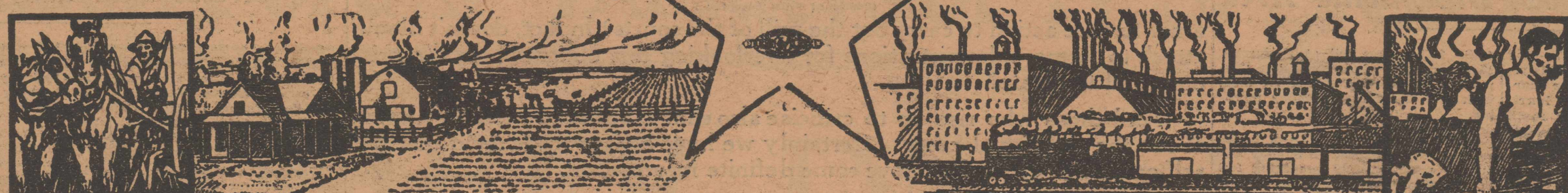


The Ferguson Forum

WE ARE
AGIN HIGH
INTEREST



WE ARE
AGIN HIGH
TAXES

VOL. VIII

TEMPLE, TEXAS, THURSDAY, SEPT. 10, 1925

NO. 45

Surge of Wave of Crime Reached Peak While Neff Ruled and Mobs Under Sheet and Hood Held Sway

Ferguson Forum:—I see one of the candidates for governor, in making a speech recently, quotes prominent Europeans who have observed the crime mills now running in this country. This man seems to think people can be made to believe that Mrs. Ferguson is to blame for it all, because she has pardoned too many criminals. If this candidate, alone, made that claim, it would not be noticeable; but there are others.

They are right about that, or they are wrong. Have they made you believe it? Can they make any thinking individual believe it? He seems to agree with those Europeans in the position that lawlessness prevails in the United States, to alarming extent. All agree on that; but what the people of Texas, especially this candidate, want to know, is, can they unload the blame on Mrs. Ferguson? That's the issue, and the only one he raises. How can they explain the fact that, of all the states, Texas is about the nearest free of the crimes he throws the fit over? In what I saw of his speech, he failed to mention the worst list of crimes committed in this state and nation during the time he raves about; that is the masked mobs that infested our land for several years; riding ruthlessly over whole communities, cities, counties and states.

From what the paper gave of his speech, I judge he borrowed most of it from the one his running mate, Pat Neff, spilled about over Texas during the time they had charge of things in Texas. Pat should have had the speech copyrighted if he did not want others to appropriate it. You remember Pat and his tribe told the people if they would trust them with public business and let them adopt the measures they wished, we would no longer need jails, court houses, prisons, officers to enforce law, etc., as there would be no more crime, sorrow or suffering in this state. The people believed them, and delivered the machine of state into their all-wise hands. They put their wonderful measures into law—and from that time to the end of their supremacy, Pat toured Texas, making that speech picturing the onswEEPing tide of crime resulting from their system of measures. Those pious gentlemen were upon their knees every day, praying forgiveness and pardon for their own shortcomings; but for four long, tedious years, men and women convicted of crimes in Texas, had the door of hope closed to them. Men claiming every human on earth is on the road to an endless, horrible hell and the only hope for any one of them is a pardon for his or her sins, slammed the door of hope of pardon in the face of thousands of poor, unfortunate, weak men and women who happened to be at their mercy. Mercy? Yes, at the mercy of men who had no mercy in their hearts, but who claimed to teach Christianity. Christianity, the principles of the lowly one who taught forgiveness and pardon.

During all that time crime, mob law, moral depravity and outlawry in every form grew and increased as never before. They said so, themselves, and every one could see, feel, taste it on all sides. Is the pardoning policy of Mrs. Ferguson responsible for all that? Can we blame our woman governor for what happened months and years before she was governor?

Texas has improved rapidly this year, so far as mob law outrages, boycotting and blacklisting go, and it is to be hoped the high tide of that mad craze has passed. Why do they not give Mrs. Ferguson's administration credit for that? Let the people know why each and every individual in the state is safer from being dragged from bed, whipped, tarred or murdered by the executioners of the invisible empire?

Every real statesman this country ever had, fought the measures those people have adopted in this state and nation. Every student of human nature foresaw the results of such governmental policies; but the wisdom of the ages was cast aside—and we are reaping the harvest. It will be generations before we recover, if we ever do; and no matter who is president; or who is governor of any state; the slide downward and backward will continue. That is as sure as is the law of cause and effect.

If you do not belong to the Kan't Kome Klean Empire, come clean; that's all. Give this good, Texas mother credit for what she has done. Be men, that's all.

C. L. PATTERSON,

Floresville, Tex., Aug. 30, 1925.

Government Offers Debt Certificates to Texas Investors

Dallas, Tex., Sept. 9.—Subscription books to an offering of a new issue of government securities opened Tuesday, Sept. 8. Lynn P. Talley, governor of the Federal Reserve Bank of Dallas, announced. "The subscription books, however, are subject to closing at any time without notice, and all subscriptions received before the closing of the books will be accepted subject to allotment upon the basis which will be prescribed and announced by the Treasury Department," he said.

"The new issue takes the form of treasury certificates of indebtedness, series T-1-1926, dated Sept. 15, 1925, maturing June 15, 1926," he asserted. "The certificates bear interest at the rate of 3 1/4 per cent per annum, payable on semiannual basis, two coupons being attached to provide for the interest. Coupon No. 1 payable Dec. 15, 1925, and coupon No. 2 payable June 15, 1926, the date of the maturity of the certificates.

"Applications for certificates of the new issue may be presented through other banking institutions or may be filed direct with the Federal Reserve Bank of Dallas. The total amount of the new offering is \$250,000,000 and interested investors are urged to file their subscriptions promptly. There is a likelihood of an over-subscription and a consequent early closing of the subscription books."

Bids for Textbooks Will be Opened at Austin-October 12

Austin, Tex., Sept. 8.—Governor Ferguson today issued a proclamation advertising for bids on several school texts and called for a meeting of the new textbook commission on October 12 to award contracts. The contracts will run from one to six years and the texts are as follows:

Civil government of Texas, spelling, a primer for supplementary use, geography of Texas, general science, biology, one-year general history, Spanish, high school physiology.

Ton Litter of Pigs Has Average Weight of 270 Pounds Each

Whitewright, Sept. 9.—J. R. Oliver, farmer near Whitewright, has made an entry in the Texas ton-litter contest. His ton-litter of pigs was farrowed March 5, and was exactly 180 days old on Sept. 1. It consisted originally of ten pigs, but one of them died and only nine went through the contest.

The final weight of the litter was 2,431 pounds, an average weight of slightly over 270 pounds each and the total cost of production was \$8.41 per 100 pounds. Mr. Oliver is convinced that there is profit to be made in feeding pure-bred hogs at the present price of feed. His pigs were Duroc Jerseys.

AN HONEST CONFESSION

Following is a copy of a letter received by Former Governor James E. Ferguson. It needs no explanation as the writer of the letter has made clear his meaning and his position with reference to conditions in Texas. The frank statements made by Mr. McKenney breathe the spirit of manly courage and are here presented to Forum readers:

Hon. James Ferguson,
Austin, Texas.

My Dear Mr. Ferguson:—I come to you as a sort of "strayed prodigal son." The only "fatted calf" and feast I'm expecting is the sort that I feel you have always endeavored to have, and would have prepared for all the hosts of Texas, for all mankind. I feel that, in your heart, you have often pondered over and dreamed that dream, not only for Texas, but for all men.

I have observed your activities for many years. During 1917, in Smith county, a locomotive engineer asked me for \$5.00 to help pay for a band to herald your arrival there. I was for "Farmer Jim" strong then. But being possessed of mortal frailty I listened to prejudice and in 1922 stood by and held the coats of the mob that stoned you. I voted against you in 1922, I watched the convention hall mob at Houston as they tried to deny you the right of free speech—there, so near San Jacinto's shrine where so many Texans gave their all that we might be closer to the reality of "Thy Kingdom Come, Thy Will Be Done on Earth."

I did not belong to that mob who so often crucified the Christianity and Protestantism of our fathers—but I applauded their "little red school house" hypocrisy. I listened to their feigning dissimulation of their—

"Tall men, sun crowned men, who live above the fog—
Men who will not lie."

Then I watched their Evans satellites hide their faces and forms, sneak out into the night with a torch in one hand and a tar bucket in the other and set fire to the wood on which the Savior of all mankind was nailed. I looked over the federal court records and noted that the heads of that 100% commercialized mob had indicted each other for everything criminal and bad. I decided that they knew each other very well and believed all the accusers. I saw their "organizers" police court records and confessions of being caught with lewd negro women and the "tall-sun-crowned" officers paid the fines and sent the "tall-sun-crowned" organizer on north to "richer fields."

I resigned the editing of the Texas Railway Journal for the reason of being dominated and surrounded by these "tall sun-crowned" men and practically every head and officer of Houston's municipality, banks and many other concerns gave me letters of thanks and appreciation. Houston's largest convention sent me a "vote of thanks," the Joint Shop Crafts of Texas sent me a "standing vote of thanks and appreciation." Yet, after I left Houston that "tall sun-crowned" body had me indicted. I got out of bed, against my doctor's order and went to Houston and was acquitted before a committee of their own choosing. It was proved that the charges were wholly false. (Tall men, sun-crowned men, who dill not lie.) (?)

Brother Ferguson, I have denied you, I believe you are possessed of about as much of the spirit of the Master as is possible for one so persecuted and misrepresented, so give me a chance to redeem myself and I assure you—I SHALL NOT FAIL.

Sincerely,
ARTHUR L. MCKENNEY,
1004 Lincoln Street, Amarillo, Texas, Aug. 21, 1925.

Hasty and Unjust Criticism

(Houston Chronicle Editorial)

Hasty criticism of the Ferguson administration and questioning of all its motives, of course, has been common since the days of the Ku Klux Klan defeat, and yet the continued unjust and inaccurate statements concerning the governor's pardoning policy should meet with the condemnation of all.

Those who would lay the blame for the minor increase in crime in Texas to the pardons should be reminded of the much greater increase in other parts of the nation where no new pardoning policy has been adopted. And those who rise up to criticize should be asked as to their conception of the justice of keeping in prison to the last possible day the large number of men who have been given indeterminate sentences, such as "from four to ten years." Doesn't this kind of a sentence call for executive clemency in every case where the prisoner's record is good? And doesn't the very existence of such a system of sentencing make it the positive duty of the gov-

(Continued on Page Two.)

Appeal to Apply Sunday Religion To Week-Day Affairs Is Made by Jim Ferguson in Labor Day Talk

Wichita Falls, Tex., Sept. 7.—An appeal for application "of Sunday religion to week-day propositions" in which he blended defiance for critics of his wife's pardon policy was voiced here today by Former Governor James E. Ferguson when he spoke at a large Labor Day celebration. His remarks included warm praise for the laborer, a brief general defense of Governor Miriam A. Ferguson's administration and a vigorous justification of the pardon program she has adopted.

Speaking under the handicap imposed by severe dust storm, the former governor went into an exhaustive tribute to the laboring man. He defended the right of the laborer to organize for his own protection and pointed out that associations and bureaus of business and professional men are nothing more than unions conceived with the same idea and devoted to the same end as unions—that of reasonable promotion of individual and public welfare.

Getting down to the pardon question, Ferguson asserted: "It isn't a question of how many pardons are issued, but the reason for each pardon. My wife has no aptitude to make for the pardons she has given

out. These men who are horrified at the extent of her pardoning policy can rave and howl all they like, but no coward is going to stop her from issuing them and I'll serve notice for her right now that she's going to pardon 100 men on next Thanksgiving day, as a reward for efficient service in the penitentiary and because their cases justify it."

"If your conscience told you 100 men ought to be pardoned, you'd be a coward if you didn't do it."

A plea that laboring men be temperate, economical, studious and attentive to the stirring questions of the day and depend on their own judgment and reasoning power rather than listen to walking delegates concluded Ferguson's appeal.

Other speakers on the program included Mayor R. Sheppard, J. Roy Daniel, representative from this district's County Judge B. D. Sartin, Mrs. J. S. Pittman and Y. Cummings, who acted as master of ceremonies. The former governor addressed over 1,000 teachers from adjoining north Texas counties, here attending a teachers' institute, Monday morning, and was guest of honor at night at a banquet served in local club, where over 300 plates were laid.

Traffic Problem of Washington Is Subject of Survey Which Is Interesting Throughout Nation

Washington, Sept. 8.—Pedestrians, motorists, street car patrons, and bus riders in the national capital are awaiting with more than ordinary eagerness the completion of a traffic and transportation survey which has been in progress here since April. They hope the survey will help to unravel Washington's traffic tangles, cut down the rising rate of street accidents, and bring about a general overhauling of the city's transportation problems.

When Major Peter Charles L'Enfant was assigned in 1791 by President George Washington to evolve a city plan for the capital, he had no idea of the extent to which the wheels of transportation would be turning, in less than seven-score years, on his checkerboard streets, his diagonal avenues around his circles, and through his picturesque triangles.

"This problem of traffic has arisen so swiftly that it has overwhelmed Washington, just as it has overwhelmed other cities," said Major William E. R. Covell, assistant engineer commissioner of the district public utility commission, under whose direction the survey is being made. "The original L'Enfant city plan was followed with practically no alterations up to the latter part of the last century. As late as 1902, when the McMillan report presented the conclusion that the original L'Enfant plan should be applied to the development of the outlying sections, not a word was mentioned about transportation, nor were any plans suggested for traffic. It is plain that the complicated traffic problems of today caused almost entirely by the increasing use of motor driven vehicles and electric cars."

Some conception of how traffic moves in a modern American city with half million population may be gained from traffic count made as a part of the survey. This count showed that 287,985 vehicles other than street cars and motor busses entered and left the congested district during the same day carrying 27,103 passengers; an average of not quite 1.9 passengers per conveyance. Thus a grand total of 305,265 vehicles of all kinds, carrying a grand total of 361,969 passengers, entered and left the congested district of Washington in one day.

How all this traffic flows in and about the city, what the transportation facilities are, costs of different types of service, causes of accidents, population trends, speeds of travel, and all the other elements in the complex question of transit will be detailed in the final report on the survey which will be made to the commission in the latter part of September. The actual work of the survey is being done under Major Covell's direction by McClellan and Junkersfeld, Inc., a New York engineering firm; the expense of approximately \$5,000 being paid by The North American company, a public utility holding company which has substantial investments in a part of Washington's transportation systems.

"The function of this survey will be to give us exact traffic facts and figures," said Major Covell, "to be used as a basis for the recommendations of various traffic experts as to permanent remedies. We believe it is the most comprehensive study of transportation ever made in any American city, and we think the facts brought out by the survey may serve in the nature of a guide for the nation as a whole."

Montpelier, Vt., Sept. 3.—Gov. Billings today denied published reports that he had pardoned William C. Moyers, former Kleagle of the Ku Klux Klan, who was sentenced to three years in Windsor Prison for breaking into St. Mary's Cathedral, at Burlington, Nov. 18, 1924.

Gov. Billings said Moyers had obtained a parole which placed him under the supervision of the State Welfare Department until his sentence expired.

Burlington, Vt., Sept. 3.—Superintendent Walker of the State Prison at Windsor revealed that William C. Moyers was released a week ago today. No reason for granting the release nor for the secrecy surrounding it is known. The Vermont law provides that the governor before granting a pardon shall cause notice of application and hearing to be given to the applicant and to the state's attorney. State's Attorney Ezra M. Horton of Chittenden county says he has had no such notification.

Geo. K. Butcher Out of Klan He States in Notice to Newspaper

George K. Butcher Wednesday, Sept. 2, sent to Dallas newspapers copies of a letter he had sent N. N. Furney, Imperial kligripp of the Knights of the Ku Klux Klan at Atlanta, Ga., containing his resignation as a member of the Klan. The letter follows:

"Sir: You will accept this as my resignation from the imperial Klan and also as a member of the Knights of the Ku Klux Klan of America, effective today."

Shortly after this letter was made public a communication was received from Clarence S. Parker, cyclops of Dallas Klan No. 56, in which he stated that Mr. Butcher had formally severed his connection with the Dallas Klan more than a month ago and since then had not participated in its functions.

Mr. Butcher was a prominent member of the Dallas Klan since its organization and was very active in its political campaigns.

Kluxer Sentenced for Church-Breaking is Freed by Governor

(Both the dispatches printed below were transmitted by the Associated Press to the New York World in which they were printed September 4, 1925.)

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Storm Lashes Lower Gulf Coast While Torrential Rain of 10.36 Inches Floods Brownsville Area

Brownsville, Tex., Sept. 7.—The gulf storm which centered in this vicinity last night and which was characterized as a mild tropical hurricane, roared to the west and south and passed into Mexico. Torrential rainfall of 10.36 inches fell here between 7 p. m. Sunday and 7 a. m. today. The rain was accompanied by a 42 mile gale.

While 2.75 inches fell at Falfurrias, 85 miles north of Brownsville, Corpus Christi received .92 of an inch, with rain still falling Monday morning.

Hasty and Unjust Criticism

error to take action to carry out the will of the courts? In fact, doesn't blame attach to former administrations for overlooking this obligation to the prisoner and the state?

And those who rise up to criticize also should be asked what they know about the individual cases. Certainly we have a right to demand that the self-appointed critic shall have some definite information.

This is no time for rumors, under cover charges, back alley talk. Let's have things out in the open. The average man has no ax to grind. Let's be fair and insist on justice to all for a while, and condemn any man who stoops to dishonesty, intellectual or otherwise, to deny it.

Death Rate Among Texas Babies Nearly Equals Infant Mortality Record Shown by New York City

Austin, Tex., Sept. 8.—Approximately six and three-fourths of all babies born in Texas during 1924, exclusive of stillbirths, died before reaching the age of one year, according to statistics compiled by the bureau of vital statistics of the state board of health.

as and Southwestern Cattle Raisers' association was sitting in the gallery and McGee pointed him out, and on an adopted motion appointed an escort to bring him to the platform. He was presented as a Texan who had two sons, ten nephews and one brother in the world war.

Coming of Circus to Waco on Sept. 17 Will Attract Huge Crowds

There is something about the knowledge of a circus is coming that gives practically everyone, be it man, woman or child, a "thrill" not produced by any other attraction.

American Legion Favors Plan of Drafting Money Along With Men If War Again Confronts Country

Fort Worth, Texas, Sept. 9.—The American Legion, through its national commander, James A. Drain, Friday morning put the United States on notice that it would insist upon drafting of the entire resources of the country, man power and wealth, as a preparation for the next war.

Texas Sanitariums to Hold Annual Meeting at Waco October 7-10

Austin, Tex., Sept. 8.—The third annual meeting of the Texas Association of Sanitariums will be held in Waco, Oct. 7-10, under the joint auspices of that city and Baylor University with the state board of health.

Mitchell's Book on Air Service Creates Stir in Army and Naval Circles and May End in Arrest

San Antonio, Tex., Sept. 2.—Colonel William Mitchell, "stormy petrel" of the air service, who a bombshell into air service circles Wednesday when war department officials began reviewing his book, "Winged Defense," which had been published against war department orders.

ell will admit having made the statement under investigation, the preliminary move is merely a routine step pending a hearing by a court-martial by an army court.

T. O. Walton Elected President of A. & M. College by Unanimous Vote to Succeed Dr. W. B. Bizzell

Houston, Texas, Sept. 9.—T. O. Walton, for the past eight years president of the extension department of A. & M. college, was elected president of the institution this morning at a meeting of the board of regents, according to an announcement of F. M. Law, chairman of the board.

director when Clarence Ousley was in charge of the service. Walton became acting director when Ousley was called to Washington during the world war as assistant secretary of agriculture.

Contracts on 14 New Highway Projects to Be Awarded Sept. 21

Austin, Tex., Sept. 8.—At the next regular meeting of the State Highway Commission, which has been postponed from Sept. 14 to Sept. 21, at least fourteen contracts for highway construction in various parts of the state are to be awarded, according to Eugene Smith, secretary of the commission.

Yield of Lint Per Acre Best Factor in Cotton Variety

College Station, Tex., Sept. 8.—Yield of lint per acre is much more important than percentage of lint or gin turnout, according to conclusions reached in Bulletin 321 of the Texas Agricultural Experiment Station, which discusses variety tests at the Main Station, College Station, Texas.

Old Time Officer of Bell County Dies in Denton at Age of 80

Residents of Bell county whose memories go back to cattle trail days in this section will recall R. B. Fewell, once a highly esteemed peace officer of Belton and of Bell county.

Texas Traveling Men Plan Biggest Day at State Fair for 1925

Dallas, Tex., Sept. 9.—Texas knights of the grip are planning to smash all previous records for attendance at the annual State Fair "Traveling Men's Day," Saturday, Oct. 17, at the 1925 State Fair of Texas.

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Youngster Clever as Rodeo Performer to Be Seen at Big Fair

Dallas, Tex., Sept. 9.—Fred M. Clancy, Jr., a youngster who is attracting much attention at the northern rodeos with his clever roping and trick riding, will be one of the entrants in the State Fair of Texas rodeo, Oct. 13 to Oct. 25 inclusive.

Irrigation Plants Will Increase Crop Yield, Says Miller

Dallas, Tex., Sept. 9.—The crop yield of Texas will be increased millions of dollars through the reclamation projects and irrigation plans now under way in the waste lands of the state, Lieutenant Governor Barry Miller told members of the Dallas Junior chamber of commerce here.

Head Foreign Wars Veterans

Tulsa, Okla., Sept. 4.—Fred Stover of Butler, Pa., today was elected national commander of the Veterans of Foreign Wars at their national convention here.

Four Killed at Crossing

Natavia, N. Y., Sept. 7.—Four persons were killed today when a west-bound New York Central passenger train crashed into an automobile at a grade crossing near here.

Ferguson Forum "Builders of Texas" Campaign

LUMBER IN TEXAS

Texas stands alone among the states of the United States in the fact that there are representatives of both Atlantic and Pacific forest growths within her boundaries. West of the Pecos River are to be found Arizona cypress, weeping juniper, pinion pine, Rocky Mountain oak, and cedar or Douglas fir, which furnish timber of good quality, but limited in amount. East of this section is to be found an area which produces post oak, pecan, cedar, live oak and mesquite. These trees do not furnish a great amount of lumber, but are used for fuel, fenceposts, and other commercial purposes. Certainly the most important of the forest lands of Texas is that part which falls east of a line drawn through Red River, Franklin, Wood, Smith, Henderson, Anderson, Leon, Madison, Walker, and Harris counties. From this section of the state has been produced between 1,000,000,000 and 2,000,000,000 board feet of lumber every year since 1900.

This area has three distinct sections, the loblolly in the south which is joined on the north by the longleaf pine belt which lies between the loblolly and the shortleaf division on the north. This latter has been more heavily exploited than the others and is now given over largely to farming. Although these groups are designated by the pines, there are hardwoods which are very valuable, including oak, hickory, gum, maple, elm, and sycamore trees.

The great problem in connection with a great forest is that there is danger of using all the valuable parts, and leaving the state without one of its greatest assets. In order to prevent this condition, means must be found which will see that as the trees are used, new ones will be coming on to take their places, or as the slogan is, "Where one tree is felled, two should be planted in its place." Texas has done very little to conserve and rebuild her timbered lands, as is shown by the careful estimate which follows:

	Acres
Original area of Texas virginial lumber forests	12,000,000
Present area of Texas virginial lumber forests	1,800,000
Area covered with second growth	1,900,000
Culled areas with scant regrowth	1,000,000
Cut-over areas with no forest re- newal	2,600,000
Converted to agricultural pur- poses	4,700,000

E. O. Siecke, state forester, stationed at the Agricultural and Mechanical College, estimates that there are about 18,000,000,000 board feet of merchantable pine timber, and 8,000,000,000 or 9,000,000,000 board feet of hardwood standing in Texas today. About 1,300,000,000 are cut for lumber and about 500,000,000 are cut for ties, posts and other products annually. Replacement by natural growth will not renew such an output, and

measures should be taken to see that the supply is not exhausted. The state maintains a state forester and a small fire patrol system, but almost nothing has been done for reforestation. The Texas State Forestry Association is very interested in this matter, and has been active in creating a sentiment in favor of conserving one of our greatest resources. Shall we not all lend a hand to help them?

What is the value of these forests to Texas? How does our own state stand in relation to the other states in the production of lumber? In 1850 the value of lumber produced was 466,012 dollars; by 1860 this value had risen to 1,735,000 dollars, and in 1920 the figure was 45,312,000 dollars. This shows a remarkable growth, but it also shows that such an increase cannot continue unless some effort be made to replenish the source of the supply. Texas has held sixth rank among the states of the United States in the production of lumber for the last few years. In 1922, Texas produced 1,542,000 board feet of lumber, while Washington, Louisiana, Oregon, Mississippi, and California produced more. The total production in the United States for that year was given as 31,568,888 board feet. This undoubtedly gives Texas a position of importance, which, however, she will have to use foresight in maintaining, and which, undoubtedly she does not want to lose.

The article here published is part of a series to advertise the RESOURCES and INDUSTRIES of Texas; and are contributed by "BUILDERS OF TEXAS" who have made possible the GROWTH AND DEVELOPMENT of Texas. Other articles in this campaign will deal with the varied industrial, agricultural and mineral interests and their progress and development in Texas. Read each article of this series. It will be worth your while.

Charge Given to Grand Jury by Judge Lewis Jones Makes Plain Search and Seizure Law Meaning

Lampasas, Texas, Sept. 8.—Judge Lewis H. Jones in his charge to the grand jury at the opening of the fall term of the district court here Monday laid stress upon the search and seizure law and in emphatic terms upheld it as constitutional and in the interest of the highest ideals of American principles. He told the grand jurors that the law was but a statutory repetition of the words of the constitution of the United States and the Bill of Rights of the state of Texas and was an act for the protection of the citizen in his home and person.

The full text of the charge delivered by Judge Jones is as follows:

Gentlemen of the Grand Jury:

There is one other matter I desire to call to your attention. As a general rule, it is of little concern to the court whether a law is a good one or a bad one; in such cases it is sufficient to direct your attention to its enforcement. Of recent months, however, there has been such a widespread discussion in the public press and by many good, but misguided and misinformed citizens, as well as by those whose views of government and public officers are intolerant, of an act passed by the last legislature, known as the search and seizure law, that I feel that I would be amiss in my duty as a district judge, did I not make a few observations in that regard. The people of the district are entitled to such information. I believe that the officers of Texas should take the people into their confidence and tell them of the good and the evil existing in institutions. The people are entitled to the best thought and endeavors of every officer. To give a charge to a Grand Jury, such as this, is perhaps somewhat out of line, but I hope the general good will overcome the mistake, if any. I believe that any matter effecting the general welfare of the whole people is of sufficient importance to call to their attention. Some would be reformers and a great many peace officers would have this law repealed outright. They would subvert the Constitution to do it. The law referred to is found in the General Laws, 39th Legislature, Page 357, and reads as follows:

"The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches or seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

"It shall be unlawful for any person or peace officer, or state ranger, to search the private residence, actual place of habitation, place of business, person or personal possessions of any person, without having first obtained a search warrant as required by law.

"Any person violating any provision of this act shall be deemed guilty of misdemeanor, and upon conviction shall be punished by fine of not less than \$100.00 nor more than \$500.00, or by confinement in the

county jail not more than six months, or by both such fine and imprisonment."

The first paragraph of the above law is but a re-enactment of Article I of Section 9 of the State Constitution; the same provision is found in the Federal Constitution.

I am a prohibitionist, and have always been. I believe in the strict enforcement of the prohibition law, as well as all other laws, by all the means within the meaning and purview of the Constitution, but I do not believe in their enforcement by any means outside of and in violation of the Constitution.

Every time the people, through the Legislature or otherwise, give additional power to public officers, they curtail and limit their own legal rights just to that extent. It is the history of the race that all men unconsciously reach out for power and authority; such dreams of conquest are not confined to the men of learning and education, but find lodgment in the mind of the tyro in the street.

"Power and authority intoxicates, and makes mere nota of magistrates; The fumes of it invade the brain, And make men siddy, proud and vain."

Deep down in the breasts of every man is something—some innate, indefinable, unknown quantity—that causes him to be ambitious; that fires in his heart a desire to have and to hold dominion over his fellows. He yearns to flourish the scepter and sway the mass of undisputed power. It was this spirit exaggerated in the mind of Louis XIV who, when reminded that what he was about to do was a violation of the law, exclaimed: "I am the Law!" This desire inspires a man to make excursions into the broad domains of things unknown, and to bring back to us the choicest and the best to enrich our lives and minds by their possession; it enables the soldier to stand upon the battlefield and, like Jacob's war horse, to scent the battle from afar off, and to rush into the fray; it enables the orator to pluck roses from the setting sun, and moonbeams from the ocean's waves; it inspires the statesman to stand in the open forum and cham-

plon the rights of the people with the hope only that his name will be chronicled after his death on the glowing list of the world's immortals; or it will cause him, like Napoleon, to "scatter his legions like winter's withered leaves;" for self or selfish purposes; to go to congress or to wear the ermine of a judge for a season. Some men abuse power. Usually the smaller the man the more likely it is that he will abuse it, and the result is that in his own sphere or bailiwick he is a tyrant. I believe that it can be safely laid down as a fundamental proposition that no petty officer on earth, however good, ought to have the legal right, in a free state, with a brace of pistols on his person and by some subterfuge or another, without a warrant in due form of law, to enter a citizen's home, tear up his furniture, mistreat and offend his wife and children and humiliate him beyond description, and after such officer has found nothing save that he has satisfied his own malice or curiosity, be able to justify his act on the ground that he thought he would find a piece of stolen property or, per chance, a little home brew. Some men say that it makes the prohibition law impossible of enforcement. This is not true. Do they want to destroy the constitution? Take it away and he is a slave to the whims of an officer! If the citizens yield one legal right and immunity today, and another, twenty-five years from today, and still another seventy-five years further on; don't you see that within the course of only a few generations his status will be reduced to that of a chattel? Governments do not change in a day, except by revolution. One generation barely notices the imperceptible change taking place, wrought by the passing years, yet it is apparent to every student of history that within a few generations, unless matters change, the people will not be free except in name. Today almost all the rights of the states have been yielded to the Federal Government. Any Confederate soldier who "fought for the storm cradled nation that fell" knows more about this than anyone else. So far as I know, this is the only law that has been passed in a generation in the interest of the citizen. I do not mean the boot-legger; I mean every man from the greatest and best to the lowest and meanest. Every Texan ought to feel that he is independent and free, and like the "fabled McGregor, stand with his feet upon his native heath, and his eyes upon the peak of Ben Lomond," and walk the earth as though through his veins there traced the blood of a hundred kings. I am glad that under the constitution and law of my state, every citizen can stand in his own front door, even though it be a hovel, with his wife and little children by his side, and shoot and shoot to kill any man or officer who attempts unlawfully and without authority of law, to break in and ransack his little home, and I am thrilled the more when I know that same citizen can come into this court, or any other court in which justice is done, and stand up courageously and unafraid, and say to all

the world, "I have done no wrong." This is the spirit that animated our forebearers, and made this nation "the greatest that ever arose to animate the hopes or to bless the sacrifices of mankind."

"What sought they thus afar—rich jewels of the mine? Wealth of seas—the spoils of war? They sought in faith's pure shrine, I called it holy ground, The place where they first trod, They left unstained, What here they found— Freedom to live and worship God."

Sometimes it is said that the men of today are not as great, nor as good, nor as watchful of their liberties as the men of the long ago. This is a mistake. It is now, and has ever been a predominating characteristic of the Anglo Saxon, since the twilight of time, to defend and fight for his liberty, to defend and fight for his liberty. This is evident on a thousand pages of history. It is revealed in literature, both sacred and profane; it is treasured in song and story; the clarion call of liberty through all the years has moistened fields of glory. The record is flattering and complete, and in reading it your heart beats quicker and your blood courses faster. This is the spirit that animates all free men. It is grounded and founded in the best and purest of our nature. History teaches men, if it teaches them anything at all, that vigilance is the price of liberty. Fifteen hundred years ago, all men recognized that the "home of every man was to him his castle and fortress, as well as for his defense against injury and violence as for his repose."

There was established at that early time freedom from unreasonable searches and seizures, and through the centuries this same provision guaranteeing personal freedom from unreasonable searches, was recognized by all the monarchs until the reign of King John. These rights of free men were demanded a thousand years before the Magna Charta was written, even in the days of Tacitus and the Caesars. Stanley, quoting Gibbons, attributes the purity of the Saxon home to its isolation. Before the Saxon ever landed on the soil of Britain, the right of an officer to search a Saxon home would have been treated as an outrage, and would have been resented by our forebearers when they were "clad in the tawny hide of a wild beast, and drank blood from a skull." At that time a well defined line was run between the little huts called "home" and it was the dead line, and the man or officer who dared to cross it without first giving the alarm met instant death. The alarm at that time had the same dignity that a writ or search warrant has now under the law being discussed.

When King John refused to recognize these immunities of free men, he was compelled to sign the Magna Charta in 1215. At this time the officers of the crown had been going to the homes of the people, peasant and barons alike, without a warrant, merely "a suspicion, and holding investigations. The people were compelled to open their private larders, stores and lockers. They were compelled to reveal their munities of title. The penalties were degrading, humiliating and unlawful. Eighty years later the Confirmation Chartum was promulgated. The one dealt with life and liberty of citizens; the other with his property rights.

The celebrated law suit of Entick vs. Carrington, et al, reported in Howell's State Trials, throws much light on the question. Action was brought for trespass against certain officers for making a seizure without complying with the common law. Lord Camden delivered the opinion of the court, and held that such a seizure could not be made, except by a warrant, and that any other was in violation of the law.

This is the law in Texas as now written. This was the law in 1787 when our Federal Constitution was adopted. At the time the Constitution was ratified it contained no bill of rights. The amendment providing against unreasonable searches and seizures was adopted two years afterward. The 4th and 5th amendments to the Federal Constitution, every citizen can understand without the aid of a lawyer. These amendments were construed in the Boyd case, 116 U. S. 616, and in the Weeks case. These cases follow the principle of law laid down in 449, and by the Magna Charta in 1215 and in 1679 and again in 1689. In the Weeks case, by the U. S. Supreme Court in 1914, the court in speaking through Mr. Justice Bradley used this language:

This protection reaches all alike, whether accused of crime or not, and the duty of giving it force and effect is obligatory upon all who are charged with the enforcement of the law. The tendency of those executing the criminal laws of the country to obtain convictions by means of unlawful seizures and enforced confessions, the latter often obtained after subjecting accused persons to unwarranted practices destructive of the rights secured by the constitution, should find no sanction in the judgment of the courts, which are charged at all times with the support of the constitution, and to which people of all conditions have a right to appeal for protection.

This language was used by a great justice of that great court, and what lawyer of ability, acquainted with our history, will contend now that any officer should have the right to search the home of a citizen without a warrant?

George III, after the close of the French and Indian war, in order to recoup his losses, levied heavy taxes upon the people. Traffic was prohibited with the Colonies, and French wine prohibited. Officers were authorized by what was known as General Warrants, to search and seize the goods of the citizen and it was forfeited, etc. These warrants were not returnable. They did not, as required by the ancient common law, specifically describe the place to be searched or the person or things to be seized. It will be remembered that at this time the Colonists had a constitution providing against this. How did they treat this outrage? "Who were they who first raised their voices against the right of an officer, anywhere, at any times, to enter the home, to invade the premises, to outrage the sanctity of the person or property of the citizen by laying his unclean hands upon a

freeman's body, without a warrant sworn to before an officer, particularly describing the place, and the person to be seized? They who raised their voices then were the dead but scattered sovereigns who still rule our spirits from their urn,—Washington, Adams, Franklin and Henry, and a galaxy of patriots whose glory will remain undimmed when the sun is old and the stars are cold." Those warrants were first issued under George III. James Otis represented the Colonists. He contended that it was unlawful for any officer of the crown to search the person and premises of a freeman without a warrant as required by the common law. One Judge Hutchinson, whose name is known to infamy, was appointed by the crown to decide the case in its favor. In the speech delivered by Otis that day he said:

I will to my dying day oppose with all the powers and faculties God has given me, all such instruments of slavery, on the one hand, and villainy on the other as this writ of assistance is. It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law that ever was found in an English law book. As it is in opposition to a kind of power the exercise of which, in former periods of English history, cost one king his head, and another his throne. If the king of England, in person, were camped on Boston Common, at the head of 20,000 men, with all his navy on our coast, he would not be able to execute these laws.

An officer in English or in the United States at that time—because we were then a part of England— with a writ of assistance, or general warrant, is similar to an officer in Texas today without a search warrant. John Adams says that during this famous speech of Otis, that the child Independence was born. Only a few years thereafter he grew up to manhood and declared himself free. Then followed the tea being thrown into Boston harbor; the defiance of the stamp collections, and Patrick Henry's "Give Me Liberty or Give Me Death." Pitt, in arguing against the excise in "words as brilliant as a diamond with many facets and which bubble as fresh as a sparkling spring from the eternal hills" used this language in referring to the protection thrown around British and American Homes:

"The poorest man may in his cottage, bid defiance to all the forces of the crown. It may fall, its roof may shake, the wind may blow through it, the storms may enter—but the King of England may not enter. All his forces dare not cross the threshold of the ruined tenements."

Thomas Jefferson said certain rights were inalienable, including Life, Liberty and the Pursuit of Happiness; that the government protecting these rights is a free government, and the government denying them a despotism. When he said that he was familiar with the history of mankind. He knew that officers of Louis XIV had without warrants or form of law, entered the homes of the peasants of France, dragged men to the bastille and beheaded them, even when they had done no wrong; he had seen their tearing eyes through the cracks in the filthy dungeons. He had seen the doors of supposedly free men battered down by petty officers

of the crown, without warrant in law, and in their hands no warrant other than weapons of violence, beating the citizens, running them into exile and separating them from their families. They were treated as shrinking slaves and not as citizens. Our Constitution and this law protects the citizen of Texas against these very things. You know that your home is secure from unreasonable search and seizure, and that it is held by the law against the lawful invasion of officers who through malice, hatred or ill will might desire to enter. It places the homes above the highest officer and makes every citizen an uncrowned king, whether his possessions are little or much, or nothing at all. The law provides how the home may be searched. It is simple. How? It is this:

When an affidavit is made by credible citizens, particularly describing the place to be searched, and the person or thing to be seized, a warrant is issued by a justice of the peace, county or district judge, directed to any peace officer. When these requisites are complied with, such officer has the whole power of the state behind him, and may use such force as is necessary to gain entrance, even to tear down the doors. Is this unreasonable? Does it make the prohibition law impossible of enforcement? I can cite of my own knowledge, and I am sure can also every other judge in Texas, numerous instances in which Texas homes have been entered and searched without a warrant, the occupants of the house treated with indignities, under the guise and subterfuge that such officer suspected that liquor or stolen property would be found, yet none was found. There was then no law to punish such officer. The law first quoted herein provides a penalty. Would you have that law repealed? Would you have it so that the "king can do no wrong" in Texas? The 39th Legislature, page 186, passed this law:

"No evidence obtained by an officer or other person in violation of any provision of the Constitution or laws of the State of Texas, or of the United States of America, shall be admitted in evidence against the accused on the trial of any criminal case."

Should the courts ever hold that in case of murder, burglary or robbery, or any other offense, that the testimony could not be admitted because of this statute it would in effect be because of the Constitution. If it is violation of the Constitution, it ought not to be admitted. In all such cases it is a simple matter to secure the warrant, and then no question can arise in any case. The thought advanced here is not new. It has been upheld and defended by the greatest minds that ever graced the American bar, by lovers of Liberty and by statesmen from Washington to Woodrow Wilson; by warriors from Robert the Crusader who threw his intrepid legions across the ramparts of Jerusalem and received the benedictions of the Christian world, to John J. Pershing who led the greatest army that "ever donned a uniform or fought beneath a flag."

Prison Cotton Seed!

The Texas Penitentiary System will probably have 200,000 bushels of good Planting Seed for sale—about 50,000 bushels of the Kasch Variety and 150,000 bushels of the Mebane kind. These seed are from cotton that is making from a half to a bale to the acre, and the plant is large and vigorous, and the seed are well matured. They are grown in Fort Bend and Brazoria Counties.

In view of the drouth Governor Ferguson has requested that these seed be offered to farmers for \$1.25 a bushel in bulk, car-load lots, and for \$1.50 a bushel in smaller lots, sacked—the freight to be paid by the buyer.

These seed are now on the farms and it is suggested that the Chambers of Commerce, Banks and Wholesale Houses in the drouth districts take this matter up and order these seed before they are concentrated at the oil mills. Good planting seed are going to be high next year. First come first served. Order at once.

Write direct, enclosing your remittance, to

The Prison Cotton Commission

HUNTSVILLE, TEXAS

Ferguson Forum Good Roads Campaign

Good Roads Invite Texans To See Texas

Texas with her 180,000 miles of good highways, offers every inducement to Texans to see Texas. Each of the two hundred and fifty-two counties of Texas holds something of interest, something worth seeing. These counties and the Texas highways offer vacation trips, and sightseeing tours for all seasons, and for the years of the ages.

One hundred years ago Henry Clay urged the passage of the act of Congress providing for the construction of a national highway, as a part of an American system, and which today affords the connected system of communication between the states of the nation.

Texas like an empire with her own magnificent area, has a system of highways over which her people may travel for thousands of miles, seeing Texas, and a highway building program in progress which will mean new highways and new territory opened each succeeding year.

A Texas highway map, with its network of state highways covering the state, with the splendid bridges spanning the streams, is an inspiration—It is an incentive to cultivate the Texas spirit—and to create the desire to know Texas better by way of these splendid highways.

Texas has a climate which permits motor travel the whole year through. The Texas fall season glides so calmly and gradually into winter, that the Texan is never quite sure that winter has come. Autumn glories as found on the highways by Texas motorists, are to be found east and west, and north and south.

"Why go to Colorado," questions the tourist just returned from a visit to west Texas and the Davis Mountains country.

"Why go to California or Florida," asks the Texan home from a trip into the Winter Garden section or from the "Magic Valley" district, or from a stay in Laredo, the city beautiful by the "River Grande." A thousand miles west, a thousand miles south, is but the first lap on the great course.

Returns From Highway Investments —

Discussion of the problems of state and federal highway expenditures are varied and interesting. It has been the theory of some persons that returns from good roads expenditures are not adequate in comparison with the outlay made. This feature is discussed by the Dallas Morning News in a recent editorial as follows:

"Commerce Monthly,' published by the National Bank of Commerce of New York, gives five pages of its September number to a review of the 'Progress of Rural Highway

Construction in the United States.' One of the numerous items of information it contains makes some answer to the other of those two objections to the Government's highway policy. It is that 'up to June 30, 1924, the Federal Government had contributed \$353,000,000 toward highway construction,' and that up to the same date 'Federal receipts from taxes on the sales of motor vehicles and accessories and on passenger cars for hire had totaled \$749,000,000.' The amount which the Federal Government has got from the automobile industry is thus shown to be slightly more than twice the amount that it has contributed toward the construction of highways.

"Of course that amount has been paid in the end, by those who own and operate motor cars. It is, therefore, not altogether a 'free gift' which the Federal Government makes when it appropriates money to be used in highway construction. But the fact that the money thus spent had been taken twice over from those who are chiefly the beneficiaries is not the only reason that offers some justification for those expenditures. There is another of different kind in the fact that the demand for automobiles is increased by the increase in the mileage of improved highways. As 'Commerce Monthly' puts it, 'while the growing use of automobiles has added greatly to the desire and need for better roads, the relation has not yet been entirely one-sided; it may be said with equal truth that the expanding network of hard-surfaced rural roads has contributed to the demand for motor vehicles.'

"If there were no reason in equity to justify the Government's highway expenditures there would be an adequate one in fiscal policy, since its highway expenditures increase the productivity of its automobile taxes, and by an amount which is probably not less than the amount of its expenditure. And to this return there is to be added the lessened cost of moving mail."

This page is part of a series to promote the building of more GOOD ROADS in Texas and is contributed by the undersigned public spirited citizens who have at heart the best interests of this great state.

- Amiesite Asphalt Co., Dallas.
- Austin Bridge Co., Dallas.
- Brammer & Wilder, Houston.
- Colglazier & Hoff, San Antonio.
- Adam Cone, Palestine.
- Julian C. Fields, Denison.
- Franklin Construction Co., Giddings.
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- Fuller Construction Co., Dallas.
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- Chas. K. Horton, Houston.
- Houston Construction Co., Houston.
- C. M. Kelley, San Antonio.
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