

THE FAULT

On Whose Shoulders Must It Rest?

DEFENDERS OF THE COURT OF APPEALS WOULD SHIFT IT

TO LOWER COURTS.

THEY ASCRIBE THE TROUBLE TO INCOMPETENT DISTRICT JUDGES AND ATTORNEYS.

Strong Iterations by Others of the Demand for a System That Will Protect the Lives of People.

The Comanche Pioneer Exponent.

I concur in the opinion that the criminal law of Texas need not be changed in that direction, but do not think in every case it should be in favor of the state alone but rather think men who are not to be tried, get justice as often as men who are. However, the greater need, in my opinion, is efficient men to administer the law, men who know the law and its letter of the law and its spirit and its intent. Often when criminals escape justice it is the fault of the prosecuting attorney who is a weak lawyer, and not competent to vindicate our laws. For very often our officers for the prosecution are filled by men who are not fitted in a clear conception of criminal law and its justice as administered by their own negligence or want of talent. The state should have in the name of society the ablest and best lawyers. Another fault is that many judges, in fact most judges, are inferior judges, know less about law than the attorneys who practice before them, hence through a bad ruling error by the prosecution and admitted by the judge, the men are acquitted and our laws are violated, and by that testimony is lost for the state; the public feeling for vengeance has grown dull and the case is often beaten. If the original were clear of error by the prosecution, generally he dis administration of justice. With reference to the case referred to in the editorial of the Gazette of the 28th, where it is shown a position to the applicant, I think that if the error had not been committed upon which the case was reversed justice would have been measured out to the defendant, and the prosecuting attorney and judge were equally at fault. We think the judge of the Court of Appeals in the same case followed the law, and the law was just. The fault was in the judicial officers on the first trial.

In fact, our criminal laws need revision to secure justice to the defendant as well as to the state.

FRANK C. McNEELOR, Editor Pioneer Exponent.

Texas Baptist Standard.

Waco, Nov. 29.

Editor Gazette: In reply to your favor of recent date I will say that it has long been my opinion that the criminal laws of Texas are badly need reforming. I am not sufficiently versed in legal lore to suggest the best means for this reforming. It has long seemed to me that our appellate court has by its emphasis of local technicalities greatly retarded the just enforcement of the law. I will cheerfully join in any effort to secure such legislative action on the subject as will prevent us from the too frequent discharge by our courts of well known criminals.

J. R. McNEELOR, Editor Texas Baptist Standard.

The Bartlett Tribune.

Bartlett, Nov. 28.

The laws are perhaps good enough. The trouble is with their interpretation and enforcement. What Henry Waterson calls the "money devil" may be at the bottom of many of our criminal offenses. The "money devil" is a very short order if he and his paper friends can raise enough cash to pay a fine and the costs—the costs being the best means for this reforming. The wealthy criminal is sure of internment delay if his funds hold out—bonds, continuances, changes of venue, demands, reversals, etc., etc. At last when his resources are exhausted he is thrown aside like a worn-out orange. Eliminate the money devil, let equal and exact justice be meted out to all offenders by speedily and "great all offenders exactly alike." Make it impossible for a man to have stolen enough money to purchase immunity from the penalty of the law. Then law will be respected and upheld by all the forces of an enlightened and conscientious citizenship. Prompt, equal and exact justice to all. Treat every offender of the same grade exactly alike. To the devil with the "purchasing power" of money at law.

M. L. HAIR, Editor Tribune.

North Texas Review.

Paris, Tex., Nov. 28.

Our criminal laws are loop-holes through which the criminal class are afforded opportunities to escape. A simple technicality affords sufficient grounds to plead for a new trial, or worse, delay justice until the witnesses are bought, die or are made to leave the country.

Lawyers make the laws and lawyers construe the laws. Often the same men who legislated the laws sit as judges and construe these laws. Make laws plain and comprehensive. Wipe from the statute books all laws that are susceptible of a dual construction. Make fewer laws and make them mean what they say, and not what the courts say they mean. By so doing criminals will not be tried and Judge Lynch will not have to hold so many courts. Get honest men on the jury and pen every man that swears falsely. All men—house men—are, or should be, in favor of honest and more speedy way of dealing out justice. Yes, I will help to cause a better administration of just laws.

J. D. BULLINGTON, Editor North Texas Review.

The Waco Morning Times.

Waco, Nov. 29.

Editor Gazette: I believe Texas has the best code of criminal procedure in the world. I

cannot conceive of any change which would improve it and preserve the individual rights of every citizen unless it would be greater restrictions thrown around our jurors. I do not agree with you in your opinion of the court of appeals. Law is a rule of action and our courts are charged with the responsibility of enforcing the law. It is just as much the duty of the court of appeals to see that the lower court observes the law laid down for its guidance as it is to require an observance of the law against murder by the individual in the jury box. The court of appeals is organized for the express purpose of passing upon the technical questions involved, of determining whether the defendant has been given a trial according to the rules laid down in the code. The conviction of the guilty should be secured according to law. To admit of compromise is to invite contempt for law. The mob always satisfies itself that its victim is guilty. In a recent case of mob violence a temporary court was instituted, evidence was introduced and the guilt of the defendant was established beyond a doubt, at least to the minds of those who conducted the trial, some of whom were lawyers, but whose noses do not touch the law. Texas is catching it on all sides for not giving him a trial according to law. This is an extreme case, but it illustrates the point. I would regard it as a dangerous precedent should our appellate court disregard an error in the trial of a case and proceed to adjudge a defendant guilty on evidence known to have been admitted in violation of the law.

I am free to admit that too many errors are committed in our trial courts and a remedy for that can be found in the selection of our court officials. I believe that our district judges and county attorneys should be better paid, so that the best legal talent can be secured for those positions. By thus improving the judiciary better results would doubtless follow, but we should remember that Texas is not behind her sister states in the ability and integrity of her judiciary. I have no doubts before me, but I am sure the reversal in Texas will not exceed 10 per cent of the convictions, and it is questionable if any other state shows a better record. Texas is one of the older states, whose population has not assumed a cosmopolitan character. With this view of the case, I am constrained to oppose any radical change in our present criminal procedure, and trust to improvement in our judiciary for the results desired.

S. L. JONES, Editor Waco Morning Times.

A DRY CONFERENCE.

MEETING OF NATIONAL PROHIBITION COMMITTEE.

Convention Will Be Called Early in 1897—Methodists Will Be in Swallow All the Mouth of May.

Chicago, Nov. 28.—The national committee of the Prohibition party will meet in Chicago on Wednesday, December 1, to consider the business of the coming year. The committee has two members from each state. Prof. Samuel Dixey of Alabama, Mich., is chairman, and among the prominent prohibition leaders who will attend their states on the committee are: Dr. J. H. Thompson of Ohio, A. M. Todd of Michigan, and C. E. Bentley of Nebraska as a substitute. The opposition to the broad-gauge element is concentrating upon John G. Woolley, the lawyer, who nominally resides in Chicago, as its candidate for the presidency. The latter created much amusement in the council, and after the matter had been discussed, it was resolved to take the usual steps to bring about the revocation of the amount of the taxes claimed to be due. Truth in discussing the matter says it presumes all delinquent rate payers "are continually annoyed" until they pay.

ALEXANDER DUMAS FUNERAL.

Literary Men, Artists and Actors Attended His Burial.

Paris, Nov. 28.—The funeral of Alexander Dumas took place today and was unostentatious in accordance with the wishes of the deceased author and dramatist. The remains were conveyed from the late residence of M. Dumas at Marly le Roi to his house in this city, and taken from the latter place at noon today and interred in the cemetery of Montmartre in the presence of a vast company of literary men, artists and actors.

Pentecostal Services.

Denton, Tex., Nov. 28.—(Special)—Conference Pentecostal services begin Sunday morning in the Oak-street Methodist Episcopal church with a sunrise prayer meeting. Evangelist E. M. Merrill will be present to hold these special meetings. Mr. J. H. Smith of the Philadelphia conference, who was to hold these meetings, is seriously sick and cannot possibly reach Denton now.

ATTRACTING MUCH ATTENTION.

A Beautiful Little Lake That Is Lying Near Houston.

Mentone, Tex., Nov. 28.—(Special)—Mr. S. B. Mendonhall, contractor for the Eastern Pecan Valley Irrigation company, was called to Eddy, N. M., to attend to some important business the fore part of the week.

The lake about one mile south of the head of the canal is attracting more attention than anything else at present.

CRISIS

This Time in German Imperial Cabinet

BIMETALLISM DEMANDED WITH OTHER REFORMS.

STRONG MANIFESTO.

THE PROSECUTION OF THE SOCIALISTS SEEMS TO EXCITE SYMPATHY FOR THEM.

Forecast of the Opening of the Reichstag—An Interesting Budget From the Fatherland.

Berlin, Nov. 29.—(Copyrighted, 1896, by the Associated Press).—Everything points to a cabinet crisis in spite of official denials. The positions of Herr von Koller, the Prussian minister of the interior, Dr. von Bötticher, the president of the council of ministers and imperial secretary of state for the interior; General Brossard von Schenkendorf, the minister for war; Freiherr von Bismarck, the minister of commerce, and Freiherr Marschal von Bieberstein, the minister for foreign affairs, and even that of Herr von Lepow, the chief of the imperial civil cabinet, are said to be shaken.

Evidence of widespread court intrigue to get rid of the ministers who are mistaken for the Agrarians, Conservatives and many party have come to the surface recently. Herr von Koller is apparently the minister who is the most threatened. The emperor, it is stated, is displeased at the recent prosecutions toward the cabinet. The cabinet itself, moreover, is divided respecting the expediency of the extreme anti-socialist measures adopted by the police, and nobody would be authorized to hear of a ministerial upheaval.

The emperor, during the last few days, has been treating General von Schenkendorf, formerly German minister to Russia, with marked distinction, and it is whispered in court circles that he will succeed Herr von Koller as minister for the interior. The police campaign against the socialists during the past week, involving the search of the members of the Reichstag and the closing of about a dozen socialist clubs, is based on the antiquated Prussian law of associations, dating back to 1850. Every day this week raids have been made upon the clubs and residences of socialists in Berlin and other towns, and about a score of the leading socialists are to be prosecuted. The closing of the big socialist clubs on Friday, however, has caused the greatest flutter in socialist circles, and the justice will be brought before the Reichstag, when exciting debates are expected.

The opening of the Reichstag on Tuesday next will be without special brilliancy. The nature of the government bills is known, and there will be no special session, though it is expected to be a stormy one on account of the discussion of extraneous matters, such as the Hammerstein scandal, and the letters are sure to lead to heated discussions.

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THERE WERE NO INTERRUPTIONS OR UNPLEASANTNESS.

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Not a day passes but some one from a distance is here to see it and hunt ducks on it. The lake is very narrow at its mouth, but widens out as it extends back in the hills until it will average a quarter of a mile in width and is perhaps three miles long. As seen from the top of the hill near the mouth it presents a picturesque sight not often met with. The beautiful water sparkling in the sunlight covered with millions of wild ducks is a grand sight. Col. D. S. Woods has been engaged by the irrigation company to make a survey and report on the practicability of damming it and making it the source of water supply for the town. It is beautiful, clear water and free from any foreign substance. Work on the canal is now progressing rapidly.

CONDENSED TELEGRAMS.

Milwaukee, Wis., Nov. 28.—Col. Gustave Pabel will bring suit for divorce against his wife in a Dakota court.

Durham, Ark., Nov. 28.—W. M. Glover, a prominent negro, was shot and killed here this afternoon by Ison Hesse, also colored. The difficulty occurred at a church meeting, and was witnessed by the pastor and congregation.

Washington, Nov. 28.—Gen. Miles, commander of the army, left Washington tonight for the inspection of the military posts in the South.

Auburn, N. Y., Nov. 28.—The jury in the case of Sam Gillet, charged with wrecking the Home Central bank, rendered a verdict of not guilty.

Washington, Nov. 28.—The president has appointed Henry H. Hildreth, Utah associate judge of the supreme court of Utah, vice William Smith, deceased.

Baltimore, Nov. 28.—Bishop A. W. Wayman, senior bishop of the African Methodist church, died of paralysis this morning at his home in this city.

Antananarivo, Island of Madagascar, Nov. 28.—A serious anti-European riot has broken out at Antsirio. A mob of natives has attacked the "Friends' mission and that place and murdered Rev. Mr. Johnston, his wife and child.

NOTICE TO MEMBERS

THE COTTON BELT REFUSES TO ACCEPT SCHEDULE.

Missouri, Kansas and Texas Have Also Announced They Will Take the Same Course.

St. Louis, Nov. 28.—Chairman Kent of the Southern Passenger association has issued notice to members announcing that the St. Louis Southwestern railway (Cotton Belt) has refused to accept the schedule of commissions adopted at the last meeting of the association, which is higher than that fixed by the association. On the receipt of this notice, the Missouri, Kansas and Texas announced it would pay the same commission as the Cotton Belt. This is in direct defiance of the agreement adopted by the association, and will result in its dissolution unless something is done very soon to avert it.

THE JOYCE TRIAL.

THERE WERE NO INTERRUPTIONS OR UNPLEASANTNESS.

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