

The Daily New Mexican

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TUESDAY, APRIL 13.

Strict and Even Handed Justice.

A recent number of the Albuquerque Democrat contained a two-column editorial under the caption of "Strict Justice." It purports to connect the criminal prosecutions had against the murderers of Frank Chavez, an ex-sheriff of this county some time ago, with the investigations now going on into the mystery surrounding the awful assassination of Albert J. Fountain and his innocent 12-year-old son, which it is alleged took place on February 1, 1896. The writer of the article in question is believed to be a certain Albuquerque attorney now appearing for the defense in the cases of the men charged with being the Fountain murderers.

The article, from commencement to end, is intended to deceive and its writer acts like a proverbial catfish by endeavoring to throw a slimy, poisonous, venomous and pestilent fluid, composed of falsehoods, equivocations and insinuations into the eyes of the people of the territory to hide the main issue in the case.

The main issue is the detection and punishment of the murderers of Albert J. Fountain and son, be they who they may and where they may. The main issue is to see strict and impartial justice done in this case as well as in all other cases wherein men are accused of crime and to harm no hair on the head of an innocent man. The main issue is that a Democrat, Pat Garrett, sheriff of Dona Ana county, swore to the informations upon which the warrants against Lee et al. were issued, and that this self-same officer in the performance of his duty, after a careful and full investigation, thought it best to wait until he had what he considered necessary evidence in the case and until there was a district attorney in Dona Ana county who could be relied upon to do his duty. The main issue in the case is that the said sheriff, who for two long years and more has been investigating this bloody deed, thought it best, for the cause of justice and for the best interests of the commonwealth, to wait until there was a firm, impartial and just judge on the bench. These points constitute the main issue and they can not be swept away by sophistries, or by lies, or by insinuations, nor by seeking to arouse sympathy for political reasons or to give the case a political aspect. The people of the territory are too intelligent, although the wily and cunning mind that guided the hand that penned the article referred to above does not think so.

The article, appearing in a paper, owned and controlled by Mr. A. A. Grant, who is supposed to be a law abiding citizen, is a disgrace to journalism. It endeavors, no more and no less, to make the investigations in the Fountain murder cases appear as a political persecution and as being instituted for political effect. It insinuates, intimates and suggests, that the justices of the territorial supreme court, Judge Frank W. Parker of the third district and Judge John R. McFie in this district, acted improperly in issuing bench warrants for the arrest of Lee, Gilliland, McNew and Carr in the Fountain cases and for Thomas S. Tucker in the Vigil case.

The article takes two items, one from the New Mexican and one a special dispatch, and puts them together in this manner:
"Strict and even-handed justice for the men accused of the murder of Albert J. Fountain and 12 year old son, no more and no less," says the New Mexican, and every honest man in New Mexico will heartily echo the sentiment expressed.
"Tom Tucker was arrested today by Sheriff Kinless of Santa Fe, and at once taken to the train en route for Santa Fe, charged with murder," says a Thursday's special from Las Cruces.

"To the uninitiated these two items will appear to have no connection, but to those who have resided in the territory for any length of time they will at once bring to mind the famous Frank Chavez murder case at Santa Fe, and the equally famous case of the disappearance of Colonel A. J. Fountain and his young son from Las Cruces. To show the apparent connection between the two cases and in the interest of 'strict and even-handed justice' it will be necessary to briefly review some of the most prominent facts in two celebrated cases."
Then it gives, what it claims, is a history of the killing of Hipolito Vigil in Santa Fe by a sheriff's posse. The writer claims that the sheriff's posse acted under warrants issued on indictments charging Vigil with the murder of Frank Chavez. This is knowingly false. The sheriff's posse that arrested the four men tried and convicted and punished for the Chavez murder and that shot and killed Hipolito Vigil acted under bench warrants, issued on sworn informations, just as in the present cases of Lee et al. and of Thomas S. Tucker.

This is but one of the many falsehoods with which the article in question abounds. Its aim is to prejudice public opinion and to make a political issue out of a matter at law and to bring about a commencement of a trial of the cases in the newspapers. The New Mexican, however, looks at these cases from a different standpoint. It will give the facts and nothing but the facts. Its position in short is this: If there is sufficient evidence within the judgment of the committing magistrate to hold these men upon the charges made against them they should be held. If a grand jury indicts them upon the evidence brought before such a body they should be tried before a jury of their fellow citizens sworn to do their duty. Politics has nothing to do with cases at law. The New Mexican believes that Colonel Fountain and son were murdered by a gang of cattle thieves and rustlers, who feared and hated him. He was the attorney of the Southeastern New Mexico Cattle association and had been instrumental in securing indictments against many men, suspected of cattle stealing in that region. Several of them had been tried and convicted of such crimes and sent to the penitentiary through the work done by Colonel Fountain as the attorney for the cattle association named. He was murdered, as the New Mexican believes, partly for purposes of revenge, partly because his assassins feared he would succeed in fastening the crime of cattle stealing upon them. The New Mexican does not know personally a single one of the men accused. They are simply accused. They are entitled to a fair and impartial investigation and the New Mexican is certain, such is being accorded them in every particular and in every point.

The Albuquerque Democrat is the Democratic organ of the territory; if that party wants to make a political issue out of the foul and cowardly murder of Albert J. Fountain and his innocent little son, well and good. The future will take care of itself.
From the very editorial quoted from the New Mexican it appears, that this paper in company with the law abiding and decent citizens of this territory, wishes to see nothing but strict and even handed justice done in this matter. If McNew, Carr, Gilliland and Lee are innocent such can be easily established. If Tom Tucker acted in accordance with law and in the discharge of his lawful duty such can be easily shown. No good citizen, but who believes that the judges now upon the bench will act fairly, impartially and justly by all men and will not prostitute their high offices, as it goes without saying and without successful contradiction, some judges and court officials have done time and time again under the two Cleveland administrations either for political reasons or to satisfy hatred and animosity, political or personal.

The editorial in the Democrat will swear no judge and no court official from his sworn duty. The murder of Albert J. Fountain and his 12-year-old son was a most dastardly and foul crime. It is still a great and bloody blot upon the fair name and fame of this territory and cries aloud to heaven unavenged. Let strict and impartial justice be done in this as in all other cases, even handed justice and let the law be impartially administered. Such is the determination of the administration and the good, law abiding and decent citizens of New Mexico, and they are in a vast majority, will loyally, strongly and unitedly support this determination and purpose of the administration and will fully and unequivocally approve all lawful, legal, fair and just means to that end.

The Springer Stockman voices the sentiment of every decent citizen of the territory in the following:
Several indictments and a number of arrests are the result of the recent grand jury sitting within the county of Dona Ana, as a result of the cold blooded and fiendish murder of Col. A. J. Fountain and little son over two years ago. Sheriff Pat Garrett has arrested two men named Carr and McNew, and there are a number to follow. It is understood that one of the parties has turned state's evidence. The murder of Fountain and his son was one of the most dastardly crimes in the history of the territory and should be avenged.
FIFTY-TWO miles of track have been completed by the contractors on the El Paso & Northeastern railway. This is but the commencement of the railroad construction in this territory within the next few years and it is a good beginning. Within three years from date the railroad mileage in the territory will be double the present figure and even then there will be plenty of room for more railroad building.
The president's message pleases the vast majority of the people of this great country, regardless of political affiliations or sectional lines. Of course, there must be a few senators and representatives and some people whom it does not please. This is the earth and it is still inhabited by beings with human passions, frailties and prejudices.
Tax collections for March are being reported and paid over to the territorial auditor and treasurer much slower than the law requires. The New Mexican's advice to these delinquent officials is, obey the law, collect promptly and settle honestly and before the tenth of every month, else official lightning might strike you when and where you least expect it.

THERE is no glory in fighting Spain, but if it must be done for the sake of humanity and to avenge a cruel, brutal and bloody wrong, it may be presumed that this country will have to fight and teach the Spanish people a much needed and well deserved lesson.
The mining news in the New Mexican is the latest, the best and most reliable to be had of New Mexico's important and growing mining industry.

SPAIN is backing down right along. Poor old Spain. How have the mighty fallen.

The Democratic-Pop candidates in this territory at the coming fall elections will be badly damaged by coming into sudden contact with the Republican voters who are in a majority in New Mexico. Such is the outlook for the fall campaign.

In the cases of the men charged with the murder of Albert J. Fountain, as well as in all other criminal cases, the people of the territory demand that justice be meted out and that the supremacy of the law and the good of the people be upheld.

The New Mexico Horticultural society made a grand success of its first annual fair and fruit exhibit. The right kind of men are at the helm and will make the second annual fair and fruit exhibit to be held in this city some time in September next, a still greater success. The New Mexico Horticultural society is doing great work for the territory and is already one of its most useful institutions.

A CANNING factory and evaporating establishment can be established in this city at a very reasonable cost. Such an institution would prove of the greatest benefit to this city and valley. The fruit growing interests of this valley are far enough advanced to support the project and make it profitable from every standpoint. Every property owner, merchant, businessman, taxpayer, in fact, every resident here should lend a helping hand and subscribe towards the actual carrying out of the project.

A Shadowy Dream.

The free silver papers are trying very hard to make capital for their hobby by pointing to the fact that within the past two weeks over \$20,000,000 in gold has come to this country from foreign lands. The following is a specimen of the arguments used in bolstering up their position: "Notwithstanding the oft-repeated assertion that financial credit cannot be maintained by a government which agrees to pay its obligations in 'coin,' the gold of the world continues to flow to that center."

The reason that this government, which agrees to pay its obligations in coin, is able to maintain its credit is that the nations of the world know that in paying debts the creditor can have any kind of coin he may desire, gold or silver. There is no iron-clad rule requiring the issuing of any one kind, as the free silverites have tried unsuccessfully to have adopted. The payment of obligations in gold or silver is an entirely different proposition from paying them in silver only.

Suppose that the Popocrats and Silvercrats had been able to secure legislation providing for the coinage of silver at the rate of 16 to 1, and made silver the monetary standard of value, would the credit of this government have been maintained and gold have poured into the treasury as it has? Not by about 55 cents on the dollar, and gold would have gone out of the country much more rapidly than it has come in. The temptation to trade 45 cents worth of silver for 100 cents worth of gold would have been too much for other silver producing countries to resist, and the United States would, by this time, have had all the silver and the other nations all the gold.

The theory of the free silver men is very pretty to look upon, but until the great majority of the nations arrive at a definite understanding to restore silver to its former coinage value, it will remain nothing but a theory—practically it is a dream of the most shadowy substance.

NEW MEXICO REPORTS

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AGRICULTURAL COLLEGE.

Few Changes in the Faculty for the Coming Year.

At a recent meeting of the board of regents of the Agricultural college at Las Cruces the faculty for the coming year was elected. Most of the old professors were re-elected and the following changes were made:

Professor Jno. P. Owen resigned and ex-President Hiram Hadley was elected to fill the vacancy.

Professor W. W. Robertson's position will be filled by Roy Larkin, a graduate of the class of '94.

Professor Tinsley will be succeeded by his predecessor, Professor A. E. Winton.

Professor Barker was selected to take Professor Miles' place.

Professor C. T. Townsend was appointed as field entomologist and Miss Kate Doughty will teach in the sub-freshman department.

All of the new teachers are well known and liked in Las Cruces and the selections give universal satisfaction.

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WHICH DID IT?

When they were building the Colorado Midland railway around and over Mount Massive, or what was then known as Sugar Loaf mountain, there was a good deal of heavy work being done, and the contractors had a profitable time of it. Smoke Russell, proprietor of the saloon and hotel, looking over the edge of a rock close to Windy Point some miles west of Leadville, had a good time of it too.

Smoke's shanty was the rendezvous for the contractors, bosses and workmen, especially on Saturday nights, and there was always sure to be something going on there, although no serious trouble had resulted up to date.

Wages were high, but hands were scarce, and there was bad blood among the contractors on account of some alleged sharp practice on the part of those toward Leadville, who were accused of cutting off the men contracted for further up the mountain. This was particularly the case with Donovan and O'Malley, who had adjoining contracts for blasting a roadbed out of the solid rock on the side of Old Sugar Loaf. O'Malley, who had the upper section, accused Donovan of stealing lobes intended for him. Donovan denied the charge and coupled the denial with some strong reflections on O'Malley's personal character, antecedents and general characteristics. The result was the usual "foud," with dire threats on the part of each principal to exterminate the other at the first good opportunity.

The opportunity came sooner than either expected or wished, for they were both cowards when it came to a sure enough fight. Both men were peaceable enough when sober, but there was no telling what they would do when drunk if they should chance to meet. That very thing happened one Saturday night. Donovan had come down to Russell's dive for his usual "recreation" and commenced filling his tank early in the evening, so that by 10 o'clock he was pretty drunk and ugly.

The boys got him started on O'Malley and egged him on until he was redheaded. He kept on getting madder and drunker, threatening his enemy with all kinds of sudden deaths if it were ever his good luck to run the coward into a corner where he would have to stand and fight. Just at this juncture the door opened and in walked O'Malley, catching Donovan's last words. The boys were pretty badly frightened and tried to joke about the matter and laugh it over, but Donovan was drunk and O'Malley was mad, and there was trouble in the air. The latter seemed to pay no attention to his drunken foe, but walked up to the bar and called for his poison. Several of the crowd joined him, and the drinks began to go down in a rapid and reassuring manner. Everybody seemed to be in a jovial mood, but a watchful eye on the crowd and stood close to the end of the bar by the lamp, so that he could douse the light in case of trouble.

After a bit O'Malley turned suddenly, facing Donovan, and began in a most offensive and aggravating manner:

"How are you, Mister Donovan?"

"Bad luck to you," roared the other. "What the devil do you mean by talking to me?"

"Oh—ho! that's it, is it, you low down, lying thief of a dago? Stand up and take your medicine!"

Donovan sprang to his feet and before his friends could interfere had his gun out and let drive for O'Malley, who was scarce an instant behind him, for the two shots sounded like one.

Almost before the first shot sounded Smoke Russell put out the light, and there was a general scramble of noncombatants to get out of the line of fire. The two maddened contractors kept on firing until each had let off the live rounds in his gun. After a dead silence of about five minutes Bussell crawled out of the back porch and the door and told the lamp.

As soon as Donovan had fired his last shot he rushed out of the shanty to get his horse. He was still pretty drunk, but mounted, with the assistance of the greaser stable boy, and started down the mountain for Leadville. The greaser tried to tell him something, but Donovan was too excited to listen. He only muttered in a broken voice:

"Holy salute! Five shots in poor O'Malley, and every last one of 'em through the heart!"

He took the long trail around the mountain and had considerable trouble in finding the temporary bridge across the Arkansas river, so that it was just breaking day when he pulled up in front of the sheriff's house in Leadville.

O'Malley shouted several times, until finally an upper window was raised and a bushy head stuck out of it.

"Hello, O'Malley!" cried the sheriff, with considerable astonishment. "Where did you come from?"

"I've come down from Smoke Russell's to give myself up for shooting Donovan."

"Oh, you shot Donovan, did you? Now, that beats me all hollow. Say, did you hurt him much, do you think?"

"Hurt 'im!" exclaimed O'Malley indignantly. "Does it hurt a man to have five bullets in his heart, do you think?"

"I reckon it do, Mr. O'Malley. Now, what do you want me to do?"

"I want you take me to jail for killing Donovan."

"Now, I'll tell you what, Mr. O'Malley, you just go round to the calaboose yourself. You'll find Donovan there. He got here about two hours ago and gave himself up for killing you. Just go around there and settle among yourselves which of you is dead, and I'll come around later and arrest the other one."

O'Malley went to the jail, where he found Donovan. When transported there was never known up the mountain, but that the two men afterward were close friends and finally became partners was a fact no one cares to dispute.—Cincinnati Commercial Tribune.

"Counting Out" Jingles.

I wonder, by the way, when the children learn all those "counting out" jingles. Most of them are absolutely meaningless, and yet I venture to say that they are corruptions of something that was once intelligible. I met an old, old woman at a party last week. She was from Boston, and she played games with a granddaughter from Dakota and another from somewhere in the south and a bevy of Washington children. Each player took her turn "counting out," and grandamma recited precisely the same jingle that the Washington little folk use, and I've known to see the children here. Nobody had learned it, but everybody knew it. I wonder where it originated and what it meant in the first place.—Washington Post.

One Inflation Avoided.

"Modern warfare," said the proxy board at "the best of a short, sharp and decisive struggle."

"Which," said Sabury Peppers interrupted, "is all over before the posts get time to warm up."—Cincinnati Enquirer.

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