inuagurate 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 add another laurel to her crown of patriotism and loyalty. the great drive to help the new Liberty loan.

down their massed columns with showers of shells.

Thrift stamps and War Saving stamps are thorns in the side

in the Champs Elysee.

Fifteen Texans were in the list of dead recently identified

are shaken off the political bush. The people still are on the

thing to advertise let it be known through the columns of the of 10,000 and more to the election officers.

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 death should be their certain portion once they are detected. is an absolutely necessary factor in winning the war.

The certainty that Ferguson will get a heavy majority of the franchise that has been given them. They, like all good Tex- crops practically assured, the Huns' hopes for victory diminish. of us, not Germans or Bohemians, but ans, love fair play and a square deal and will, in most cases, especially in the rural districts, vote for Farmer Jim, the man

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 and New York, suddenly has loosened up in a way that will be a county it looks like you will carry it halls of our capitol." has given assurance that a dredge will be sent from Galveston make amends for any delinquency of talk or story writing in great pity for the ignorant farmers to to dig out the channel so the boat can float. That is one way the past. Beginning April 8 a number of papers in the coun-

lawyers that this state or the whole country ever has known. In The colonel always has been heralded as a man of extreme bunch of long tail coats to Washingthe times that tried men's souls George Clark stood the test modesty and as shunning the glare of publicity but the adverand proved his democracy and his patriotism, his unflinching tisements of the forthcoming yarn bristle with alliterations repealed under the guise of helping to devotion to his friends and his lofty conception of duty. As a that would make a circus press agent turn green with envy. by the war the work of the war to be a contemporaries are so strenuously and that would make a circus press agent turn green with envy. The keen political prohibitionists. The keen political prohibitionists of this state have blinded to contemporaries are so strenuously and by the war to be a contemporaries are so strenuously and the war to be a cont those who opposed him in politics or discussion; as a private being exploited with all the zest and promise of interest that primary; in fact that just suits us franticly opposed to woman suffrage the labor movement, and we have been 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 southern chivalry and knightly honor of the honor of from an historical viewpoint but it will not attract the attenclaiming him as a citizen.

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 Subscription, per year, in advance.....\$1.00 loan will be a success, of course, but under the peculiar circumstances of the day it should be successful without any

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 annuls ever the son's great big honesty made him son's great day it was when an engine, bag-drew Jackson and Abraham Lincoln were selected. You know Jackson is dear to the heart of every back-woods man because his virility of mind and body, and attractive plainness calls to their honest hearts. Then, too, Jock-bloody history of the bloodiest war that the world's annuls ever selected. You know Jackson is dear to the heart of every back-woods man because his virility of mind and body, and attractive plainness calls to their honest hearts. Then, too, Jock-bloody history of the bloodiest war that the world's annuls ever selected. You know Jackson is dear to the heart of every back-woods man because his virility of mind and body, and attractive plainness calls to their honest hearts. Then, too, Jock-bloody history of the bloodiest war that the world's annuls ever selected. You know Jackson is dear to the heart of every back-woods man because his virility of mind and body, and attractive plainness calls to their honest hearts. Then, too, Jock-bloody history of the bloodiest war that the world's annuls ever selected. You know Jackson is dear to the heart of every back-woods man because his virility of mind and body, and attractive plainness calls to their honest hearts. Then, too, Jock-bloody history of the bloodiest war that the world's annuls ever selected. You know Jackson is dear to the heart of every back-woods man because his virility of mind and body, and attractive plainness calls to the heart of every back-woods and body is a selected. You know Jackson is dear to the heart of every back-woods and heart of every back-woods and heart of every ba

recorded, the allies, including several detachments of Amer- afraid of nothing, absolutely nothing, ketsfull of good lunch the poor mothicans, have not escaped without the sacrifice of many gallant and a man like Jackson makes distance of the sacrifice of many gallant honest men afraid of him, so afraid us you did every bit of this in secret,

men and much fighting equipment. In every mind, however, deep in every heart that battles be-neath the Stars and Stripes, the Tri-color of France or the I have more than one boy in school Union Jack of Great Britain, there reigns unfaltering confi- who, like Lincoln, studies by a pine dence 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 I think I may have Jacksons and Lindhand know what his left hand is busy sistance and retaliation are the allied forces, but emphasizes sistance 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 ity and preys upon the lives of women, children and helpless is the determination to win, to drive forever from the face of the color 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 proved.

The last great drive of the Hun has been halted and the gold. 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.

The last great drive of the Hun has been halted and the sacrifice of human life made by the kaiser in his despendic plunge to gain a victory or to force peace terms of his own die in the text: "If the senate of the Thirty-fifth Texas legislature?

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The last great drive of the Hun has been halted and the sacrifice of human life made by the kaiser in his despendic forms to the Huln has been halted and the sacrifice of human life made by the kaiser in his despendic forms to the Huln has been halted and the sacrifice of human life made by the kaiser in his despendic forms to the Huln has been halted and the sacrifice of human life made by the kaiser in his despendic forms the text: "If the vesses oppression . . . and violation 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 make the sacrifices by the people are necessary and the people of the United States, ever mindful of their own glorious struggle in the post of the Huln has been halted and the when the Huln has been halted and the text: "If they have dome to the Hollow two of my big boys are going to introduce with the when you amend the text: "If they have dome the text: "If they have dome the text: "If they hav meet all the needs of the hour and when the new loan is preit is understood some of the members of the senate are
eady to join the "Buttermilk Rangers," since the recent vice

The past for freedom, will make the sacrifices. They will
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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.

Each need your spirit bold!

Reach far out to your fellow man Nor stop 'till the price you pay, or 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. Final-

can help; and they will help.

In Texas there will be able men and noble women to present ly he said: "If a man is treated with the need, the details and the scope of the new loan to the people rank injustice he needn't worry about and they will find their audiences ready to respond liberally it or give it a second thought, for and unselfishly. Texas is giving her splendid young manhood retribution is as certain as the day to go to the battlefront; her noble, self-sacrificing and tenderhearted 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 patricities endeavor and are an inspiration to their sons and their control of the long ago still cherish the story of patricities and are an inspiration to their sons and their control of the long and their control of the long ago still cherish the story of patricities and the long ago still cherish the story of patricities and the long and their control of the long and the long and their control of the long ago still cherish the story of patricities and the long and otic endeavor and are an inspiration to their sons and their said.

Texas will do her part in this new loan and the record will heart, "a great injustice was attempt- So all can see the splendor

## The war goes on; the Huns still are fighting desperately to break through to Paris while the allied armies are mowing

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.

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 That long gun that has been dropping shells into Paris 610,944 poll tax payments for the year 1917. On these receipts slaughtering women and children may make a good monument the holders will be entitled to vote in all elections held in the for the victims when it is wrested from the Huns and upended state in 1918. In addition to the poll tax payments there are FARMERS WILD REBUKE LEGISexemptions, 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 Hon. James Ferguson, among the victims of the Tuscania tragedy. Only another inspiration to get the kaiser, and the Texans may be relied upon holders of poll tax credentials being 28,820. To this grand to go after his autocratic majesty.

Dear Governor: I see the solons have got to the legislation that they were called together by Fuller and who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the ballot in primary elections by the act passed whom the policy is to be added the number of women who are given the policy is to be added the number of women who are given the policy in the policy is to be added the number of women who are given the policy is to be added the number of women who are given the policy is to be added the number of women who are given the policy in the policy is to be added the number of women who are given t The battlefront in France is not the only place where deadly poison gas is being used. There is entirely too much of it being deferred cansus figures which show the proportion of male to 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 Brownsyille, Texas. He had invested more than ten millions of his vast fortune in Liberty and other war bonds, millions of his vast fortune in Liberty and other war bonds, millions of his vast fortune in Liberty and other war bonds, will be appointment having gone to the young mayor of the Bayou city friends of Colome, Shaken off the bellot intended to the 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 estimate that there will be cast in the guite of saxing and the work of the deal of the deal of the deal of the primary elections by the act passed at the passed at the recent special session of the legislature. Based upon federal consus figures which show the proportion of male to guite federal consus figures which show the proportion of male to guite federal consus figures which show the proportion of the base of saxing the solder by the act passed and the population of the based of suite of suiting and the recent special session of the legislature. Based upon federal consus figures which show it the proposed that he run for mayor, but he emphatically reflected more than the proposed that he run for mayor, but he emphatically reflected more than deep population there will be between 300,000 and 400,000 to 700,000 to 700,000 to 700,000 to 700,000 votes, and if the work of the primary for the date of the democratic telect; and, if they say is for the democratic telect; and, if they suppose was to keep your intended in the purpose was to keep your intended in the purpose was to keep your

any great proportion of their number they will be in position 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 covers the state, having substantial circulation among the readers and voters of nearly all the counties in the state. Subscribe and if you have any
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 the candidates for county and district offices especially are the candidates for county and district offices especially are the candidates for county and district offices especially are the candidates for county and district offices especially are the candidates 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 give sessing that General Looney will declare it unconstitutional as they didn't let him in on the deal. And as sure let in the state are candidates for re-election they doubtless will see that the ladies are given every opportunity to enroll the counties in the state. Subscribe and if you have any
all the counties in the state. Subscribe and if you have any
all the counties in the state. Subscribe and if you have any
all the counties in the state. Subscribe and if you have any
all the counties in the state. Subscribe and if you have any
all the counties in the state the votes that will be in position. Taking this into account the candidates for county and district offices especially are the city of the same time trying to pass a bill limiting campaign expenses. But I am give in the candidates for county in the candidates for county in the same time trying to pass a bill limiting campaign expenses. But I am give in the same time trying to pass a bill limiting campaign expenses. But I am give in the candidates for Little Willie's slush the same any great proportion of their number they will be in position I see where the woman suffrage bill million dollars for Little Willie's slush fied there were fifteen Texans.

The election in July, 1918, will make new political history in extravagance, while the farmers, first class as our forefathers intended their wives and daughters are work
their wives and daughters are work
their wives and daughters are work
in extravagance, while the farmers, first class as our forefathers intended their wives and daughters are work
their wives and daughters are work
which the Germans are shelling Paris, There are entirely too many spies at work in the plants that select hierarchy of political highbinders and the restoration ing with their hands. of popular democratic government in this state.

Meatless days have been cancelled for the next thirty days good marksmen at the butts of good rifles. Spies are spies and but restrictions on wheat consumption are tightening. Wheat them to get an education, and as he tion bills so that those extravagant them to get an education, and as he like hims.

Good rains over the greater portion of the state have made what justly belongs to the farmers' taxes that support them. Texas women who will vote under the new suffrage law is mov- the prospects for the Texas cattleman and farmer brighter than wives and daughters. ing a number of the highbinder editors to lecture the ladies on they have been for two years. West and south Texas, where how they should vote. There need be no fear that the women drouth has prevailed for about two years, especially have been will use good judgment when they come to exercise the limited favored with bountiful rainfall and with pasturage and farm pect any. There were just eighty-four

especially in the rural districts, vote for Farmer Jim, the man who has given good school houses to their children and light- Worth stockyards. Recently steers from that section have ened the burdens of those who have tenant farmers for hus- topped the market with prices ranging from \$11.80 to \$12.25. will be in all the daily papers. bands.

Cows reached \$11.50, calves \$14.00 and lambs \$17.50. This last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the menu of all but oil have reserved the right not to read or last price eliminates lamb chops from the surprise is that laws and my daughters will begin this and my daughters will begin this and my daughters will begin this connection he remarks: "Texas serving our poll tax receipts until the primary. The political lawyers here of fine boy babies are price eliminates lamb chops from the menu of all but oil have reserved the right not to read or laws and my daughters will begin this and my daughters will begin this and my daughters will begin the surprise is that laws and the cattle barons themselves. The price laws are read on y petitions that are sent in the surprise is that laws and the cattle barons themselves. The price is that laws and the cattle barons themselves. The price laws are read on y petitions that are sent in the surprise is that laws and the cattle barons themselves. The price is that laws and the cattle barons the surprise is that laws are read on y petitions that are sent in the surprise is that l Cows reached \$11.50, calves \$14.00 and lambs \$17.50. This But that political bunch of coyotes senate during the impeachment trial. bill, but the surprise is that laws al-

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 description of the grandest description.

The death of George Clark at Waco removes from earthly scenes one of the grandest description. The story will be in twenty-five installments of about 3,000 words each, scenes one of the grandest description.

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The death of I tion and discussion that was given "Three Weeks."

## Writes Poems About Governor Jim Ferguson

your suggestion that the pictures of heard. great men should hang upon the walls He then told us about the picnic of our school. I let the school decide that you gave the poor children when that after awhile they will let him and how deeply he trusted a heart that

follows the night." You know retri- Most ardent are to work for you and

"Now." continued Brother Greatman who was not afraid to stand up Not by false and foul demeanor. 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.

Letters From

Temple, Texas.

Well, governor, we didn't get any

reply from our petition we sent to

just common farmers. Of course two

Pine Hollow, Texas, April 1, 1918. by the great God sent, and the true Pine Hollow District School, representative of plain, honest people, Dear Governor Jim: We accepted is going to be heard and will be

which great Americans should be thus you chartered a whole train. What a honored, and by unanimous vote An- great day it was when an engine, bagould do so noble a thing.

I sat by our senator's wife and she items from their menus. said, "That's not the only good thing

onstituents did that for him."

Vale and hill and town and mart Each need your spirit bold! 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

done wrong have they, and needing U! to surely throw them out ed in this state last summer. A good Of a fearless man who wins with truth

> Accept love from everybody in the SALLY JANE SPOTTSWOOD.

first one and save them the trouble of were twenty-eight, nearly double the combining all the highbrows together for the second one. All we want is

Loyal Texans to establish in Texas. We are work- in Louisiana. ing like slaves observing all the meatless and wheatless days, trying to feed them while that bunch at Austin wants \$300 assessed against his wife in con-

never produce any of the food, but live establish a university at Austin of the

But at this bill is passed I hear lots abolished. of the farmers' wives and daughters Then there will be no more mobs through the roof of a church. A numsay they are going to vote for Jim organized to try to intimidate governber of children also were killed. had the tenant law passed to keep the lords down there can live like kings, unholy hands of the extortioners off while we bend our backs to pay the Yours very truly.

Aubrey, Texas, March 16, 1918. WILL CARRY TYLER COUNTY.

Hon. James E. Ferguson,

say they believe you are going to be and fine bull calves, stud colts and political buccaneers that ever dis-

Don't hesitate to call on me at any the state, he adds: "Organized labor of this state has time to help your candidacy along.

I am your friend, W. E. ADAMS. Woodville, Texas, March 27, 1918.

He Finds a Reason.

nore governors to suit themselves.

Now, we don't care for the majority contemporaries are so strenuously and our people with issues not germane to that you will get the majority in the phis (Tex.) Democrat.

#### **Short News Notes** From Over Nation

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

Germany has called into army serv-ice 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

Rates for aerial postage have been

placed at 42 cents an ounce for first class mali. Two submarines recently were sunk with depth bombs dropped by Ameri-

can destroyers. Hotel men in Washington have

aken a pledge to cut out all wheat

Rev. William E. Hinshaw, sentenced

roops in France and is directing the defense against the great drive by the

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

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

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

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

Latest reports show the menace of ubmarines is growing. The total sinkings for the last week reported number sunk in the preceding week.

A lumber deal involving \$9,000,000 has been closed with the heirs of Jay Governor, we are sending our boys Gould by the Forest Lumber company and other concerns headed by J. against this same rule they are trying B. White. The lumber lands sold are

Henry Hirsch has paid a fine of to create governors and make us, by nection with an attempt to blackmail law, accept them.

Well, we are just not a-going to account has remitted a jail sentence

Well, that bunch has set aside two In the last list of twenty-five identi-

aristocratic highbrow fraternities which the Germans are shelling Paris, on Good Friday morning, crashed

### 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 selec-Temple, Texas.

Dear Governor: I have your letter resentatives in both branches. He of the 25th inst. and also 100 copies of the speech you made before the failure to get through the full crew

Dealing with conditions existing in

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 Another reason, ma'be, why some post for the prohibitionists and anti-

when they are seated in office."

# FERGUSON'S ATTEMPTED IMPEACHMENT

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.

established law, and has frequent-

ly been put in practice, being pre-sented to the most high and su-

preme court of criminal jurisdic-

tion by the most solemn inquest

of the whole Kingdom. A Com-

moner 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."—Wel-

The American rule, however, con-

fines impeachment to certain officers

the penalty generally being removal

from office and disqualification to fur-

ther holding office. Under the English proceeding the offender impeach-

ed may suffer not only the forfeiture

of office (if an officer) but also may suffer any other penalty known under

It is claimed that impeachment

under our constitution is only a civil suit, and that the statute un-

der discussion must be construed

according to the rules applicable

Impeachment, like most of our proceedings, civil and criminal, came to us from English jurispru-

dence. In England it was regard-

ed and treated as the highest form of criminal prosecution. There,

on conviction, the severest penal-ties 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,

Under the Constitution of Ala-

bama, article 7, section 4, penal-

ties in cases of impeachment "shall not extend beyond removal

from office, and disqualification

from holding office under the au-

thority of this state, for the term

for which he (the officer im-

peached) was elected or appoint-

States, article 1, section 3, sub-

division 7, contains precisely the

same limitations on the measure

as that found in our Constitution.

save that the disqualification to

hold office may, under it, be ex-

tended during the life of the

on the Constitution, section 688, after stating that in England ar-

ticles of impeachment are a kind of bill of indictment, found by

the Commons, and tried by the

Lords." adds: "In the Constitu-

tion of the United States, the

House of Representatives exer-

cises the functions of the House

of Commons, in regard to im-

peachment; 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 pros-

ecutions of this sort in both coun-

tries, is to reach high and potent

offenders, such as might be pre-

the ordinary tribunals, either

from their own extraordinary in-

fluence, or from the imperfect

organization and powers of those

ribunals. These prosecutions are,

therefore, conducted by the rep-

resentatives of the nation, in their

public capacity, in the face of the

nation, and upon a responsibility

which is at once felt and rever-

enced by the whole community. The notoriety of the proceedings,

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

lasting interest in the public mind,

and to give to such prosecutions,

when necessary, a vast import-

ance, both as a check to crime and

The same author, in section 798, says: "It is the boast of Eng-

lish 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 in-

ferior 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.

an incitement to virtue."

sumed to escape punishment in

Mr. Story, in his commentaries

The Constitution of the United

punishment in impeachment

the law, even privation of life.

to civil remedies.

Parliament L

dell's Blackstone (B4 P259).

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 ques-

Section 1.—The power of impeachment shall be vested in the House of Representatives. Section 2.—The impeachment ment 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 pun-

shment according to law. Section 7.—The legislature shall provide by law for the trial and removal from office of all offi-cers of this state, the modes for which have not been provided in

From the foregoing it will be ob-

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 ac tion and rules applying to such action

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 Constiment is recognized as a criminal ac-

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 Consti-And no person shall be con-

victed without the concurrence of two-thirds of the Senators pres-

Section 4, Article 15, says:

A party convicted on impeachdictment, trial and punishment according to law.

Section 11, Article 4, says:

In all criminal cases, except treason and impeachment he (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 ers to justice, and the terms "prosecution," "criminal prosecution" and "criminal accusation" are used in the same sense.

But the great weight of authority in this country and England is to the effect that prosecution by impeach-English rule an individual as well as an office holder; a Commoner 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 Cyclopaedia, 197; 4 Kent Com. (marg.) 289; Bouv. Law Dic. "Im-

The authorities above hold that removal from office, and disquali-fication to hold office, are crim-inal punishment. But the doctrine

has been carried much farther.
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 24, 1865. That act declared that "no person shall be admitted as an attorney and unsellor 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," "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; that he has 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 to that before prescribed, and it is thus within the inhibition of the Constitution against the passage of an ex post facto law." only punishment which the act imposed, was a deprivation of the right to practice law in the United

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; Exparte Wm. Law, 35 Geo. Rep. 303; Impeachment of Andrew Johnson; Rev. Code, Par. 3755; Fx. parte Derroy, 7 Rev. 202, The Ex parte Dorsey, 7 Por. 293. The case last cited was decided by this court near forty years ago, and has never been overturned. In his opinion, Mr. Justice Gold-thwaite 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 him in the opinion that the statute they were construing, whose only penalty was disqualification to hold office, or

We feel constrained to hold that impeachment under our Constitution, is a criminal prosecution.

to practice law, was "highly

Section 7 of the bill of rights, distinguishes between criminal ducted without indictment, and those which can be conducted 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 under section 2 of article 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

Certain rights, however, are guaranteed to the accused in all criminal prosecutions. Among these is the right "to be confront ed by witnesses against him.' The inquiry arises, what is meant 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 ment or without indictment. The language precludes any other .-State vs. Buckley, 54 Alabama, (Pp. 617-620).

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

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

In the case of the State vs. Hastings, 7th 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. may be safely asserted that the decided weight of authority in this country and England, if indeed there exists a diversity of opinion ment 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

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 under consideration said: "If I felt warranted in balancing the evidence and in determining that question in a civil action, I

the evidence of payment was not criminal case where 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 produced is not suffi-cient to create some doubt."

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 pro eeding, a criminal prosecution, it folin criminal matters must govern, except when modified, excepted or hanged by either the Constitution or

nent by the House of Representatives charging the defendant with som aind of crime or misdemeanor, firs 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 penalty affixed thereto by the written law of this state. (See also Arts. 9 and 12 P. Code.)

While the allegations are not re quired to be as specific or technical as those of an indictment, they must state with substantive accuracy the

offense charged. Second. Unless either the Constituion or Statutes declare some cause for impeachment other than causes 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

Third. Being a criminal action, the defendant shall have the right to lemand 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 himselfsection 10, Bill of Rights.

Fifth. He shall have the right of being heard by himself, or his counor 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 guarinteed to him, except trial by a jury and indictment by a grand jury.

Seventh. This being a criminal

ons in any way or manner define or declare the grounds or causes for impeachment, nor is any mode or pro-cedure for trying provided for or fixed, nor is there any authority given by this article, or any other article or rovision of the Constitution to either the House of Representatives or the Senate, acting judicially, to make or rescribe any rules of procedure or pracice, or to define any causes for mpeachment. In fact, the framers of the Constitution, after having made and declared the tribunals with jurisiction to present and try, intended that the Legislature, as a legislative oody and acting as such, should not ment, but must fix the mode of pro-

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 power to present, or the Senate the the disfranchisement and disqualificaower to try for some infraction of the law or some violation of the moral code? Certainly not from the Common Law, because we have no Common Law offenses. Every offense known to our law must be declared y 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 so with the Senate in the trial upon the presentment made by the House of Representatives. In these proceedings they (the House and Senate) possess no legislative power whatever. Their power is strictly judicial and must be governed by some kind of defined by law and made to apply to all the cases of like character.

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

The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this

operate exclusively upon the particular individual or one particular case. Rules and laws regulating practice and procedure must be general in their nature and so for many the source and so for many their nature and so for many their nature and so for many their nature and so for many the sour their nature and so framed and of such effect as to apply alike to all cases of like kind. Article 3, section 56 of the Constitution says:

The Legislature shall not, except as otherwise provided in this Constitution, pass any special law,

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or

being the offense or crime previously declared by law. If nothing is declared by law, previously enacted, to be an offense or crime for which impeachment will apply and if such are peachment will apply and if such are constitution of discuplification to hold or law.

Be a violation of law.

As said in the Hastings case referred to above, and also reported in the 55 NW 779, 780: "while we have in this country no technical attainder working a corruption of blood, the constitution of lav.

As said in the Hastings case referred to above, and also reported in the 55 NW 779, 780: "while we have in this country no technical attainder working a corruption of blood, the law.

As said in the Hastings case referred to above, and also reported in the 55 NW 779, 780: "while we have in this country no technical attainder working a corruption of blood, the law. nade penal by statute, then resort can not expressly made causes for imsentence of disqualification to hold or 15, constitution of 1874; California, peachment by either the Constitution of basis for impeachment, because to do or the Statutes, then jurisdiction, as profit, which is provided by our Conto such matter, is wanting. To illustrate, the district courts were created by the Constitution and given jurisdiction of felony cases. This jurisdiction of such cases can never attach to such courts until the Legislature has declared or defined a felony.

judges by the Supreme Court. There iencsy to the king. the causes are declared and the January the causes are declared and the January diction of the Supreme Court is fixed. The mode of procedure and practice in any manner and for any purpose adopted the parliamentary law of the cither criminal or civil 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 proceedings are provided for, and the Supreme Court is authorized and empowered to issue all needful processes and prescribe all needful rules to give effect to this section. No such provisions or powers are provided for by sections or powers are provided for by sections and all other states of the Union, as well as the United States itself, are governments of law. The

Pratt 44 Tex. 93.
Sections 1, 2, and 3, Article 15 of the State Constitution do nothing more than to designate and appoint the tribral of such causes. Where is there a Statute for the issuance and service of processes upon the defendant in such cases? If he does not appear, how will his attendance be enforced? If he does appear, how will his attendance be enforced? If he does appear, how will he answer: orally or in writing? What he answer; orally or in writing? What kind of plea must he interpose? How will he be informed of, and as to the nature of, the accusation against him?

> ate for the trial of this particular case attempted to provide a procedure. But charged with an offense has the legal and constitutional right of knowing that he is being tried for an act declared by previous law as an offense of some kind, and the same procedure and practice provided for by law for all other like cases will govern and tion 16, article 1, which says "no ex post facto law shall be made" would be a dead-letter. Without violating this constitutional provision, no court, whether a court of impeachment or not, can try or convict any person for an act not made penal by some lav there be no causes for the deprivation of privileges, forfeiture of office and tion of the incumbent, such a judglute nullity.

> Do not understand us as insisting that a party charged with crime ha vested rights in particular kinds of procedure, nor that the mode of proedure or practice may not be chang ed by law, provided his substantial rights are not affected, but what we do assert is that before a person is tried a law-making power must pro vide a general mode of procedure and practice for all like cases.

> The House of Representatives has o more right to present and the Senate no more right to try, by impeach ment, an officer and remove him from office and to disqualify him from again holding office of honor, trust or eachable, than the Legislature would have to pass a bill of attainder agains uch an officer and remove him from office. Both would be without legal sanction, arbitrary acts, and in viola tion of sections 16 and 19, Bill of Rights and the 14th amendment to the

onstitution of the United States. Article 1, section 9, of the Constitu tion of the United States, and article 1 section 16 of the State Constitution both prohibit bills of attainder and ex found in the law of the land, previ-Statute before a rule can be framed postefacto laws. The very purpose of ously enacted and determined. Noththese constitutional provisions was to There is nothing in the Constitution prevent either the courts or the legistrary power of this state or in any Statute of the lature acting judicially or legislatively state, which gives to the Senate, as a from "running wild without a bridle" to the senate, as a court of impeachment, or to the land punishing a person for an act not McDonald, 76 Ala. 603; Pennoyer vs. House of Representatives, acting in a declared by positive law to be penal Neff, 95 U. S. App. 714; Parsons vs. judicial, or quasi judicial, capacity, at the time of the commission of the Russel, 83 Am. Dec. 728; Brown vs. the power to make either laws or rules of procedure and practice, and to devere formerly generally resorted to R. Co., 50 Ala. 594; Burton vs. Plat-

perfectly silent. Upon the contrary, difficulties in the application of the Billings, 55 Minnesota 497. In the ection 42, article 3 of the Constitu- ordinary laws, it was deemed neces- case of Parsons vs. Russell, 11 Mich. sary or expedient to inflict such punishment otherwise than through the

courts of justice, as in times of public disturbance or when the offense to be This, of course, means the Legisla-ure acting in its legislative capacity. Veither the Senate, as a court of the contract of Neither the Senate, as a court of impeachment, nor the House of Reprelatter the strict rules of legal evidence entatives, acting judicially in matters must be observed, the injury under f impeachment, nor both acting in a bill of attainder, or pains and pena egislative capacity can prescribe or ties was entirely in the hands of par-enact any rule or law of practice to liament, which might dispense at its pleasure with such rules and forms o law as appeared inconvenient or un 3, p. 73.)

If the framers of the Constitution

intended that the senate, sitting as a court of impeachment, or any other court of the country, could try and convict a person for an act not made penal by some pre-existing law, why commit the useless folly of prohibitng ex post facto law and bills of attainder. This, in addition to the Constitution, cannot be evaded under the camouflage of an impeachment proceeding. There is nothing in our Constitution which gives to the senate the power to ignore Section 16 of the

Bill of Rights. No court, senatorial or other, with-Thus it will be seen that the Legis- out violating these provisions of the lature can neither do this nor authorize the same to be done. The term jurisdiction, referred to in this section, Texas, has the power, right or juris-

stitution in cases of conviction by im-inition of the term. It is the extinction of civil rights and capacities; a der becomes attained or blackened."

In passing we call attention to the Thus it is with the Senatorial Court of impeachment. While it is given fact that an impeachment proceeding and to article 6, section 7, constitution was unknown to the common law. The first impeachment trial that we constitution of 1851; Iowa, article 4, section 20, was unknown to the common law. The first impeachment trial that we constitution of 1857; Kansas, article have any record of was that of Lord 2, section 8, constitution of 1859; Censtitution being silent as to the cause) the Legislature acts in conformity with section 42, article 3, prescribing by Statute the causes for impeachment and providing modes of tice connected with the revenue. This ticle 2, section 7, constitution of 1867; procedure and practice in all cases of proceeding originated and was carried meachment.

procedure and practice in all cases of proceeding originated and was carried cle 8, constitution of 1780; Michigan, This position is sustained and emphasized by referring to section 6, article 15 of the Constitution as to the called the "Good Parliament" in 1376, durarticle 12, section 1, constitution of 1850; Minnesota, article 13, section 1, constitution of 1857; Mississippi, article 15 of the Constitution as to the mpeachment and removal of district the fact of its obediency and subserv-

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 Senatorial Court to try. Exparte Jackson, 50 Cr. App. 324; Holden vs. State 1st Cr. App. 225; Cox vs. State 8 Cr. App. 225; Cox vs. State 8 Cr. App. 254; Haun vs. State 13 Cr. App. 383; State vs. Pratt 44 Tex. 93.

Dowers are provided for by sections to the Constitution by sections 1, 2, 3, and 4, article 15 of the Constitution as to the Senate sitting as a court of impeachment. Up to the time of the impeachment of Governor Ferguson (nor has it yet) the Legislature never had enacted a Statute in aid of article 15 of the Constitution and the very basic principle upon which our governments of law. The law, plainly expressed and declared, and not the whim of an individual faction must rule. This is the fundamental and underlying principle of our institution and the very basic principle upon which our governments of law. The law, plainly expressed and declared, and not the whim of an individual faction must rule. This is the fundamental and underlying principle of our institution and the very basic principle upon which our governments of law. The law, plainly expressed and declared, and not the whim of an individual faction must rule. This is the fundamental faction must rule. This is the fun opinion of each Senator, sitting as court of impeachment, without any legal guide by which the rights of the defendant could be safeguarded. For that very reason section 19, ar-

ticle 1 of the Constitution says: No citizen of this state shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land. Also see section 29, arti-

And article 14 of the Constitution of the United States, which was adopted for the purpose of placing beyond citizen of the United States of any of any offense against the law of this

No state shall make or enforce any law which shall abridge the zens of the United States; nor shall any state deprive any person of life, liberty or property with-out due process of law, nor deny to any person within its jurisdic tion the equal protection of the

What is meant by "due process of

This means, as applied to judicial proceedings, a course of proceedings according to those rules and principles which shall have been established in our system of jurisprudence for the protection and enforcement of private rights. It is imperative that there be a court of competent jurisdiction; that the proceedings be regular and appropriate to the question involved; and that the trial be a fair one and be pursued under and according to an established mode of procedure theretofore ascertained and provided for for the trial of like cases.

As applied to criminal prosecutions "due process of law" requires a law describing the offense. The definition of the offense and the authority for every step in the trial must be ing essential can emanate from arbi-

Hood vs. State, 44 Ala, 81: Caldwell vs. State, 137 U.S. App. 692; Ex parte clare or define causes for impeach- when either from the peculiar nature ter, 10 U.S. App. 657; Davidson vs.

Whatever may be the difficulty of defining this phrase of the Constitution when sought to be applied to other proceedings, when used in relation to those of a judicial character it is evidently, and has been so universally held, intended to secure to the citizen the right to trial according to the forms of law of the questions of his liability and responsibility, be-fore his person or his property shall be condemned. Judicial action in such cases imperatively requires, and "implies and includes actor, reus, judex; regular allegations, opportunity to answer, and trial according to some settled course of judicial procedings."

For the purpose of determining what construction should be placed upon sections 1, 2, 3 and 4, article 15 the Constitution of the United States and of each state in the Union, and Constitutions of Connecticut, Georgia, North Carolina, Rhode Island, South Carolina and Vermont, have provided eauses for impeachment. These are pressly declare that the laws of England, prior to 1776, shall continue in rule of action except when changed by the Statutes for such states. Of applies not only to the person accused, diction to try and convict a person for peached. Oregon, however, prohibits ed, but to the subject matter as well; some act not declared beforehand to the subject matter in a criminal action be a violation of law.

> constitution of 1876; Delaware, article 6, section 2, constitution of 1897; Florida, article 3, section 29, constitumark of infamy, by which the offendar beginning at the latest and the latest and the latest are latest and lat nois, article 4, section 24 and article cle 4, section 50, constitution of 1890; Missouri, article 7, section 1, constitu-tion of 1875; Montana, article 5, section 17, constitution of 1819; Nebraska, article 5, section 5, constitution of 1875; Nevada, article 7, section 2, constitution of 1864; New Hampshire, part 2, article 13, constitution of 1892; New Jersey, article 5, section 7, constitution of 1844; New York, article 10, section 7, constitution of 1904; New Mexico, article 4, section 36, constitution of 1913; North Dakota, article 10, section 1913; North Dakota, article 1914; North Dakota, article 1914 ion 19, constitution of 1895; Virginia article 4, section 54, constitution of constitution of 1889: West Virginia article 4, section 9, constitution of constitution of 1848, Wyoming arti-

> > SECOND PROPOSITION. The trial and conviction of Govto and without "due process of the law of the land" and therefore void and f no effect; IN THIS:

> > That the information by which the rticles of impeachment were lodged s in violation of section 12, article 5 of the State Constitution; IN THIS: That is does not appear therefrom that the prosecution was carried on in the name and by authority of the State of Texas" and does not conclude "against the peace and dignity of the state" and because each and every count therein, upon which he was convicted, fails to charge him with state, nor charges him with any acts in violation of his official duties as

therefore the judgment of conviction s void and without effect. Section 12, article 5 of the State

Governor of the State of Texas, and

Constitution, says: All prosecutions shall be carried on "in the name and by authority of the State of Texas" and shall conclude "against the peace and

dignity of the state."

It has been repeatedly held by a line of unbroken decisions by the higher courts of this state that this provision of the Constitution is mandatory and can not be dispensed with; that an information, indictment or complaint which does not include both and each of those terms, to-wit: "in the name and by authority of the State of Texas" and "against the peace and dig-nity of the State" is absolutely null and void and of no effect; and that a udgment of conviction upon such can be attacked collaterally, and the party thus convicted discharged by habeas corpus proceedings. Ex parte Jackwas tried in the justice court and con-victed and appealed to the county ourt and again convicted. The complaint did not begin "in the name and by authority of the State of Texas." He sued out a writ of habeas corpus before the court of criminal appeals ecause of the nullity of the conviction by reason of such omission in the complaint. Judge Henderson, in rendering the opinion, said:

The ground of the application to discharge relator here made is that the complaint upon which the prosecution was based is void. because it did not begin with the

(Continued on Page Four.)

Ferguson's Attempted is not, under any constitutional or cial. The Governor, in an enforce-Impeachment Is Void

(Continued From Page Three.)

words, "In the name and by au-The contention being that this is a "prosecution," and under our Constitution (article 5, section 12), "All prosecutions shall be carried on in the name and by authority of the State of Texas," etc. While this is a constitutional requirement, and in our view this is a "prosecution" (Ex parte Fagg, 38 Texas Crim. Rep., 573) still it appears to have been held that this language is not an essential requirement in a prosecution of a misdemeanor. Johnson vs. State, 31 Texas Crim. Rep., 465; Jefferson vs. State, 24 Texas Crim. App., 535. The latter case affords a full discussion of the question; but there, as in the Johnson case, the complaint was merely the basis for the information, and the information commenced with the language contained in the Constitution. It is said our Statute requires this as to indictments and informations but not as to complaints. And so far as we are aware the question here presented has not been before this court. Here the offense charged was only by complaint, and the prosecution was conducted solely on this complaint. In Drummond vs. Republic, 2 Texas, 157, a similar provision in the then Constitution of the Republic was con-strued by Justice Wheeler, and the court decided that "carried on" did not refer to the language to be used in the complaint; that it was sufficient that the prosecution was carried on by the proper law offi-cer acting under the authority and conducting the prosecution in the name of the government. In our present Constitution the requirement, as has been seen, is that the prosecutio ; all be carried on in the name and by authority of the State of Texas, and that it conclude against the peace and dig-nity of the State. It has been held in a number of cases that the conclusion to an indictment or information is an absolute essential requirement. Our Statute in prescribing the requisites of a com-plaint neither requires the constitutional beginning or conclusion. Article 256, 257 and 938, Code Criminal Procedure. The question is whether or not the Legislature could dispense with this constitutional requirement; and if it could, would the com-plaint be merely irregular and voidable, or would it be absolutely void: so that the question could be reached on habeas corpus. In this particular case, as we have seen applicant attempted to abail himself of the defect in both the justice and county courts, but was overruled, and now he claims that this being a prosecution, the constitutional requirement applies, and because of the failure to use the language required in the Constitution in the prosecution of all criminal cases, that the same is absolutely null and void; and that he has no remedy except by the writ of habeas corpus to enforce this constitutional requirement. If this is a constitutional requirement and refers to the language to be used in the procedure by which a prisecution is inaugurated, under our authorities it appears to be an essential requisite in all prosecutions. Undoubtedly a trial on a criminal charge by complaint before a justice of the peace for an offense cognizable by him. fense prescribed by Statute. Ex parte Fagg, 38 Texas Crim. Rep., 573, and authorities there cited. Accordingly we hold that where, as in this case, the prosecution is solely on complaint before a justice of the peace, the constitutional requirement that the same be carried on in the name and by authority of the State of Texas, must be complied with. "Carried on" means and refers to the prosecution which is by a written complaint; and because this prosecution was not begun "in the name and by author-

against James E. Ferguson, Governor of Texas. (Statement

A committee from the House of Representatives appeared before the Senate and presented said informa-

We, a committee appointed for that purpose, appear before your honorable body and in the name of the House of Representatives and the people of the State of Texas, do hereby impeach Hon. the State of Texas, of high crimes and misdemeanors in office, and for violation of the Constitution and laws of the State, and of his

tion of the information containing the said money ever came into his hands articles of impeachment, which ap- in any official capacity, or that he had pears on pages 4 to 13 inclusive, that any control over same, but that the it does not begin "in the name and by same belonged to and was under the

any mandatory privision of the Con- tion that this money was in any way stitution, nor can any exception be lost to the state. It does not show or engrafted thereupon, unless it be charge any abuse of his gubernatorial

of article 96 of the Penal Code. He so as an individual and not as an offi-

None of the charges, upon which he this article charges him with no of was convicted, contained any articles fense, and it is therefore not a matter of impeachment to bring them within the scope or purview of chapter 3 of The seventeenth charge (page 10 statement) reads as follows: of public money. There is no allega-tion in any of these counts of frauduent or willful intent on the part of the Governor to take, misapply or con vert to his own use or benefit for any purpose, any of the public money.

Without these allegations, no offense can be committed under this chapter The first charge (page 4, statement relating to the \$5,600.00 item) does not charge that the money was paid by Governor Ferguson, or was paid with his knowledge, authority or con-sent, or that he was in any way a party to the payment and discharge of the note, mentioned therein, out of he fund belonging to the state.

The second charge (page 4, statement) does not show any willful or corrupt abuse of his discretion. It does not charge that this money was, in any way, corruptly, fraudulently duct, there being no averment that him with any offense whatever there was any profit or any willful or corrupt purpose in mating such deat the time the Senate was trying Gov-

Article 6. That there was deposited by James E. Ferguson, in the Temple State Bank on or about the month of January, 1917, the sum of \$60,000 belonging to the State of Texas and in the possession of the Secretary of State by virtue of his office, said amount being represented by a check of the Secretary of State, although the State Treasury was open for the purpose of receiving same. That James E. Ferguson was a stockholder in said bank, owning more than one-fourth of the stock, and that the said Temple State Bank and James E. Ferguson used said fund and received the profit and benefit, the said James E. Ferguson receiving more than one-fourth of the profits and

This, if anything, shows but an inlividual act. It in no way charges him with official misconduct or lation of any official duty. He had nothing to do, officially, with the money in the hands of the Secretary of State, and there is no allegation in this count charging him with willful and fraudulent conduct, so as to oring him within the purview of chapter 3 of the Penal Code.

The seventh charge (page 6, statement) does not charge him with any official misconduct. He, officially, had nothing to do with the mone mentioned therein. If anything, it was purely a personal act, and there a fight between two banks.

ity of the State of Texas," the same is absolutely null and void. The relator is discharged.

Relator discharged.

A proceeding by impeachment being a prosecution is as much in the purview of this provision of the Constitution as any other prosecution. There is nothing in either the Statues or Constitution of this state which excepts it from this constitutional rule, as to "all prosecutions."

The information, containing the articles of impeachment, begins:

Articles adopted and exhibited by the House of Representatives, upon this charges upon which Governor Ferguson was not impeached for any violation of the law under this charge, but simply because he stood upon his constitutional right and refused to disconstitutional right and refused to disconstitution of the Constitution of the Constitution of the Isaliure to answer. Its had a right to refuse to answer; first, because if the question being put to each member of the Senate as to each article, which was read septarately: "Is this article sustained?"
The Senators were not called upon to pass upon the guilt of Governor Ferguson; each article could have been sustained any offense, because no offense is declared in any of the said articles; in other words, there was no subject to impeachment. He was not an officer and therefore the Constitution of this State and of the United States, and he was not required to answer; second, if it related by the House of Representatives, upon this charges upon which Governor Ferguson was convicted; the question being two each article, which was read septarately: "Is this article sustained?"
The Senators were not called upon to pass upon the guilt of Governor Ferguson, each article, which was read septarately: "Is this article sustained?"
The Senators were not called upon to pass upon the guilt of Governor Ferguson; each article so finance.

The House of Representatives, under the charges upon which Governor Ferguson and activities of the senate to deach member of the Senate to each article, which was read septarately: "Is this House of Representatives, which was effect. found him guilty and removed him

So far as I know, this is the first ease in which a man has been impeached, removed from office and for ever disqualified from holding office because of his having been held in contempt for refusing to disclose private business. There is no legal or constitutional power in this state, or n any other state, that I know of to inflict such a punishment.

The twelfth charge (page 8, statement) does not charge him with any fraudulent or willful conduct, and here is no averment therein of any of-It will thus be seen, by an examina- ficial misconduct upon his part, or that authority of the State of Texas" and does not end "against the peace and dignity of the State."

Neither the Legislature nor the courts have power to dispense with the control of the adjutant general's department of the State of Texas. This money, if diverted at all, was not done as an official act for which he could be impeached, nor is there any allegation.

found in the Constitution itself.

There is nothing in the Statutes of this State which makes the Governor ment) does not charge him with any of the state "a receiver or depository official act. If he borrowed money of public money," or in any way brings from the Temple State Bank under him within the meaning or purview the allegations of this charge, he did

statutory provision, required to de- ment of the law, has no power to act except officially, and when the law requires him to see that the law is enforced. There is nothing declared as to the place or manner where he shall or, must see that the law is enforced, keep or deposit any public money. The whole matter of where he shall keep or deposit such money is left, by the law and the Constitution, exclusively in his discretion. He has a power or right, without offending any law, to keep this money in a safe, in his office or his desk, or to deposit it in at the time of this charge, was an of-any bank in this state, or anywhere ficial of the bank. This not being an else. He is only required to account official act upon his part was not, under the Legislature for all public der the American system, grounds for money received and paid out by him impeachment, as it was not official

from any funds subject to his order, with vouchers, and accompany his message with a statement of the same," Section 9, article 4 of the State Constitution.

None of the subject to his order, misconduct.

The sixteenth charge (page 9, statement) involves a matter of official discretion, and there being no allegation of willful or corrupt conduct alleged,

Article 6027 of the Revised Civil Statutes of 1911 provides for the removal of members of the Board of Regents (among other officials) for "good and sufficient cause." The Governor has sought to remove members of the Board of Regents without such cause, has demanded resignations of oth ers without reason, simply and only because he could not dictate to them as to how they should cast their votes in reference to matters arising before them. Such conduct was a clear violation of the law, and would serve to make inoperative the provision of the Constitution providing for sixyear terms of office.

This involves a question of officia or willfully misapplied by him but the discretion not reviewable by any trib allegations that "he received direct unal, the power to remove and the and personal profit as a stockholder cause being lodged with the Govern-of the Temple State Bank out of the or. He alone is charged with the sufdeposits placed with it; thus using ficiency of cause, except in cases and misapplying state funds for his where he acts fraudulently or corown benefit and profit" are but allegations of contingency too remote to fraud or corruption in this charge, and therefore this article does not charge

posit.

The sixth charge (page 6, statement) does not charge him with any by arbitrary action, sought to remove official misconduct. This charge is Wilbur P. Allen, one of the Regents as follows: tion, and there is no law or parts o law for such official action by the Senate. They are not authorized, eith er by law or the Constitution, to remove Allen or any other person, ex cept a member of their body, from of The Senate was much more guilty of usurpation of power in this instance than Governor Ferguson, un-

> The nineteenth charge (page 11 statement) says:

sought to use the power of his of-fice to control members of the Board of Regents. The chairman of the Board of Regents had become surety on a bail bond, the case pending in Jones county, Texas. The defendant escaped and judgment was secured on said bond in the sum of \$5,000 against the principal and sureties, one of the sureties being Wilbur P. Allen, chairman of the Board of Regents of the University of Texas. He applied to the Governor of Texas for the remission of the judgment. which he would have had to pay, and without good reason but only to influence his action as a member of the Board of Regents, James E. Ferguson as Governor remitted the forfeiture of \$5,000, James E. Ferguson, would have belonged to the people of Texas.

This charges nothing. There is no The eleventh charge (page 7, statement) shows the most outrageous in-

ment) shows the most outrageous in-fringement and usurpation of legisla-tive power imaginable. Governor Fer-charges upon which Governor Fergu-charges upon which Governor Fergu-charges upon which guestion being to answer the questions propounded him was held in contempt of the

The contention of counsel for the state, that the term misde-meanor in office is not susceptible of a legal definition, but that every such proceeding should be determined upon the facts in the particular case, is, to say the least, strikingly illogical. There is one fact which cannot fail to impress the judicial mind from an examithat the provisions for the trial of impeachment before the supreme court was to insure a strictly judicial investigation according to judicial methods. (In Nebraska the of Impeachment.) It cannot be successfully maintained that this court has succeeded to any of the political functions of the Senate as a court of impeachment under the first Constitution. The former practice has been justly condemned on account of its political and, It must be confessed, too frequent partisan character, but the substitution of a judicial oligarchy for the form of democracy is not to be commended as a measure in the interest of reform. As said by Judge Story, "It is so incompatible with the genius of our institutions that no lawyer or statesman would be inclined to countenance so absolute a despotism and practice, which would make that a crime at one time or in one person which would be deemed innocent at another time or in another person;" and Senator Davis, in Johnson's Impeachment, Vol. 3, 157, said: "But the position that the Senate when trying an impeachment is a law to itself, is bound by no law, may decide the case as it wills, is illimitable and absolute in the performance of special, restricted, judicial functions, in a limited government, is

Senator Doolittle, in the same case, p. 246, said: "But to say that a high public officer, with good motives and with an honest intent to obey, though he mistake the meaning of the Statute, can be found guilty of a high crime or misdemeanor which shall subject him to the heaviest punishment which can fall upon a public man in high office is to assert a doctrine never before heard in any court of justice." Senator Fessenden, in the same case, p. 29, referring to the argument that the term, misdemeanor in office, could not be accurately defined, said: "Granting, for the sake of argument, that this latter construction is the true one, it must be conceded that the power thus conferred might be liable to very great abuse, especially in times of high party excitement, when the passions of the people are inflamed against a perverse and obnoxious public officer. If so, it is a power to be exercised with extreme caution when you once get beyond the line of spe-

It may be safely asserted that where the act of official delinquency consists in the violation of some provision of the Constitution or Statute which is denounced as a crime or misdemeanor, or where it is a mere neglect of duty willfully done, with a corrupt intention, or where the negligence is so gross and the disregard of duty so flagrant as to warrant the inference that it was wilful and corrupt, it is within the definition of a misdemeanor in office. But where it consists of a mere error of judgment or omission of duty without the element of fraud, and where the negligence is attributable to a misconception of duty rather than a wilful disregard thereof, it is not impeachable, although it may be highly prejudicial to the interests of the

Article 53 of the Penal Code de- of Texas. clares an offense is an act or omission forbidden by positive law.

Article 54 divides offenses in felony and misdemeanors, and article 55 Governor Jas. E. Ferguson, declares that every offense not de-

nisdemeanor unless first declared by ions I have ever read positive law. A court has no power to make that an offense which is not detail.

THIRD PROPOSITION.

Governor James E. Ferguson not being an office holder at the time the judgment of conviction was rendered against him and no votes having been taken as to his guilt by the Senate upon any of the charges against him, the Senate was without jurisdiction to render the judgment of conviction. of no effect.

There is no direct authority on this

In the trial of Senator Blunt before the Senate of the United States this question was raised, but the Senate field has been completed at Brown- fire with kerosene started the blaze. did not pass upon it as it held that wood. is no allegation therein of any willful or fraudulent act on his part, which is necessary to the meaning of the Constitution, and s necessary to make him amenable to fore, so far as that is concerned, this therefore not subject to impeachment. criminal prosecution, and the same criticism as to article 6 applies of this laws of the state clothes the Governor the Senate of the United States, he In the Belknap case, tried before May 22-24. article. In fact, these allegations suggest that these charges originated in fines and penalties, and the Governor officer at the time of the trial. Belk-sentence for murder at Bryan, has therefore had a right to use his judg-ment and discretion as to the remiswas accused of accepting bribes to influence him in his official acts. The House of Representatives, upon this

plead he plead, in bar of the action, causing a loss of about \$8,000. was acquitted, upon a final vote, be- tions six miles south of Snyder has

Inder the Engish Fale, it would be held immaterial whether or not a party is an officer. There he is impeached and tried as an individual and is punished as such. Here, under the Engish Fale, it would be agriculture refuses to accept his resignation and says the senate has no control over his office.

March 29, while loading hay at a mill there.

W. E. Richards, former banker of ceed by impeachment is limited to the Temple, have advised friends that they adelphia, in connection with a charge impeachment of an officer only.

It is a judgment of conviction only which removes and disqualifies. This seeking to impeach him, and because he failed and refused to answer these questions propounded him the Senate 117, it is said:

In the case of the State vs. Hastings judgment must operate upon and against a particular officer. If he is not an officer at such time, he can be will be of 10,000 ton capacity and will be of 10,000 ton capacity and will either removed nor disqualified. The cost \$850,000. Senate, as a court, can not disqualify | without removing from office. No as an officer. It is being an officer at pipe lines and terminals. the time of conviction which will only enable the Senate to pronounce judg-If there is no officer upon which the judgment can operate, it is

Governor Ferguson resigned before en, or before any judgment had been rendered. The simple question by the chair to each Senator upon each charge, "Is this charge sustained?" tained, and yet respondent (or more cross the Rio Grande from Mexico. | made by Spannall. properly under our code, the defendant) would not be guilty. The vote to (Law and Practice of Legislative As- 1900. sembly, page 989) is as follows:

When the court is assembled for the purpose of giving judgment, the question is propounded to each member of the Senate by name, by the presiding officer of the court, in the following manner upon each article, the same being first read by the Secretary of the Senate: Mr. ---, how say you; is the respondent guilty or not guilty of a high crime and misdemeanor as charger in the article of impeachment," Whereupon the member arises in his place and answers "guilty" or "not guilty" as his opinion is.

have found that each and all of the of the victims of this autocracy, a should have a say in every matter of as grave importance as those which you mention, as the ones that led you the law and the facts, this would not omply with any rule of criminal prac-ce as to the guilt of the respondent. know, I am one of your friends, both I utterly condemn, in my mind, leg-The question "is the charge sustaind?" is in the nature of a civil action
the submission of special issues; the gubernatorial race and the reathe question is the charge sustainpersonal and political and as such, I islative autocracy, as contrary to every element of our governmental policy and system of government and con-

sumption of everything necessary to establish guilt.

The rules adopted by the Senate were clearly in violation of article 3, section 56, which prohibits the legislature "changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals." Upon the charges preferred, Governor Ferguson had the right to have the question of his guilt beyond reasonable doubt passed upon by the senatorial court, yet notwithstanding the fact this rule of evidence was so changed as to require only a preponderance of testimony as to whether the charges were sustained and his guilt was not passed upon. Guilt carries with it wilful, corrupt or fraudulent intent and conduct. The charge as presented and voted upon carries as presented and voted upon carries. as presented and voted upon carries homoligate with?"

The conviction of Governor Ferguson being absolutely void, we hold that this matter may be collaterally attacked, and that he is in no way disqualified to hold office in the state

Ft. Worth, Texas, March 18, 1918.

say that it is one of the ablest, and was to aid Mr. Hobby by your with-I concur with Judge Fisher in every

SAM J. HUNTER.

### Texas News Notes

ver of Gainesville, is dead.

The editors of east Texas will meet at Longview April 26 and 27.

The Texas cottonseed crushers will

meet in annual session in Galveston E. E. Sapp, who was given a life Wood county.

Bogata precinct in Red River county has voted \$100,000 bonds for good roads. The vote was 310 to 19.

The Longbotham ranch of eight sec-

have brought in at Goose Creek a fine of embezzlement involving about \$37,

The Prairie Oil and Gas company

killed and seventeen wounded out of a succeed Capt. Bill McDonald, deceased. band of thirty-five that raided the Neville ranch on the Rio Grande.

and says he will heed the warning.

An extension of two miles is being The following postmasters for Texas

The officials named for the branch

## Old Timer Parts Company In Politics With Mayfield

Editor Ferguson Forum:

The first of these questions: "Is the columns to this copy of an open letter harge sustained?" does not in any written to Hon. Earle B. Mayfield, so ers, my friends, but as for myself, I ises; while the latter, a vote as to that your thousands of readers may can only say that you and I are now cases; while the latter, a vote as to this guilt, must be based upon the well-established rule of guilt beyond a reasonable doubt. The first relates only to the preponderance of testion of t mony; the second goes further and tation. I hope that the people when tive action instead of democratic, if arries with it the reasonable doubt. they vote in the primaries in July will what you say are the facts, I, myself, As said before, the Senate could not only give Governor Ferguson, one support the theory that the people

Austin, Texas.

the latter "is the respondent guilty or not guilty?" carries with it the assumption of everything necessary to the Fort Worth Record, with "All peoples should have the right of

I have given you political support that all men who think as I do now When the articles of impeachment heretofore, cordially and earnestly, and as you did once, can read and were presented to the Senate and Govbernor Ferguson was suspended from ed the economic views of the men who all the time that the principles that I ernor Ferguson was suspended from ed the economic views of the men who office, he paid over to his successor, wish to bring reform into the political Governor Hobby, as he was required life of this state, in the interest of all by law to do, all money which had the people and not of a class alone, been placed with him as Governor. Under the law he was not required to do this until such time. When he was tried and judgment rendered, he did not owe the State of Texas one cent of say that you seem to have changed. the dand judgment reindered, he did not owe the State of Texas one cent of money, nor is it anywhere claimed that he fraudulently appropriated any of the public monies to his use.

The data of the public monies to his use.

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The data of the public monies to his use. seems to me in close touch with the a "persona non grata" to the Dallas other fellows.

that you obligated yourself to Mr. through the papers you will oblige me Hobby, in an address at Tyler, Texas, by using the columns of the Fort o withdraw-in his favor of course- Worth Record, Ferguson Forum or by legislative action, full statewide citizen, even if he does not believe in prohibition. That is, I am sure, what autocratic government. ou intended, when you made the Dear Governor: I have verified foolish pledge, for no one who reads can't follow you upon the road that clared to be a felony is a misdemeanor.

Article 73 provides for removal from office only for wilful violation

Dear Governor: I have verified foolish pledge, for no one who reads your pledge carefully can come to any other conclusion than that your intent for you to other conclusion than that your intent travel. Nothing can either be a felony or most thorough and exhaustive opin- drawal, and at the same time influ-

Two assistant secretaries are now of the Texas governor's office and one of the Texas Cattleraisers' association, and one of the foremost citizens of nondson, of Dallas.

E. P. Low has been appointed city yards of the Universal Shipbuilding ceed M. M. McFarland, who is making company, at Houston, a suspect was the race for state senator from the El arrested. The vigilance of a sentry Paso district. Mr. Jackson lives at Judge C. C. Potter, well known law- prevented fire loss. Mrs. B. S. Hinkley, nad her 2 year

in a fire which destroyed their home charges that there is hospital trust in A refinery for the Brownwood oil at San Benito, March 30. Kindling J. B. Lee, member of the Thirty-fifth

lowing a long illness from typhoid fe- claims, through the efforts of the hos-

Lieut. Jeff Feigl, of New York, who was killed in battle in France, was a Mrs. George Kepler, while working son of Frederick W. Feigl, for a long in her garden near Van Alstyne was killed by a bolt of lightning. time a resident of Houston and a prominent figure in the military afprominent figure in the military affairs of Texas in the early nineties.

Valuable gold and silver deposits have been found in Knox county, near Munday. It is estimated that the deere presented, Belknap resigned. The Key freight shed at Smithville posit covers an area of twenty square When called upon by the Senate to with its contents has been burned, miles and that the land in this area is worth as a mineral proposition \$200,-000 an acre.

W. B. Yeary, connected with the cause he was not an officer and there- been bought by W. H. Caudle for \$51,- state agricultural department, against whom the state senate made charges J. W. Easley, old resident of Pen- agriculture refuses to accept his resig-

> W. E. Richards, former banker of C. A. and L. J. Bryan, formerly of Houston, has been arrested in Phil-00, growing out of transactions the American National bank, of Houston, of which Richards was president

J. C. Hutcheson Jr., mayor of Houston, has been nominated by the preswithout removing from office. No punishment whatever can be inflicted has bought a site at Houston for a new southern district of Texas made vacant except upon the officer, and the man refinery and will spend \$30,000,000 on by the death of Judge Waller Burns. J. L. Terrill, of Fort Worth, has been Twelve Mexican bandits have been named for United States marshal to

The court of criminal appeals has reversed the case of Harry Spannell, The pastor of a German church at the Alpine hotel man who killed Major any vote as to his guilt had been tak- Menard has been warned to cease Butler and Mrs. Spannell at Alpine preaching in the German language, July 20, 1916. Spannell first was acquitted of the murder of his wife and Orders have been given the soldiers for killing Butler. The court holds and a vote thereupon, is not a finding guarding the Mexican border to shoot the crime was a continuing afair and of guilt. The charges may be sus- to kill any persons seen attempting to sustains the plea of former jeopardy

find him guilty must be as to his guilt. built to the seawall at Galveston for have been nominated: James A. Al-If we were allowed to go to the Common Law, or to the recognized procedure of other states for a guide, the rule as thus laid down by Cushing ten and a half feet since the storm of the seawant at Galveston flow flave been hominated: James A. Although the purpose of affording better produced dridge, Devine; James F. Atkinson, Florence; John S. Munn, Junction; John F. Highsmith, Menard; Joseph ten and a half feet since the storm of E. Abraham, New Braunfels; Bratton G. Hardin, Rochester; James K. Barry, Smithville, and John W. Grigg, Tulia.

of the federal reserve bank established at El Paso in connection with the Dallas bank, are: Sam R. Lawder of in a fire which destroyed their home Dallas, manager, and W. W. Turney, four miles east of Alpine. Mrs. Meas-A. P. Coles, U. S. Stewart and A. F. ley was found unconscious in a milk Kerr of El Paso. The branch bank house near the home. Her husband

Editor Ferguson Forum:

Will you kindly give space in your action by giving aid and comfort to him in the shape of votes.

to surrender your race for the govern-

I intend this as an open letter so

News, so if you have any desire to I learn from your published letter give any expressions in reply to this he would call a session of the legis- any other paper which has a fair mind ture and help force upon the people and is glad to get the views of any Personally we remain friends, but I

TAYLOR MCRAE.

will be opened for business in the near was killed about a year ago by being future. in his home.

Joe D. Jackson, former president of west Texas, is being importuned by his friends to enter the race for rep-Following an attempt to burn the resentative in the legislature to suc-

Dr. I. E. Clark, state senator from old son, Robert, were burned to death Schulenburg, in a public statement this state which stands in the way of helping win the war by blocking the fitting of nurses for war service. Dr. Clark had a bill reducing the term of legislature, from the Thirtieth district, died at Austin March 29, folone year and it was defeated by one year and it was defeated, he ver. Mr. Lee was from Quitman, pital trust, which has the benefit of the services of young women in training for nurses free for three years.

#### OLIVER W. WORD

Attorney-at-Law

Temple, Tex.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS
OF AUGUST 24, 1912, of The Ferguson
Forum, Published Weekly at Temple, Tex,
for April 1, 1918.
State of Texas, County of Bell—ss,
Before me, Notary Public in and for the
state and county aforesaid, personally appeared J. H. Davis Jr., who, having been
duly sworn according to law, deposes and
says that he is the secretary manager of the
Forum company, and that the following is,
to the best of his knowledge and belief, a
true statement of the ownership, management (and if a daily paper, the circulation),
etc. of the above publication t (and if a dally paper, the circulation), of the above publication for the date wn in the above caption, required by the of August 24, 1912, embodied in section Postal Laws and Regulations, printed the reverse of this form, to wit:

That the names and addresses of publisher, editor, managing editor, and siness managers are:
blisher—The Forum company, Temple,

ple, Tex. asiness Manager—J. H. Davis Jr., Temple,

pie, Tex.
Business Manager—J. H. Davis Jr., Temple, Tex.

2. That the owners are: (Give names and addresses of individual owners, or, if a corporation, give its name and the names and addresses of individual owners, or, if a corporation, give its name and the names and addresses of stockholders owning or holding one per cent or more of the total amount of stock.) The Forum Co., Temple, Tex. James E. Ferguson, Temple, Tex.

3. That the known bondholders, mortgages, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.) None.

4. That the two paragraphs next above, giving the names of the owners, stockholders and security holders are and security holders and security holders as they appear upon the books of the company, but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which

Sworn to and subscribed before me this 28th day of March, 1918.

(SEAL)

Notary Public, Beil County, Tex. My commission expires June 1, 1913.