



THE ULIBARRI PARDON.

Fugitives From Justice Pardoned in Advance of Trial.

Two Perpetrators of a Cold Blooded Murder are pardoned by Governor Thornton.

These are facts in the matter of the pardon of Jose A. Ulibarri and Lonjino Ulibarri, alias the "Ribalis," murderers and fugitives from justice, by Governor Thornton:

In 1876, the Ribalis, accompanied by Jose Campbell, went to the house of Aniceto Montoya, a constable, at La Luz, Dona Ana county, and butchered him, for no reason, cause or excuse, in the presence of his family. Earlier in the same night, Montoya had suppressed a fight at a dance, and his action as a peace officer was the only pretended provocation of the murder. The Ribalis shot Montoya and crushed his head with the butt of a gun, and Campbell stabbed him. They then placed lighted candles in Montoya's wounds and mouth, and, joined hands and danced over the body, compelling Montoya's family to witness the horrible performance.

Senovio Romero, a stranger in La Luz, was a witness of the affair and a participant to some extent, he having been induced to join the party by Campbell's representation that they were officers going to make an arrest. The Ribalis, Campbell and Romero were indicted by the grand jury of Dona Ana county, and the first three were arrested and placed in jail at Mesilla. They escaped from jail and fled from the territory, and their whereabouts remained unknown to the officers of the law until the winter of 1894-5, when the sheriff of Dona Ana county received information that they were in Colorado.

Deputy Sheriff Ben Williams arrested Campbell and brought him back to Dona Ana county, but was unable to capture the Ulibarris who took refuge in the mountains, prepared to resist arrest. Campbell was tried for murder before Judge Bantz and a jury in Las Cruces at the September, 1895, term of the district court. He had no money with which to employ counsel, and the court appointed John F. Mitchell, Esq.,

as his attorney. The circumstances of the murder, as related above, were developed in the trial of Campbell and are recorded in the notes of testimony.

Campbell's only defence was that he acted at the solicitation of the Ulibarris and that he did not stab Montoya until after the Ulibarris had killed him. The presiding judge, who has said that the story of the murder, revealed by the testimony, was the most hideously brutal he ever heard, instructed the jury that their verdict must be as to the guilt of the prisoner of murder in the first degree only, but the obstinacy of one of the jurors forced a verdict of guilty in the second degree. The court refused to accept the verdict, but as Campbell signified not only willingness but eagerness to accept the verdict, and the district attorney did not insist upon a first degree sentence Campbell to 99 years in prison. Campbell feelingly thanked the court for refraining from hanging him, and Mr. Mitchell said that he considered it a feather in his cap that he had saved Campbell's life.

All the evidence showed that the investigators and prime movers of the crime were the Ulibarris and that Campbell was their willing tool and cheerful accomplice.

After the trial of Campbell, Governor Thornton appointed W. E. Martin, of Socorro, ex-convict and ex-member of the legislature, a requisition agent to effect the arrest and delivery to the sheriff of Dona Ana county of the two Ulibarris who had evaded every effort to apprehend them and who were known to be prepared to resist capture. Under the rule of the executive office, the agent could not receive any compensation or mileage unless he should secure the fugitives and deliver them to the sheriff in New Mexico.

Martin went to Colorado and remained there some time, but he did not arrest the fugitives. When he returned he told publicly of the difficulties and dangers of his mission and represented that he did not dare to disclose his identity or his business to anybody in that part of Colorado in which the Ulibarris had taken refuge. Subsequent developments compel the belief that he did communicate with the fugitives and their friends and that he undertook, for a consideration, to procure a pardon for the murderers. The fact that the

Ulibarris had money to use for such a purpose was indicated by their offer of a fee of \$2,500 to an attorney in Las Cruces to defend them. They made that offer and ask the attorney if he thought he could defend them successfully should they surrender themselves. The Attorney refrained from advising them to surrender and gave them no encouragement to hope for anything less than hanging.

Nothing more was heard of the case by the public until July 23, 1896, when the governor announced that he had pardoned the Ulibarris, to the unspeakable astonishment of all who knew the story of the murder. Judge Bantz expressed indignant surprise when he heard of the governor's action, and Chief Justice Smith unhesitatingly condemned it in a personal interview with the governor.

The papers on file in the case show that the pardon was granted by requests made by Casimiro Barela, Fred Walsen, Geo. T. Kearns, J. C. Gunter and G. B. Wick, all of Colorado, and by no others, and that no citizen of New Mexico ever asked for the pardon or consulted about it. Not one of the petitioners pretended to know anything about the case; there was no suggestion of possible innocence; the only ground upon which the petitions were based was the good conduct of the Ulibarris as citizens of Colorado. In other words, they had refrained from the amusement of murder after their escape from the Mesilla jail. The letter of Mr. Wicks, who signed his name as "Chairman of the democratic committee of Huerfano county, Colorado," did contain this powerful plea, however: "The Ribalis have suffered enough in mind to atone for any part they may have taken in the affair. The quality of mercy is not strained; it comes like the due drop from heaven."

Governor Thornton, after the pardon was issued, said that he granted it because Billy Martin told him the Ulibarris were good citizens, who had many friends in Colorado, and because Casimiro Barela and others urged him to pardon the men. The governor said Billy Martin told him that Campbell was the principal in the case and that the Ulibarris accessories only by being present. The real facts of the murder were related to the governor on July