

### ON THIS DAY IN WEST VIRGINIA HISTORY MARCH 15



**West Virginia State Auditor John C. Bond resigned from office on March 15, 1927, after being impeached.**

**CSO: SS.8.4, SS.8.24, ELA.8.1, ELA.8.3**

**Investigate the Document: (*Sutherland, Howard K. Papers, Ms83-2; West Virginia Legislative Hand Book and Manual and Official Register (1926); Charleston Daily-Mail, March 16, 1927*)**

#### Document 1

1. Years before becoming State Auditor, John C. Bond served as an officer in the 38th Division; where was he writing from, before deployment? Where did he explain that he would be deploying?
2. Based on the date of the letter, in which war did Bond participate in the months that followed this letter?

#### Document 2

3. This biography of Bond, found in the West Virginia Legislative Hand Book and Manual and Official Register (1926), states that he was born in what county?
4. What type of warfare did Bond face during his time in France?
5. In what year did Bond win his first election to secure the position as State Auditor? How long are the terms this office serves? To which branch of government does the State Auditor belong? What are their duties to the state?

## Document 3

6. Why was Bond's impeachment dropped? What is impeachment?
7. What important piece of information is missing from this article? Does it state what Bond was accused of doing?
8. It was ultimately discovered that Bond had been writing checks to family members and fictitious people; with what kind of crime(s) do you think he was charged?

**Think Critically:** Why do you think Bond's health deteriorated, deeming him unfit to engage in a trial of his character? Should those in positions of public trust be held to a higher standard than the average citizen?



**MAJOR JOHN C. BOND**  
State Auditor



Feb. 1, 1918.

Major John C. Bond,  
Headquarters 38th Division,  
Camp Shelby, Miss.

Dear John:

Am glad to know that you are hard at work in Uncle Sam's Army at Camp Shelby. I know that you will be very valuable there and later on in France. I am greatly in hopes that the entire trouble will shortly end and that it may not be necessary to send additional soldiers to France, although I know that you and the other West Virginia boys are keenly anxious to get over where the action is thickest.

My impression is that unless something should stop the entire proceeding that the chances are favorable for your going over as soon as transportation can be arranged, but the transportation is the chief problem and this may cause a delay of some weeks or even months.

I am very anxious that no injustice shall be done any of our West Virginia officers in any way, but I presume it is necessary for all those in the camp to submit to severe efficiency tests, and apparently a decision of one of these boards is as final as an edict of the Supreme Court. No one in the Department here, and few on the outside, wants to take the responsibility of holding any men who have been declared by an unprejudiced body of competent officers to be inefficient and not suited to the particular service in camp. Shall be glad to hear from you from time to time, and I wish you the greatest possible success.

With kindest personal regards, I am,  
Very truly yours,

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**BIOGRAPHY**

MAJOR JOHN CALVIN BOND, (Republican), a native West Virginian, was born on a farm in Pendleton county November 9, 1880. In 1893 he moved to Randolph county, where he worked in a saw-mill, and later as a railroad brakeman. He attended the country schools and the Fairmont State Normal School, graduating from the latter in 1902. He taught school at Fairmont for two years. From 1904 to 1907 he worked on Fairmont newspapers, and then moved to Charleston, where he engaged in general newspaper work until 1914.

His military record began in 1898, when he served through the Spanish-American War as a private in Company F, First West Virginia Volunteer Infantry. He enlisted in the West Virginia National Guard in 1905, and served in various capacities from private to captain.

On July 15, 1914, he was appointed Adjutant General of West Virginia, with rank of Brigadier General, and during his term had charge of reorganizing the National Guard and mobilizing it for Mexican border service in 1916, and for the World War in 1917. After the National Guard was drafted into Federal service, he resigned his office and went into the military service of the United States.

He served with the Thirty-eighth Division in the United States, and in France with the First and Thirty-fifth Divisions at the front, being on duty in several trench sectors, and participating in the three major offensives of Montdidier-Noyon, St. Mihiel and Meuse-Argonne. He graduated from the Army General Staff College, American Expeditionary Forces, with a recommendation for general staff duty with troops.

In 1920 he was nominated by the Republican party for State Auditor and was elected in the general election of that year; re-nominated and re-elected in 1924.

He married Miss Blanche Hume, of Harrison county, and they have a son, Paul Hume Bond, eighteen years old, who is now a student at West Virginia University.

Major Bond is a member of the Methodist Episcopal Church, a York Rite and Scottish Rite Mason and Shriner, a member of the Modern Woodmen of America, the Independent Order of Red Men, the United Spanish War Veterans, the American Legion, and a life member of the National Rifle Association of America.

***Charleston Daily Mail***  
**March 16, 1927**

**Bond Impeachment Dropped**

**Meets as Court and Decides to Take No Further Action After Report From Gore  
Future Is In Voters' Hands**

**Action Leaves It to Electorate As To Whether Accused Shall Ever Hold Office Again**

The case of John C. Bond, former auditor was closed so far as the state government is concerned, when the senate meeting as a trial court this morning, decided not to take further action in the case after being notified by Governor Gore that Mr. Bond's resignation had been received by him and placed on record in his office.

It required less than five minutes for the senate to dispose of the case, after a special message from the governor, submitting the resignation, had been read. The body then adjourned sine die.

The senate's action consisted in adoption by unanimous vote, of an order to adjourn the impeachment court and took place behind closed doors.

The formal order, recited:

"And it appearing to the court, pursuant to a message from his excellency, Howard M. Gore, governor of the state of West Virginia, that on March 15, 1927, John C. Bond, resigned as auditor of the state of West Virginia, and that his said resignation has been accepted and it further appearing to the court that there is nothing further to be done in this case and the senate not desiring to take further action in the matter, it is therefore ordered that this court of impeachment do now adjourn sine die."

**Judge Signs Order**

The order was signed by Judge John H. Hatcher, president of the state supreme court, who, by virtue of the constitution, was to preside over the impeachment court.

The senate court was convened promptly at 9:30 o'clock by Judge Hatcher and the resignation of Mr. Bond was read. Immediately Senator William Wilkin, chairman of the judiciary committee, moved that the doors be barred and the senate go into executive session.

Senator R. F. Kidd, Democrat, in the executive session, called the senate's attention to the fact that the senate could go ahead with the trial if it so decided and if it found Bond guilty, the penalty of barring him from ever holding public office again, as provided in the constitution, could be imposed.

Senator Kidd did not oppose adoption of the order but he asked that the phrase "the senate not desiring" to further try the case be included in the order. Senator Kidd said afterwards that he thought it best to let the people decide for themselves whether Mr. Bond should ever hold office again.

Governor Gore's message to the senate court was brief. In it he called attention to his former report of the case in which he related the facts concerning his trial of the former auditor and his subsequent removal. Then the executive stated that the resignation had been received by him yesterday and added that it had been entered on the "records" of the executive office. The governor made no reference to any formal acceptance of the resignation by him, but his communication appeared to lay emphasis on his act in making it a part of the "records" in his office.

### **Senators Relieved**

Senators generally appeared to be relieved over the decision. A number of them expressed the view that a long trial had been avoided and their time had been saved for important legislative matters.

No comments on the case were made in open session. After adoption of the order, committee chairmen hurried to the rostrum to announce meetings.

The senate action shifted the burden of a final disposal of Mr. Bond's case once more to the Kanawha intermediate court, where indictments charging him with forgery, embezzlement and maladministration in office are pending. His trial in the court is set to begin May 9.

Meantime, the former auditor is at liberty on \$10,000 bond.

### **Pressure on Bond**

Mr. Bond's resignation, because of the pressure that was brought upon him was not unexpected. All day yesterday the influences which had been at work for several days continued and it was at first believed that the resignation would be sent to Governor Gore at noon. However, at that hour, the former auditor apparently was as determined as ever to fight his case through the upper house and when asked to confirm the report of his resignation, he replied that he was busy checking over the witnesses who were to appear for him today.

Throughout the early afternoon confere[n]ce with Mr. Bond continued and at 4 o'clock his resignation was delivered to Governor Gore.

While the former auditor's letter of resignation merely announced his retirement to the chief executive, Mr. Bond's attorneys, A. M. Belcher and William Taylor George, gave out a statement explaining the reasons. These reasons were attributed to Mr. Bond's physical condition, the expense and other difficulties of bringing in witnesses and to the importance of pending legislation, which might be caused to suffer by a prolonged trial.

### **State of Lawyers**

The attorneys' statement follows:

"Owing to the physical condition of Mr. Bond and in view of the further fact that if a trial were had it would require several days to complete the same, we thought it best to advise Mr. Bond to tender his resignation. His physical condition, in our opinion, is such as would not permit him to now properly defend himself.

"Under the law, the senate, sitting in an impeachment proceeding of this character is a quasi-judicial body, and the trial must, of necessity, be had under the laws and regulations governing the trial of criminal cases. This would require that all witnesses appear in person both on behalf of the prosecution and the defendant, and give testimony before the senate.

["]Many of the witnesses on each side are non-residents of the state, and in addition to the long time which would be required for the trial, much expense would necessarily be incurred in obtaining these witnesses. Mr. Bond is neither physically nor financially able to properly engage in a trial of this character.

"Under decisions of the supreme courts in 2 states of the union it has been consistently held that an officer cannot be convicted upon impeachment charges for alleged offenses committed during a prior term, and this line of decisions constitutes the great weight of authority in the United States. Only three states of the union have through their courts decided otherwise.

"All the alleged offenses in the articles of impeachment against Mr. Bond concern matters alleged to have occurred in his former term of office as auditor, and not a single charge has been made affecting his present term of office or since his election in 1924.

["]This is an important session of the legislature and because of public expediency the senate ought not to be required to devote the time that would be necessary to try this case which affects Mr. Bond only and his salary for the remainder of his term which is less than two years.

"After taking into consideration all these matters, we have deemed it proper and have so advised Mr. Bond, that his resignation, under the circumstances, would be a public duty performed by him and for which he could well afford to endure by thus sacrificing the remainder of his term of office."

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### **Mention Several For Auditor Post**

#### **Governor Must Fill Vacancy Made When John Bond Sent In His Resignation**

##### **Harvey Marsh Suggested**

Governor Gore has not appointed a successor to John C. Bond as auditor, it became known today when he issued a statement concerning the position.

"A successor to Mr. Bond has not been considered pending the hearing before the senate. Nor has the matter been discussed with any person who might be considered. As soon as the matter is in a position to be acted upon, it will be acted upon promptly," Mr. Gore said.

Since the removal of Mr. Bond by the governor last October, the office of auditor has been under charge of Secretary of State George W. Sharp. Now that the office has been left vacant in a constitutional sense, the governor is required by law to name a successor.

A number of men have been mentioned around the state house in connection with the place, among them being Mr. Sharp, Sam T. Mallison, who is Governor Gore's secretary; E. A. Dover, state chief accountant, and former Senator Harvey Marsh, of Parkersburg.

In reference to Mr. Sharp, it has been said that Mr. Gore feels that the secretary's experience in the office has qualified him to carry out the work in the auditor's office and for this reason, the proposal has been made that he resign as secretary of state so that he may be appointed to the auditor's place. Under this plan, it is said, Mr. Gore has considered naming Mr. Mallison as secretary of state.

Mr. Dover has been considered and yet there is much doubt as to whether he would accept the appointment if offered to him. One reason assigned for his possible refusal is the matter of salary. At the present time Mr. Dover's salary is \$1,000 per year more than that paid to the auditor.

Mr. Marsh is a personal friend of Mr. Gore. The governor at one time offered him the appointment as state prohibition commissioner but Mr. Marsh declined to accept the post.



The matter of filling the vacancy is entirely in the hands of the governor as confirmation by the senate is not required by the constitution.

A long list of appointments made by the governor since he entered office two years ago was submitted to the senate in January but no action has as yet been taken on them.