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# TOM HICKEY'S MAGAZINE

We Must Have Peace Even Though We Have to Fight for It

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VOL. I.

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NO. 2

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Dean Law Killed

The Medical Trust

La Follette's Third Party

Smashing the Volstead Act

A Great Leader Passes

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## DEAN AND VOLSTEAD LAW DOOMED

### Make Your Own Liquor or Uncle Sam Will Make it for You

By JUDGE A. J. POWER.

(The following scholarly article was written for Tom Hickey's Magazine by Judge A. J. Power, of Fort Worth, who is a life-long prohibitionist by precept and practice. For the first time the exact status of the Dean law is made clear in public print. Read on another page the editor's position on this vital question.—Ed.)

In the case of *Burciaheo vs. The State of Texas*, as published in Vol. 228, S. W. R., page 562, the defendant, *Burciaheo*, was



Judge A. J. Power

convicted of manufacturing spirituous liquors under the prohibition laws of the State of Texas. The case was appealed to the Court of Criminal Appeals of the State of Texas, which is the Supreme Court for Criminal cases in Texas. The defendant was represented before the court of Criminal Appeals by Nat Llewellyn of Marlin, Texas, and the State of Texas was represented by the Honorable Alvin M. Owsley, then Assistant Attorney General for the State of Texas and later president of the American Legion. The opinion was written by Judge Hawkins of that court.

The appellant defended on the ground

that he was making the liquor for his own use for medicinal purposes.

The defendant asked the trial court to give the following special charges:

"You are charged that if you believe, beyond a reasonable doubt, that the defendant did make liquor as alleged, but further believe that he made the same for medicinal use, that is, for use as a medicine for the relief of asthma or other physical ailments, or if you have a reasonable doubt that such was his purpose in making such liquor, then the defendant would not be guilty of the offense charged in the indictment, and you will in such case acquit him, or, if you have a reasonable doubt as to whether he made the same for medicine, you will give him the benefit of the doubt, and by your verdict find him not guilty."

This special charge was refused by the trial court, but the Court of Criminal Appeals reversed the case because this charge was refused and held in effect that the defendant had a right under the prohibition laws of Texas to manufacture intoxicating liquors to be used as medicine for himself.

In the case of *Mayo vs. the State of Texas*, the defendant was convicted of unlawful transportation of intoxicating liquor and appealed to the Court of Criminal Appeals at Austin, Texas. The defendant was represented by Clark and Sweeton of Greenville, Texas, and the State was represented by R. G. Story, assistant attorney general for the State of Texas. This case is reported in 245 S. W. R., page 241.

The appellant had several bottles of whisky in his automobile. He testified that it was not for the purpose of sale, but that he was going to take it home for medicinal purposes. He offered for the testimony also that he was suffering from rheumatism and had been for twelve years, that whisky gave him relief and that it was his custom to use whisky as a medicine to counteract the effects of the disease. This offered testimony was rejected by the trial court and not permitted to go to the jury.

Because this testimony was rejected by the trial court the Court of Criminal Appeals in an opinion written by presiding Judge Morrow, reversed the case, holding in effect that the defendant had a right to



transport whisky to be used for medicinal purposes for himself.

In the case of *Horak vs. The State of Texas*, as published in *ol. 255, S. W. R.*, the defendant was convicted of manufacturing intoxicating liquors and he appealed the case to the Court of Criminal Appeals. The defendant was represented in the Court of Criminal Appeals by B. P. Matocho of Cameron, Texas, and the State was represented by A. J. Lewis, county attorney for Cameron, and R. G. Story, assistant attorney general, and the opinion was written by Judge Lattimore of the Court of Criminal Appeals and his opinion is clear and concise to the effect that a citizen has the right to manufacture intoxicating liquors for his own use as a medicine and without a permit to do so, and in substance is as follows:

"As we understand this record, it is made to appear without dispute that appellant manufactured the liquor as charged in the indictment. He testified that he made it for medicinal purposes only, and this was his defense. Our Constitution and the statutes enacted in accordance therewith forbid the manufacture of intoxicating liquor, except for medicinal, etc., purposes. Appellant recognized that the burden of bringing himself within one of the exceptions was on him, and he undertook to do so by testimony, and on the trial, after excepting to the main charge, for not submitting the issue that he manufactured the liquor for medicinal purposes, he asked the following special charge:

"Gentlemen of the jury, you are charged that if you believe from the evidence that the defendant manufactured spirituous liquor capable of producing intoxication, as alleged in the indictment, but you further believe from the evidence beyond a reasonable doubt that he manufactured same for the sole purpose of using same as medicine for himself for the relief of pain in his lungs, then you will acquit the defendant, and so say by your verdict."

This special charge was refused, and exception was taken. It is urged by the state that such charge is not applicable, and that the court should not have instructed the jury with regard to this defensive issue, because appellant admitted on cross-examination that he had no permit to engage in the

manufacture of liquor, and it is insisted by the state that hence his claim of manufacture for medicinal purposes, even if believed by the jury, would avail him nothing.

The acts of the Thirty-sixth Legislature, known as the Dean law, do not make any act penal for lack of a permit. The Thirty-seventh Legislature, by the terms of chapter 61, Acts First Called Session, amended sections 1 and 2 of the original Dean law, and added certain new sections (Vernon's Ann. Code Supp. 1922, Art. 588 1-4 et seq.). Amended sections 1 and 2 (articles 588 1-4, 588 1-4a) forbid the manufacture, etc., of intoxicating liquor and of liquor containing 1 per cent of alcohol by volume. Section 2a of the amendment (article 588 1-4a1) provides that it shall not be unlawful for any person to manufacture, etc., such liquor for medicinal, mechanical, scientific, or sacramental purposes. Section 2b of said amendment (article 588 1-4a2), is as follows:

"The manufacture, sale, barter, exchange, transportation, exporting, soliciting, taking orders for, furnishing, and possessing of any of the liquors mentioned in this chapter, if done for medicinal purposes, and after a permit has been duly authorized and granted by the proper authorities, shall not be punishable under the terms of this chapter."

Manifestly this section does not create the offense of manufacturing, etc., liquor without a permit. If it does, what is the penalty? Where is the penalty clause? Article 3 of our Penal Code declares that no person in this state shall be punished for any act or omission, unless same is made a penal offense and a penalty affixed thereto by the written laws of this state. In the entire body of our law, including the Dean act and the amendment of the Thirty-seventh Legislature referred to, we confess our inability to find any written statute making it penal, or fixing the punishment for the manufacture of intoxicating liquor without a permit. Section 2b, above quoted, is merely negative, and cannot in any sense be held to be an affirmative enactment, making such manufacture without a permit punishable either as a misdemeanor or a felony. The insertion therein of the words "and after a permit has been duly authorized and granted,"

(Continued on Page Fourteen)

## GREAT LEADER PASSES

W. M. McDonald, who has been recognized nation wide as the greatest intellect among the colored population since the death of Booker Washington, declared last week that he would retire on election day from the political arena in which he has struggled and gained many victories for his race during the past forty years.

This colored leader has attended every national convention of the Republican party since Blaine was nominated in 1884. Many times while struggling for his race on the floor of national conventions he thrilled the statesmen on the floor and the white folks in the gallery because of his natural born eloquence and the sincerity of purpose displayed by him.

During his career he has labored in many fields. He has fought for the prohibition cause since 1887, and in fact all his life he has been a model to his people because of the high moral plane on which he has cast his private and public life. Charges of political corruption or any other corruption have not been preferred against him. His worst enemies, and we all have them, can only say that he was honestly mistaken in any position they disagreed with him on.

He has made a big success financially. He is president of the Fraternal Bank & Trust Co., which is capitalized at \$100,000. He is a large landlord and his tenants have always regarded him as just and kindly and considerate in their dealings with him. He is not of the type that adopts the attitude of a Shylock and looks for his pound of flesh.

Although he has been the biggest political leader of the colored race in Texas, he has never sought political preferment for himself. It was always for the other fellow and for the purpose of improving the condition of his race.

His fame as a philanthropist is more than state-wide, although he is one who follows the Bible injunction of not letting the right hand know what the left hand doeth. There is no ostentatious display in his makeup.

This great leader is widely regarded in fraternal circles and in colored free masonry he has always played a commanding part.

He has ever struggled for the betterment of education among his race. He is known as a brilliant writer and he has always sought

to encourage the newspaper development among his people. His one great aim in life is to abolish illiteracy and by teaching the young to walk in paths of virtue and industry he has made a tremendous success.

Leaders of men in the South as well as the North, of all races and class, profoundly respect this man, who, born in poverty, has climbed to heights of independence and moral grandeur.

From all portions of the United States there will come expressions of regret that Mr. McDonald has retired from the storms of political life, but they will recognize that he has not retired under fire, but has done so with full honor because he is reaching a time of life when all his energies will be developed to his multifarious business affairs and he knows that there will be other able hands to take up the work where he has laid it down.

This much is abundantly true, that the work of this great negro leader, which compares well with that of Frederick Douglas, will be felt long after he has been gathered to the rest that he has so well earned.

## NEVER BELIEVED IN FEDERAL DRY LAW, SAYS MAYOR

Mayor Blaylock's declaration before the Templar Club that the Volstead act should be modified prompted several of his prohibitionist friends to call him up and demand an explanation, he said.

"The statement I made didn't indicate that I have changed my mind on the subject of prohibition," said the Mayor. "I never have been in favor of national prohibition because I think it is an encroachment on state's rights and is impracticable.

"I think we should handle the liquor problem in the United States like they do in Canada. There they allow it to be sold, but have strict regulation of how it is handled. The idea seems to be more in line with common sense.

"I am absolutely opposed to the open saloon and always have been. I used to favor local option and all other kinds of prohibition except national enforcement by the federal officers. Whisky as it was once handled in Texas was a terrible curse and I think it must be strictly regulated, but the Volstead act is not the proper remedy.



## THE MEDICAL TRUST

When the physicians of Texas through their medical associations decided that they would put the chiropractors out of business, they forged the last link in the chain of legislation that perfects the medical trust.

When they did so they took a narrow-minded course that is working great hardship on many innocent Texas people. For instance:

The State Legislature of Oklahoma, in line with twenty-seven other States in the Union, has permitted the formation of a board that would see to it that every man and woman who practice chiropractic should be able to demonstrate their thorough knowledge of the subject. Among the requirements of the board were these:

They must show a diploma from a standard university or at least successful graduation from a high school.

They must show that they have studied anatomy and kindred subjects in the classrooms and laboratories of a licensed college authorized to give such instruction, and that in this study they must have spent at least 3000 hours.

They must show that they are of good character and their record must be vouched for by men of the highest standing and reputation. There are several other requirements and when they are all put together it is then impossible to have fakers, frauds and quacks practice this branch of the healing art.

Comes now Texas, largest State in the Union in area, fifth in population, and destined to become first. The medical trust asserts that such safeguards shall not be thrown around the people of Texas! They raise a mighty slush fund. They employ high-priced lawyers and lobbyists to swoop down on the Legislature and by every means known to corrupt lobbying they have successfully prevented the establishment of an examining board such as I have described.

What follows from this? Every State that surrounds Texas has such a board. New Mexico, Colorado, Louisiana, Oklahoma, Missouri, Arkansas possessing the boards, examine thousands of students yearly. Naturally, incompetents are thrown out and refused a license to practice, and then we find that the wastrel, the stupid, the incom-

petent, the lazy and unfit, who cannot stand the examination in these States, swoop down on Texas and thousands of innocent people are placed at the mercy of these quacks.

But what cares the medical trust for the suffering and losses of our people as long as they can maintain their monopoly and charge a dollar for a minute over the telephone and charge a dollar a mile to visit the sick and perfect a closed shop far more powerful than was ever dreamed of by the McNamara Bros., before they dynamited the Los Angeles Times.

I am glad to be able to turn the light on this medical trust. I am sorry to have to report that the present president of the State Medical Association of Texas, in a very charitable frame of mind, admitted that only forty per cent of them were incompetent. As a matter of fact, from eighty to ninety per cent are incompetent and their closed shop, their drug store connections, their general incompetency, their lobbying and political manipulation, their slush funds, their advocacy of the Republican ticket, as a medical body that should have no part in politics, should be the subject of a wide sweeping investigation by the next Legislature, to the end that these incompetents be weeded out and all the corrupt practices of the medical association of Texas cease.

In my next issue I shall present a sworn affidavit revealing the corruption and incompetency of various practicing physicians in Texas, who are strenuously opposing the installation of a chiropractic examining board.

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"Waiter!—hic—bring me a dish of prunes."

"Stewed, sir?"

"Now, thatsh none yer bizness."

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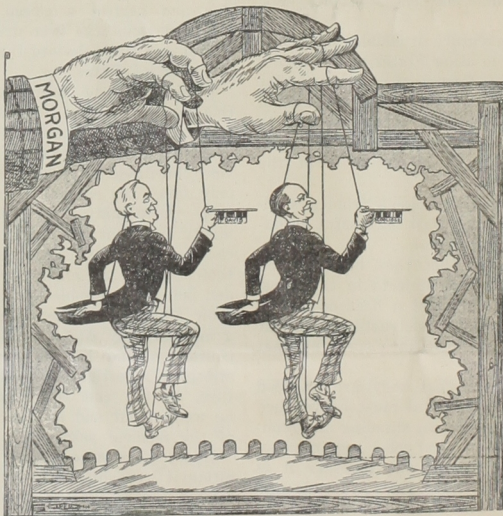
## LAFOLLETTE'S NEW PARTY

The campaign of 1924 will go down in history as the quietest presidential campaign in the past hundred years.

Between the Democratic and Republican

popular as a snake in a chicken house in states like Wisconsin, Minnesota, North and South Dakota, Wyoming and Idaho. In the East it only maintains itself by alliances with the most reactionary elements in our nation's life. We can expect that the Demo-

### "The Wall Street Twins"



J. M. Baer in "Labor."

parties there was no issue that would arouse the people. John Davis, a Morgan and Standard Oil Co. lawyer, ran on the platform of honesty, whatever that may mean in an old party. While Coolidge ran on the question of temperature—Keep Cool with Coolidge.

Robert M. LaFollette, as might be expected, put the only life and fire and vigor of principles into the campaign. Starting without an organization he will close the campaign in a blaze of glory. He will carry several states and his vote will run into millions and after all is said and done, this was the one great progressive fact that could be accomplished in 1924.

One outstanding fact in the campaign is the complete loss of prestige by the Democratic party. This organization is about as

cratic party is going the way of the Liberal party in England—gradually and surely petering out.

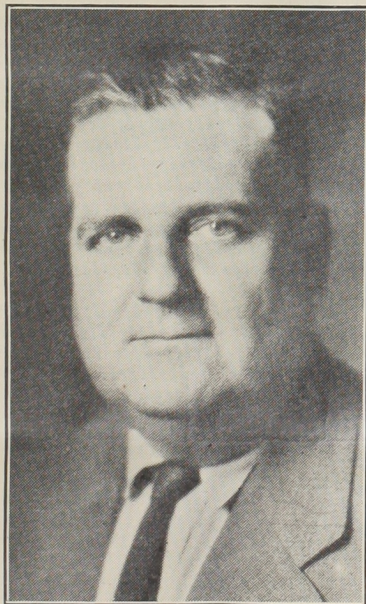
I venture the prediction that with 6,000,000 votes cast for LaFollette, a third party on the lines of the British Labor party will be organized. At the time of writing every indication is that a vastly greater vote will be polled by "Battling Bob" and eventually two great parties will face one another here as in England. On one side a Conservative party representing the American plutocracy and on the other side a party representing the aspirations, hopes and ideals of the masses of the people.

To have accomplished this mighty purpose will make the name of Robert Marion LaFollette immortal.



## LUTHER D. CLARK INTERVIEWED

Luther D. Clark, known to his friends as "L. D.", and to his enemies known as— Well, it does not matter, because he has run



Mr. Luther D. Clark

them all off, is one of the genuine West Texas breed. His gospel is that he lives in the best part of God's country, because it is where the west begins. A land where the hand clasp is stronger, the friendship more unflinching, and the spirit more courageous than any other place that can be found, even to the end of the Seven Seas. This week he came in from his beautiful 2700-acre farm in the county and while we trimmed the wick of youthful recollection and, like true Southern gentlemen, made the Fifteenth Amendment out of the Eighteenth Amendment, he told me that not since he was born in Graham, Young Countl, on October 1, 1887, was conditions so prosperous as in Olney, the liveliest town in that live county. L. D. says there is a real boom on

because of oil discoveries. The men that made Ranger and Desdemona are now agreed that Olney will be the town to step into the limelight. His property is 3½ miles from production, and unless all signs fail, he'll have to hire a battery of lawyers to take care of his income tax next year. I asked him how he came to be the uncrowned political king of Young County, but he blushinglly denied the allegation, telling me that they are all kings in that favorite spot. He is a 32d degree Mason, a Knight Templar and a Shriner; has a wonderful power of concise western expression and his religion is to treat his fellow man as he would be treated. L. D. is happily married, has a beautiful boy in his eleventh year, who will go to the A. & M. like his father, and by the time he casts his first vote, he will find genuine skyscrapers dotting the West Texas plains where there were only dugouts when L. D. was born. West Texas needs a million other boosters like the genial Luther D. Clark.

## THE DEAN LAW

The most comprehensive story yet written on the status of the Dean Law appears on another page of this magazine, from the pen of Judge A. J. Power, one of the most profound lawyers in Texas. It is worthy of the most careful study of all good citizens who desire to have the atmosphere cleared to the end that sane and sensible steps be taken to put an end to the unbearable situation that exists because of the complete breakdown of both the Dean and Volstead Acts!

From the decisions of the State Court of Criminal Appeals, it is evident that whiskey can be manufactured by anyone, anywhere in Texas, without any permit from any source whatsoever, and can be transported anywhere within the confines of the State, provided that the whiskey is made and transported for medicinal purposes.

To the layman's mind it seems strange that such procedure is legal under the State law and illegal under the Federal law. I am advised that I can go to work with impunity to manufacture liquor for medicinal purposes under the State law; but the moment the still is put in operation, with the city, county and state authorities watching me work, they can and will be pushed aside

by Federal officers, and then, as Gilbert sings it:

"I will be taken to the county jail  
By a set of curious chances;  
Then they will let me out on bail  
Or on my own recognizance."

I have determined to make an issue of this matter within the next ten days. I intend to make a test case in Fort Worth on one branch of the Volstead Act, just as Congressman Hill, of Maryland, did when he made cider on his farm last month for the purpose of testing another section of that act. When I make the mash and notify the authorities to come and gaze on my work, I will not allow them to partake of the liquor. In this I will differ from Congressman Hill, as is natural, because he made his stuff for convivial purposes, and I am going to manufacture it for my own medicinal purposes. In doing this I have five objects in mind. They are:

1. I want to help smash the Volstead Act so that the bootlegger may be wiped out, drunkenness be decreased, the corner saloon with the drug store sign over it eliminated, and wholesale promiscuous drinking be stopped.

2. I know the Volstead Act is causing widespread misery by causing liquor to be sold at prohibitive prices through doctors' permits and drug stores to sick men and women who need this stimulant, but are unable to secure it because of the aforesaid doctor and drug store graft. To illustrate:

A man was arraigned before Federal Judge Atwell in the Federal Court at Dallas recently. He was suffering from asthma. He was only able to work at rare intervals. Whiskey relieved his sufferings and on being examined from the bench by this able jurist he pleaded poverty, saying he could not pay \$6.50 a pint for the liquor.

Judge Atwell expressed sympathy for him, but told him he had to enforce the law, and then fined him \$10.00 and remitted the fine!

Inasmuch as there are thousands of poor sufferers in the physical shape of this defendant that portion of the Volstead Act at least should be construed as Judges Hawkins, Lattimore and Morrow did in the Dean Law cases cited by Judge Power.

3. I want to positively demonstrate that

whiskey has great therapeutic value. Doctors differ and patients die, and there is a widespread disagreement among physicians as to the therapeutic value of whiskey. I know that United States Army doctors used tens of thousands of gallons of whiskey during the flu epidemic with the most satisfactory results. I know that when heart stimulants are needed, digitalis and strychnine are such powerful agents that they cannot be used many times without causing death, while on the other hand whiskey is such a mild agent that it can be used for years with beneficial effect.

4. No legislative act can prescribe or limit the right to manufacture whiskey for medicinal purposes when the Eighteenth Amendment specifically provides such a right.

5. I want to see Congressman Hill win in Maryland and Tom Hickey win in Texas, and other men win in other Federal jurisdictions, each of them attacking the Volstead Act at a vital spot and then a wholesale assault made along the line on this most pernicious of all pieces of sumptuary legislation.

Don't worry when I am arrested and don't fear the issue. I am not going to pay any fine, and with the assistance of Judges Power and Wallace Malone, who will invite Senator Joseph Bailey into the case, I will, if necessary, carry it up to the Supreme Court and then take my medicine if I lose! I believe that I will win and we will all smash the Volstead Act nationwide as the Dean Act has been smashed statewide, and then we can have temperance through sane legislation on this subject, as has been done in Canada.

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Defendant (in a loud voice): Justice! Justice! I demand justice!

Judge—Silence! The defendant will please remember that he is in a courtroom.

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"Why are you sobbing, my little man?"

"My pa's a rich philanthropist!"

"Well, well. That's nothing to cry about, is it?"

"It ain't, ain't it? He's just promised to give me \$5 to spend for Christmas, provided I raise a similar amount."



## POSSIBILITIES OF POTASH

### West Texas Richer Than Kimberley

By TOM HICKEY

West Texas is destined to add another bright star to our Nation's wealth. At least, such is the opinion of the West Texas Chamber of Commerce, the Midland and Fort Stockton Chambers of Commerce, the United States Senate, the Department of the Interior, the Department of Geology of the State University, and a number of independent private capitalists from Pennsylvania and New Jersey, who have spent time and money investigating the potash possibilities of Crane and adjoining counties.

That potash has been discovered in this part of West Texas has been thoroughly demonstrated and just because of the fact that this commodity is a vital necessity in our industrial and agricultural life and the Franco-German monopoly is costing our people millions of dollars annually, this discovery is of tremendous importance to our government and all its citizens.

Let us, first of all, take a topographic view of the potash part of West Texas.

#### Where the Wealth Lies.

Crane County is revealed on the Texas map as being ten counties directly west of Fort Worth and then the third county directly south. It has always been a cattleman's paradise. For several decades these kings of the plains have been satisfied with grazing their cattle, and hence have paid no attention to other developments. The census of 1910 shows us that in all Crane County there was only one freeholder. The 1920 census shows us that 39 souls was the entire population. It is doubtful if there was a woman or child in the county, and the robust cowboy was monarch of all the treeless plains he surveyed.

About this time a group of Philadelphia and Newark, New Jersey, capitalists sent a geologist, S. F. Johnson of Philadelphia (who had wide experience in mining and oil development in the West) to look over this Southwest country in the belief that valuable oil structures would be found on the great Southwestern plains. That these structures were there has been amply demonstrated since then by the bringing of the great Reagan County oil field, less than forty miles

east of where they have started their original well. The name of this company is The Texas Development Company. It has no promotion about it. It has no stock for sale. Its founders have no pictures nor high powered literature to give out to the papers. In fact they will not even permit their names to be published, for the simple reason that they are busy men of large affairs, and do not care to waste their time receiving lurid literature from various shoe-string promoters.

#### Proof of the Find.

In May of this year, in Crane County, Johnson spudded in the Texas Development Company No. 1. When he organized his camp they formed 25 per cent of the population of the county. In June, while drilling on the Jax Cowden ranch, Johnson, who was carefully logging the well, found that he had been going through salt for over 150 feet and at 700 feet he cored and found crystals that to his trained eye indicated potash.

As the drill went down foot by foot, cores were taken and the bed was found to be 20 feet thick. Samples of the salt and crystals were carefully taken and were sent for assay purposes to the following experts:

- 1—The Fort Worth Laboratories.
- 2—The Pittsburgh Testing Laboratories. (This institution is recognized as the greatest of its kind in the United States.)
- 3—State chemist of New Jersey.
- 4—A. J. Stockham of Odessa, West Texas.

These chemists reported to Mr. Johnson and his associates the following potash percentages, Mr. Johnson supplying the data as to the thickness of the potash beds:

#### Depth, Thickness of Veins and Assay Values.

At 700 feet, 20 feet thick, 11.6 per cent; at 810 feet, 10 feet thick, 5 per cent; at 900 feet, 8 feet thick, 9.41 per cent; at 1075 feet, 10 feet thick, 12 per cent; at 1400 feet, 42 feet thick, 13 per cent; at 1448 feet, 30 feet thick, 13 per cent.

In this connection it should be noted that in all probability the potash is a good deal richer than the assay shows, rich as it is, because the samples were taken from a hole that was being drilled by a rotary machine, which can only work when much water is in the hole, thus lessening the value of the sample. When dry cores are taken in a new test that is being started for that purpose 75

feet away from the discovery well, then it is believed the samples will show a much higher percentage.

### Government Interested.

That the Department of the Interior is taking great interest in the development in Crane and adjoining counties may be gleaned from the fact that they have assigned one of their expert geologists to this territory. He has made his headquarters at Midland, county seat of Midland County, which adjoins Crane County on the northeast, for the past two years. A local humorist who is well versed in the ways of real geologists, described his type perfectly when he said:

"Before oil was discovered in Ranger, there were 16 geologists in all Texas. They dressed in velveteen, wore heavy goggles, wore their boots outside their pants and the sphinx sounded like a jazz band in comparison with their silence. But now that we have brought in oil all over West Texas the latest count reveals 1,695,347 geologists that can't see a foot farther into the ground than I can."

The government man at Midland is of the first mentioned type, thoroughly scientific, absolutely close mouthed, but Dr. Work, Secretary of the Department of the Interior, is getting his weekly report just the same, and after all, that is what your Uncle Sammy is paying the silent man for.

Right here let me say that the big men at Washington have something more than the big natural desire to add to our nation's wealth by a great potash discovery. They are deeply resentful of the manner in which they have been double-crossed by some of our allies in the recent World War. At that time Germany had a strangle hold on all the world's available potash. We were dependent on the German potash trust for this element in our fertilizer. We knew that there was an immense potash deposit in Alsace, which was then under the German flag.

Our European allies told us that if France got Alsace our farmers would have cheap potash, because the French would smash the German potash trust.

### Farmers' Vital Need.

This was wonderful news for your Uncle Sam, who knew that millions of our farmers needed this commodity for tens of millions of acres of our run-down land. Hence you can imagine the joy in Washington, when

France won Alsace back. We believed the predatory German kali works was smashed. But alas! when the French won, a change came over the spirit of their dream. The American farmer was forgotten and the French government, much to our disgust, made their first treaty with Germany a potash treaty, with the result that the American farmer is skinned more than ever before and in fact this skinning is world wide, for the world has been parcelled out and we are compelled to take 32 per cent of our potash from the French and 67 1-2 per cent from the Germans at monopoly prices which the French and German potash kings demand.

Do you wonder then that the big men in Washington are sore? Need we be surprised that at the last session of the United States Senate, with scarcely any discussion, passed the Sheppard Bill appropriating \$2,500,000 for potash exploration in West Texas? Do you wonder why the silent sentinel for Uncle Sam is standing on the watch tower at Midland? Do you wonder why all the Department of the Interior from Dr. Work down is watching the Crane County development, that means so much for our agricultural industry, and also means the paying back in their own coin the French government for their betrayal of trust to your Uncle Sam in the potash matter?

While on a flying visit to Fort Worth this week, to purchase supplies, Mr. Johnson granted me an interview in his suite at the Westbrook. He told me that his Eastern associates were in the city Monday and left for their homes Monday night. Their future program briefly stated is as follows:

### Johnson Interviewed.

They have ordered two new wells spudded in in Crane County within the next 90 days. Their No. 2 well will be four miles southwest of the discovery well and their No. 3 will be seven miles northeast. Two camps will be built with 16 men steadily employed. Both of these wells to be drilled with standard tools with strict attention paid to the logs with a view to finding more potash. If the potash test which is started 75 feet from the discovery well should be up to expectations, then a 5x7 double compartment shaft will be sunk for potash mining along the exact lines of a quartz mining shaft. Skilled quartz miners will be employed. Because no rock



will be encountered mining will be an easy task, except that the timbering will be extremely expensive for the reason it will have to be brought in from long distances. Twelve by twelve timbers forming regular square sets will be used with strong two-inch lagging. It is likely that the mayor of Fort Worth, who is the senior member of the firm of Burton-Lingo Lumber Co., who has a large branch yard at Midland, will have the timber contracted. The actual potash test will be some 75 feet from the discovery well will be in the form of a four-inch hole. All this work will be well under way in 90 days.

Asked about the salt lake in Crane County, Mr. Johnson said:

"This lake is indeed a salt lake. It is two miles west of our discovery well and embraces about 1500 acres. Salt is on the surface in a four-inch crust and looks like a skating rink. You can skim it like sour milk. When a heavy rain falls it dissolves and beneath it is found black muck. After the rain ceases the four-inch crust forms again. The cattle men do not have to buy salt, as the cows in the vicinity use this salt; it is hauled away to adjoining ranches."

"While on the subject of salt," Johnson continued, "this is a splendid indication of potash. Old time oil men say that while you can get gas without oil, you can not get oil without gas; and so with potash. You can get salt without potash but you cannot get potash without salt. It was the fact that before I ran into the potash bed at 700 feet in my No. 1 I had passed through a large strata of salt that caused me to look out for the crystals that I found at 700 feet."

I asked Mr. Johnson to give me an approximate value of what the 8,000-acre lease that his company controls would be, inasmuch as I had been told that it would be in the six figures per acre.

Mr. Johnson laughed and refused point blank to give any estimate as to the potential value of this land, saying that he did not know; didn't have an idea and that he feared that any estimate that would be made would be of such a character as to cause the people to be dubious about the merits of the proposition.

Speaking of the large bodies of land that the University holds in Crane and adjoining counties, Mr. Johnson emphasized the fact

that all potash discovered on University land was the sole property of the state. In other words, the state leases land for oil and gas, but reserves to itself potash and all other minerals. One promoter is liable to go to the penitentiary because he had a lease on University land and sold potash rights to a lady in California. He took her money, he can not deliver, and Leavenworth awaits him. He stated that some promoters are claiming to have potash land because they have private leases in Crane and adjoining counties. This land, he states, is purely wildcat and there is not a particle of evidence that there is potash on their lease. One Fort Worth man is advertising potash land close in—which is 21 miles away! There is actually only one man, Mr. A. D. Smith of Fort Worth, who has any close-in acreage, and he is applying for a corporation charter under the Texas Blue Sky Law, the most stringent of its kind in the nation. These facts will be presented to the federal authorities and an investigation will be set on foot. If there is going to be any high power promotion such as happened in the oil game, it will be nipped in the bud, and at once.

Mr. Johnson is very optimistic about the future of this sparsely settled portion of West Texas. He looks for an enormous increase in population as potash mining develops. He states that for fertilizer purposes the potash can be used in its raw state. But for use in the industries and arts it will have to be refined. Just as the new town of Bess, in the Reagan County oil field, has sprung up over night and possesses one of the biggest hotels in West Texas, so will a new town likely develop in Crane County as potash mining extends.

A good feature of the situation is that all hands are working enthusiastically for this development. Even the conservative cattle men, seeing the immense increase in land values, are putting their shoulders to the wheel and are supremely confident that great as is the inland empire of West Texas today, she will be still mightier when from her bosom is taken the great deposits that our farmers so sadly need and that they are now deprived of through the great Franco-German monopoly.

Keep your eye on West Texas, for in material wealth she is richer than Golconda.

## INGERSOLL'S ORATION AT HIS BROTHER'S GRAVE

Friends, I am going to do that which the dead oft promised he would do for me.

The loved and loving brother, husband, father, friend died, where manhood's morning almost touches noon, and while the shadows still were falling toward the west.

He has not passed on life's highway the stone that marks the highest point, but, being weary for a moment, he lay down by the wayside, and, using his burden for a pillow, fell into that dreamless sleep that kisses down his eyelids still. While yet in love with life and raptured with the world, he passed to silence and pathetic dust.

Yet, after all, it may be best, just in the happiest, sunniest hour of all the voyage, while eager winds are kissing every sail, to dash against the unseen rock, and in an instant hear the billows roar above a sunken ship. For, whether in mid sea or 'mong the breakers of the farther shore, a wreck at last must mark the end of each and all. And every life, no matter if its every hour is rich with love and every moment jeweled with a joy, will, at its close, become a tragedy as sad and deep and dark as can be woven of the warp and woof of mystery and death.

This brave and tender man in every storm of life was oak and rock, but in the sunshine he was vine and flower. He was the friend of all heroic souls. He climbed the heights and left all superstitions far below, while on his forehead fell the golden dawning of the grander day.

He loved the beautiful, and was with color, form, and music touched to tears. He sided with the weak, the poor, and wronged, and lovingly gave alms. With loyal heart, and with the purest hands, he faithfully discharged all public trusts.

He was a worshipper of liberty, a friend of the oppressed. A thousand times I have heard him quote these words: "For justice all place a temple, and all season, summer." He believed that happiness was the only good, reason the only torch, justice the only worship, humanity the only religion, and love the only priest. He added to the sum of human joy; and were every one to whom he did some loving service to bring a blossom to his grave, he would sleep tonight beneath a wilderness of flowers.

Life is a narrow vale between the cold and barren peaks of two eternities. We strive in vain to look beyond the heights. We cry aloud, and the only answer is the echo of our wailing cry. From the voiceless lips of the unreplying dead, there comes no word; but in the night of death hope sees a star, and listening love can hear the rustle of the wing.

He who sleeps here, when dying, mistaking the approach of death for the return of health, whispered with his latest breath: "I am better now." Let us believe, in spite of doubts and dogmas, of fears and tears, that these dear words are true of all the countless dead.

And now to you who have been chosen, from among the many men he loved, to do the last sad office for the dead, we give his sacred dust.

---

## ME FOR "MA"

I am writing this in the closing hours of the most bitterly fought campaign that Texas has witnessed since reconstruction days. Every indication is that Mrs. Miriam Amanda Ferguson will win by 100,000 votes. Her victory means the end of religious and racial intolerance in the South. I predict for her the most successful administration we have ever known. Undoubtedly she will be Governor, but she will have the able aid and advise of her husband, who accomplished marvelous results during his thirty-one months of administration. No man in Texas understands the needs of more people than Jim Ferguson. His work for the schools in the rural districts, through which ten thousand new school houses were built, is the biggest single feat of statesmanship that has occurred here in a generation, and indeed it is a sad commentary upon the executives who preceded him that this work had not been done before his advent to the gubernatorial chair.

The Ferguson administration would put the penitentiary system not only on a paying but a humane basis. Higher education will be well looked after and Texas will march forward to achieve her manifest destiny, which will reveal itself in the form of being the largest State in the Union, not only in area but in population, wealth, human kindness and all that goes to make a mighty civilization.



## THE POLITICAL PREACHER

The political preacher passes with this campaign. We never shall see his like again. We have had to put up with him for a long time, and we rejoice in the fact that he can never come back. Where is the Texan that will not exult when in cold and calm and sober moments he reflects, not only on American principles in our State but in our fundamental law in American government? In his reflection he will think of Jefferson, not because he wrote the Declaration of Independence, was ambassador to France, and was President of the United States, but because this great Democrat drew the line between Church and State so sharp and straight that for several generations we have been able to boast to the world that America was pre-eminently the land of religious freedom in which all men could worship God according to the dictates of his own conscience!

Any and all attempts by individuals or organizations that seeks to break down that fundamental principle upon which our nation is builded is, in the very nature of things, a traitor to the greatest nation that ever existed.

Religious intolerance has reddened the page of history with the blood of philosophers, scientists and statesmen, who struggled to the beacon light of human liberty.

To permit that intolerance now would be to quench that light and plunge humanity back into the darkness of medieval ignorance.

Sir Walter Scott in "Ivanhoe" truly said:

"Strive with the hyrcanian tiger in his lair.  
Wrestle with the half starved lion for his prey,  
But touch not the wild fierce fires of religious fanaticism."

These fires are now quenched in America. Let us rejoice and sing hosannahs! The political preacher has passed forever more.

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### Immediate Economy

They burst in the bathroom door and discovered Rebecca dead in the tub. Rushing downstairs to the kitchen Ikey directed: "Shtop Issy, shtop, cook only von poached egg dis morning."

## BY A UNION PRINTER

Now and then an enterprising parson, with an eye to substantial accomplishment, proclaims that at his church the laboring man and his family are especially welcome. As evidence of his sincerity he is pronounced in opposition to the so-called "open shop." He recognizes and affirms that without labor organizations there would be industrial chaos, demoralizing wages. He is intensely concerned with the material welfare of those to whom he seeks to minister. But he reaches what he goes after, humanity in the mass, even though some brethren of plethoric purses, and contemporaries of the clergy of more "refined" sensibilities, say unkind things of him.

Unfortunately for our social structure, the lack of clergymen of this type and viewpoint and the external attitude of various religious denominations toward organized labor have been responsible for a growing suspicion that many churches are not in sympathy with the aims of organized labor and are at least the passive aids of the "open shop" exploiter.

This suspicion has been particularly intensified of late years by the fact that publishing houses directed by a number of the major denominations have locked out men and women of the printing trades unions and replaced them with strikebreakers, outcasts from the unions and unfortunates lacking in efficiency.

The Catholic hierarchy of the United States, long committed to the policy of the "closed shop," recently ordered that all printing used by the church must be produced in the United States and bear the union label. The volume embraced in the order approximates in cost \$50,000,000 annually.

At least one denomination has taken the position that the "open shop" is a menace to the spiritual welfare of the nation. Others cannot long delay doing likewise without being suspected of inescapable affiliation with interests that would destroy organized labor.

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"Do you have to see a doctor before you get booze in this town?"

"No, afterwards."

## THE CALL OF THE SOUTH

By TOM HICKEY.

Why go to Greenland's icy mountains?  
Where the blasts of Boreas blow,  
With the chill of death on their arctic breath,  
In the land of eternal snow.  
With tireless toil you've searched for oil  
In latitude 69—  
When you might stay below where poppies  
grow  
In the land of soft sunshine.

Oh! the game men fight in the northern light  
O'er Chilkoot's bloody trail,  
For the gold that lies 'neath leaden skies  
That mate with the winter gale.  
But down in the South God put to rout  
These fiends of frost and snow;  
So we search for oil, as easy spoil,  
Where the sweet magnolias grow.

The mind of man conceived a plan  
To make the wheels go round;  
With electric goads o'er a million roads  
With speed that is safe and sound.  
But oil he must get or the works won't go  
The way he so well designs;  
Then find it in the Sunny South,  
'Neath the cypress and the pines.

So come ye men of the frozen North  
To Dixie's sunny clime,  
Where the roses grow and the magnolia  
Blooms in the soft sunshine  
Of a winter's day; where our children play  
As garlands of flowers they entwine.  
So here is our hand; come to Dixie land  
And find oil beneath the pine.

### Dean and Volstead Law Doomed.

(Continued from Page Three)

etc., amounts to nothing, and cannot be held to justify a prosecution for such manufacture without a permit, in view of the fact that nowhere else can there be found any statute forbidding under pains and penalties such manufacture without first obtaining such permit.

Whether the liquor in question was in fact made for medicinal purposes must be settled by the jury under the facts of the case. The Legislature has not seen fit to define what is meant by "medicinal pur-

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poses," as expressed in the constitutional amendment, or any of the statutes putting same into force. We take it that the state is not bound to accept as true the claim of one who makes liquor, and says that it is so made for medicinal purposes, that in any such case the state would be justified before the jury in contesting such claim, and introducing proof of the fact that no satisfactory proof is made of the fact that such making was for medicinal purposes; nor would the jury be bound by any such claim, unless same was supported by satisfactory evidence. However, until the Legislature lays down some definition of what it means by the use of the terms of exemption set out in the statute we are compelled to hold that in a case whose facts raise the issue the court should submit same to the jury, and that upon the court's refusal to do so this court must reverse.

Click—Do you mean to say that these are not cold storage eggs?

Waiter—I'm sure of it. There was no such thing as cold storage when they were laid!

It's funny. A man can't pick a chicken clean in thirty minutes, but a chicken can pick a man in thirty seconds.



## COLD FACTS ABOUT COURTS

By NORMAN HAPGOOD

(Editor of Hearst's International Magazine)

In the attempt to show that LaFollette is a dangerous radical instead of the careful and constructive statesman that he is, his opponents have particularly misrepresented his attitude toward the courts and the constitution.

In his first inaugural address, Abraham Lincoln said: "If this policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

Now, there are two men on the Supreme Court at the present moment who come near to agreeing with Abraham Lincoln, and they are by all odds the two most distinguished.

Mr. Justice Holmes is not a radical. He might even be called a conservative. But he is an honest and intelligent man and scholar. In the many years that he has been on the Court he has never ceased to warn his associates that they were taking powers the constitution never intended to give them. He has tried to teach them that it is not their business to legislate by forced interpretations of the plain meaning of the constitution.

Since Mr. Justice Brandeis has been on the Court he has expressed strong opinions in the same direction.

Senator LaFollette, Justice Holmes and Justice Brandeis are not overthrowing the constitution. They are trying to protect its essential meaning according to the clear intention of the founders.

I do not know what device finally will be chosen to keep the court from constantly substituting its opinion for the opinion of Congress, but in one way or another it will be done unless indeed the court reforms itself by coming around to the position of Justices Holmes and Brandeis.

There is another aspect of the law, as at present administered, that is felt very bitterly by labor. It also is a usurpation and it is one that Senator LaFollette, with his

feeling for liberty, resents strongly. The right of trial by a jury is one of the great conquests of the common people in their fight against oppression. That right had won in England shortly before the American revolution. In the Declaration of Independence, Jefferson charged George III. with disregarding that right. In the Constitution of the United States that right is particularly safeguarded. The courts are trying to take it away from us today, and they are doing it to help capital in its conflict with labor.

Every time there is a big strike on, an injunction is issued against the labor leaders. Then these leaders are arrested for contempt. They lose their right of trial by jury. One judge settles the facts, as well as the law, and one of the most valued safeguards in the Constitution is taken away from the laboring masses.

Attorney General Daugherty undertook to break up one of the great strikes something over two years ago by this kind of usurpation. That attempt had a good deal to do with the swing away from the Republicans in the election of 1922.

What LaFollette is doing then, is trying to take away from them the despotic interference in favor of one class that Dawes and Daugherty want them to have. He stands with Lincoln, with Jefferson, with Holmes and Brandeis.

Despotism is despotism whether it is exercised by a king or a court. Our ancestors were not afraid to defy George III. We are not afraid to ask that the Constitution be lived up to and kept pure.

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"Bob" LaFollette did not "wave a white flag in war and a red flag in peace," in spite of the statements of his plutocratic profiteer defamers.

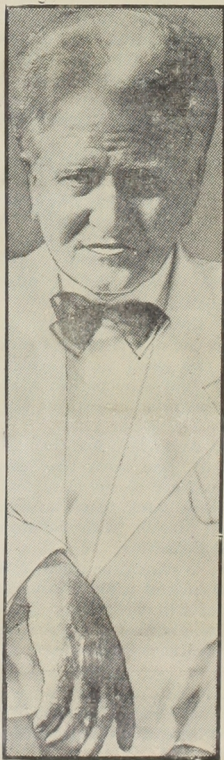
He, like all decent men and women, oppose ALL wars save those of invasion.

Let's war on wars or the diplomats who made the last war will repeat. Then we will have in five years from now the most terrible war in history.

The next war will be a war on women and children. Poison gas and chemicals will be the weapons. Cities will be destroyed in an hour and Christ may weep in the world Gethsemne.

## "BOB" AND THE COURTS

The reactionaries of the plutocracy, pulpit and press alike, are making a great drive against Senator LaFollette because of his



platform plank dealing with the 5 to 4 decisions of the United States Supreme Court. Our readers are advised to study the article by Norman Hapgood in this issue, which deals with the subject thoroughly.

There are too many five to four decisions that invariably are on the side of property instead of human life. The child labor decision is the latest case in point. Just five to four and 100,000 children died.

The next Legislature will be asked to tax all lands held for speculative purposes the same rate as tillable land of the same class. That is a better discussion than bedsheets. What will the house of discord do with it?

The City of Fort Worth will double its population in less than ten years by water conservation. Keep thinking of this fact and remember our farming lands will double in value at the same time. Get the big thought that one-fifteenth of all the waters of Texas flow through Tarrant County.

A great deal of talk is going on about the publication of income tax returns. If a man is not profiteering why should he worry if the world knows his income? He that fears the light shining on his business affairs ought to quit business.

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## KEEP THE INDEPENDENT OPERATIONS CLEAN!

The biggest fact in connection with oil development in the Mid-Continent Field is that out of One Hundred and Eight Proven Fields in Texas NOT ONE has been brought in by the Standard or any of its subsidiaries.

Through the oil fraud prosecutions the decent wildcatter has been sadly hampered in his operations. The crooks are alone to blame for this condition.

At this time Potash is coming to the front. The oil experience must not be duplicated.

This magazine will strive to keep the independents safeguarded by exposing the crooks.

If you want information about operators in this field write us and we will advise you.

The first story covering this situation will appear in our next issue.

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