

# The Carlsbad Current

TWENTY-FOURTH YEAR.

CARLSBAD, NEW MEXICO, FRIDAY, JANUARY 28, 1916.

NUMBER 12.

## MORE SHOT IN JAUREZ

### MURDER OF BERT L. AKERS AVENGED BY EXECUTION OF THE YOUTHFUL THIEVES.

Elder of Condemned Men Pleads for Brother's Life and Declares He Shot Young Ranchman While Defending His Rights.

Shooting of Prisoners in Old Cemetery at Juarez Witnessed by Small Crowd From El Paso; Bodies Displayed in Public.

Monday's El Paso Times.

With a curse upon their lips against the American people, two young Mexicans—brothers—were shot to death by a military execution squad in the Juarez cemetery at 6:07 Sunday morning for the murder Friday afternoon of Bert L. Akers, American rancher of Yaleta. Bernardo and Frederico Duran, the executed men went to their death with a courage worthy of a better cause. Standing shoulder to shoulder against the whitewashed adobe wall of the cemetery death house they faced the firing squad with undaunted bravery, refused to be blindfolded and fell together at the first volley from the executioners' rifles.

Last Words a Challenge.

Almost their last words was this challenge, flung at the group of American newspapermen and friends of the murdered Akers:

"Watch and see how Mexicans die, you American —!"

The only plea of any sort was made by Bernardo Duran, the elder brother, a few minutes before the end. Standing beside the cemetery gate, he said, in his own tongue, to the Times reporter, the only American who talked with the prisoners:

"We are dying for you Americans. Tell the world that I shot the American because he was trying to force entrance to my home. I was defending my rights, as any man would have done.

"My brother here is entirely innocent. He did not fire a shot. But they are going to kill him, too. Tell me, is that justice? He is being sacrificed to your American public opinion. We are not afraid to die but why should an innocent man be killed? He is only 22 years old. I am 24. Some day we will be avenged. They are killing two for one."

While the elder talked, the younger brother stood beside him, hands pocketed and lips quivering slightly, but saying no word. The prisoners were bound together by ropes.

Dreary March to Death.

The Juarez cemetery is one and one-half miles from the jail where the condemned men spent their last night. The morning air was cold, but the prisoners wore no coats when they emerged at 5:30 a. m. from the prison and took their places between six silent guards and set out, afoot, for the place of death. Beside the firing squad rode its commander, Captain Alfredo Ortiz, of the Twenty-seventh battalion.

Moonlight obscured by dull gray clouds, was the only light along the way. Heads bent the brothers strode along, talking softly to each other. Their guards muffled in gaudy-colored blankets, shuffled beside them, rifles slung across their backs. Once or twice the elder brother's arm went caressingly over the younger's shoulder and he whispered a word of comfort.

The road to the place of death is a gloomy one even by day. It leads over a plain dotted with sickly mesquite and cactus. The last half mile before the cemetery gate is reached the road straightens out and the white gravestones are visible long before the gate is reached. Neglect has made the burying ground even more desolate than usual. The crosses stand awry over many graves; none are straight. Standing thus, at grotesque angles, they make weird shadows upon the weed-covered turf and marble slabs.

American Women Witness Execution.

Slowly the little procession of death approached the gate, which stands at the crest of a gentle rise. Through that gate have gone hundreds of prisoners sentenced to death, most of them war captives. The Americans, among who were a number of women, waiting at the entrance, involuntarily shrank back at the prisoners and their guards arrived at the gate, which was swung open by the dead old sexton who has guarded it for years. It is of iron and it creaked upon its hinges.

"Halt!" said Captain Ortiz when the squad had advanced about ten feet within. The gate was closed behind him and the spectators hung over it. Then the Times representative was permitted to enter and interview the prisoners. When Bernardo Duran had finished talking he turned to Captain Ortiz and asked "Did the general come?" The answer was no. There was no tremor in the prisoner's voice and despite the cold morning air he did not shiver.

The order to advance once more was given and the little group marched toward the "death house" in the center of the graveyard, 400 yards away. The white walls of this one-room but shone in the moonlight. The gate was opened to admit the witnesses, who crowded close to the executioners.

It was nearly daylight now. The moon hanging low in the west struck full upon the west wall of the death house, against which the prisoners

took their stand. All about them were the wooden crosses of the dead. Twenty feet in front of them stood five soldiers with rifles ready.

Decline to be Blindfolded.

Six o'clock whistles blew in El Paso and the noise echoed over the plains. Faintly then, but clear, came the sound of bugles in the camps of the American regiments along the border and at Fort Bliss. Reveille! Suddenly the dawn broke. The eastern sky-line behind the condemned men changed in a moment from gray to light red, as though a bloody brush had been wiped against it.

Captain Ortiz advanced and placed a soiled handkerchief over the younger boy's eyes, but as soon as the officer stepped away he slipped it to his forehead and muttered: "I will die like Bernardo, with my eyes open." Bernardo, who had stood quietly until now broke out into a torrent of abuse, directed at the American spectators.

"Oh, for a carbine now in my hands," he shouted. "I'd show you American something. Ah! Watch and see how Mexicans die, you —!"

A Mexican police officer who had accompanied the Americans to the cemetery walked to the prisoners and said a word or two. The younger handed him a cheap little picture of himself and asked that it be sent to his parents in Santa Rita, N. M. The elder gave him his hat as a present. Then the policeman embraced them both and Bernardo said: "Por la causa!" (For the cause!).

Too softly spoken were the words the brothers said to each other as they embraced. From that brief goodbye scene the spectators turned away their eyes.

Face Death Bravely.

"Ready!" said the captain. The clicking of the shells being pressed into barrels followed. The brothers straightened and faced defiantly the five executioners.

"Take aim!" Five rifles swung to rest on five shoulders. A second's awful silence. Church bells in the ancient cathedral of Juarez began calling the early mass. The first bell chime had hardly died away before—

"FIRE!"

Like sand bags dropped into space, the brothers crumpled to the ground. Bernardo's arm, even in his death agony, lay across his brother's breast, as though trying to protect him from death.

A groan came from the writhing figure of the elder. With his dying breath he said clearly: "Oh, God, wait a minute!"

The Mercy Shot.

Captain Ortiz drew his revolver and advanced to the fallen men. Quickly he sent a bullet into the brain of each—the mercy shot. In less than thirty seconds both men were dead. The Americans who had witnessed the scene turned and almost fled to waiting automobiles. The machines swung out over the road to Juarez and El Paso, and the lights met the rising sun as they flashed along. Morning had come.

The bodies were displayed during the day in Juarez and several hundred Americans viewed them. The crime for which the brothers were shot was committed Friday afternoon on the Mexico side of the line, twelve miles east of Juarez. Bert L. Akers, a ranchman, was shot to death while looking for some cows which had been stolen by the Durans from a dairy on the American side. The Durans were arrested Friday evening, their trial was held Saturday afternoon and they were shot Sunday morning—a record for swift justice.

Similar Fate for all Murderers.

General Gabriel Gavira, commander of the Juarez garrison, has announced that he will punish summarily all others who murder.

The story of the killing of Bert Akers, for which the young Mexicans were shot, will be found on the seventh page of this paper.

PAT MIDDLETON'S HOUSEBURNS

Last Friday morning the ranch house of Mr. and Mrs. Pat Middleton and about all it contained, were burned. Vernon Middleton, their son, and Geo. McCollum were at home. They had built a fire in the heater and one in the cook stove, cooked their breakfast but had not eaten. The boys had gone to the pens to feed some bucks and smelt pine burning and the roof was blazing when they saw it first. They ran to the house, got out some of the bedding, it was only seven minutes in burning the roof off and falling. The walls were made of hewed pine logs. Some of the things the boys carried from the house burned, the fire was so hot and the wind so high.

Mr. Middleton had just hauled out a load of provisions, such as a sack of sugar, frioles, box of coffee, several hundred pounds of flour, new shoes and many other things, namely a load of salt and grain. Mrs. Middleton was here in Carlsbad, coming down the Friday before with a sick baby, and Mr. Middleton came down the Tuesday after to help nurse the baby. They got the news the same evening and Pat left Saturday with Dolph Shattuck for Queen. Nothing was saved from the kitchen, the heavy logs mashing the stove to bits and ruining the pans. They lost all their clothes, only a few dresses for the children that she brot with her were left, all the trunks also burned. This was a very unfortunate loss, happening in winter, the family all having been ill, with the busy sea-

son, the goats to be sheared and kidding on hand.

Mr. Middleton came down yesterday with two wagons to take out lumber Ed. Robinson being a carpenter, will help him put up the house. No doubt all the neighbors will help a day with the house-building. Will Purdy gave them a nice bedstead and others have given them things that will come in good use.

HORSE RACE MONDAY.

Monday a very exciting race occurred on the track near the Felix Miller place three miles west of town. The race was matched by Bob Burns' mare and a sorrel horse of Walter McGonagill's, and was gotten up by Mr. Newman, of Pecos, and John Warren, both of whom backed their favorites to quite a sum. The mare won, the race being for 300 yards.

## FULL TEXT OF 640 ACRE BILL-PASSED HOUSE

### FEDERAL CONTROL OF GRAZING LANDS.

American National Livestock Association Informed Bill Has Passed House of Representatives.

One of the most important matters to be considered by the American National Livestock association, now in convention in El Paso, is federal regulation and control of grazing lands and various modifications of the homestead laws such as will permit the lease of certain of the government lands for range purposes.

This matter was considered at length and a session of the executive committee of the association held Tuesday afternoon and also during the meeting of the association's standing committee on forest reserves and grazing land.

President Heard of the association yesterday afternoon received a telegram stating that the bill covering the matter had passed the house of representatives, was now pending before a committee of the senate which would afford the amplest opportunity for the cattlemen and also the sheep industry interests to be heard in the matter.

The bill in question as adopted by the house of representatives follows: "To provide for stockraising homesteads, and for other purposes.

"Be it enacted by the senate and house of representatives of the United States, of America in congress assembled, That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact

in described, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be placed on the additional entry equal to \$1.25 for each acre thereof.

"Sec. 5. That persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws and who own and reside upon the land so required, may, subject to the provisions of this act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this act, which, together with the area heretofore acquired under the homestead laws, shall not exceed 640 acres, on proof of the expenditure required by this act, on account of permanent improvements upon the additional entry.

"Sec. 7. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this act, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired may, upon submitting proof that he resides upon and has not sold the land so entered or acquired, relinquish or convey to the United States the land so occupied, entered, or acquired, and in

lieu thereof, within the same land-office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein; provided that the lands so relinquished or conveyed as herein provided shall thereafter be subject to disposition only on such terms and under such rules and regulations as the secretary of the interior may prescribe.

"Sec. 8. That the commutation provisions of the homestead laws shall not apply to any entry made under this act.

"Sec. 9. That any homestead entryman or patentee who shall be entitled to additional entry under this act shall have for thirty days after the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this act; provided, that where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entry under this section are not sufficient in area to enable such entryman to secure by additional entry the maximum amount to which they are entitled, the secretary of the interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to

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ANDERSON SANITARIUM.

Chas. Sawyer, of Loving, underwent an operation the first of the week and returned home yesterday.

Otto Holwell, of Malaga, son of Mrs. John Hartshorn, underwent an operation on the 27th for hernia and other complications. He is getting along nicely.

Serapio Medrano, a Mexican, who was brought to the Sanitarium ten days ago in a critical condition, died on the 26th of pneumonia.

G. E. Donaldson who has been ill with pneumonia, has recovered and will return to his home in Kemp, Texas.

Jose Carralles, the aged Mexican who had his right side paralyzed as a result of a blow on the head, one month ago, returned home tomorrow fully recovered after the operation.

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## CATTLEMEN MEETING

exercise preferential rights, such division to be in tracts of not less than 40 acres, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them; provided further that where but one 40-acre tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential rights hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

"Sec. 10. That any person who has heretofore acquired title to land of the character designated in this act under any of the homestead laws of the United States and who is the owner and occupant of the land so acquired may purchase from the United States not exceeding 320 acres of stock-raising lands, as designated by this act, or unappropriated and unreserved lands valuable only for grazing contiguous to his said homestead, upon paying to the United States the sum of \$1.25 per acre for such lands, under such rules and regulations as may be prescribed by the secretary of the interior which said land, together with the area heretofore acquired under the homestead laws, shall not exceed 640 acres.

"Sec. 11. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purposes of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may re-enter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removing of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman, or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the secretary of the interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situated, subject to appeal to the commissioner of the general land office, provided, that all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy and use of the surface of the land.

"Sec. 12. That the secretary of the interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

EDDY COUNTY HOSPITAL NEWS.

Master John Roberts was operated on Sunday and is getting along very well.

Little Walter Smith, of Otis, was operated on Monday and taken home the same day.

Mrs. T. E. Williams was removed to her home Saturday.

Mrs. R. Berry, who had a severe case of pneumonia, and her little daughter, who had the grippe will be able to leave for Jackson, Mississippi, in a few days.

Mr. Von DeWitt, of Artesia, is still improving and is able to be up and around.

Miss Anna Klauer is recovering fast from her recent operation.

Miss May Harroun was operated on Thursday and is doing nicely.

Mrs. John W. Moore and baby will be able to return home in a few days.

Mrs. M. Williams, of Nading, left the hospital Monday, but will remain in town for a few weeks.

If you MUST swear, call at the Current office and do it legally. Notary always in.

Continued on last page.

## CATTLEMEN ASK GOVERNMENT TO PATROL BORDER AND POLICE MEXICAN STATES.

American National Livestock Association Goes on Record as Favoring Federal Police in Southern Republic.

### OBJECT IS PROTECTION OF AMERICAN INTERESTS.

Appointment of Tariff Commission and Protective Duties on Imports of Meat Also Are Recommended.

During the past week the stockmen from all over the United States have met in El Paso and as many went from Carlsbad, and nearly all are interested in the following proceedings of the meeting will be read with interest:

El Paso, Tex., Jan. 26.—A resolution requesting the government of the United States to establish an adequate patrol in northern Mexico to protect the lives and property of American citizens was adopted today by delegates to the nineteenth annual convention of the American Livestock association. On the ground that neither the president of the United States nor congress has been fully informed relative to conditions in Mexico the resolution also provided for the appointment of a committee of three members to go to Washington and lay before government officials additional facts concerning treatment of Americans in Mexico.

The convention also adopted resolutions favoring the appointment of a tariff commission, and demanding that when the tariff is next revised that all meats and similar products from foreign countries be subjected to import duties. Having meals on the free list has not reduced prices or benefited consumers and producers have been injured, it was declared.

Another resolution called upon the government of the United States to place an embargo on imports of livestock or dressed beef from countries where contagious diseases exist to prevent the spread in this country of such live stock scourges as the foot and mouth disease.

The resolution relative to Mexico as presented on the floor of the convention today was a compromise resulting from a conference last night between members of various committees who wished to criticize severely the administration's policy, with reference to Mexico and those who were determined to combat any effort to attack President Wilson or to demand an armed intervention which might lead to conquest.

Governor John B. Kendrick, of Wyoming, led the forces opposing an attack on the president, and the resolution as presented states that "by this resolution it is not proposed and intended to seek intervention in the republic of Mexico but only that a sufficient patrol be established as will insure safety for life, person and property of American citizens in the northern portion of the republic of Mexico, who are justly entitled to the same."

A movement favoring the re-election of Dwight B. Heard of Phoenix, Ariz., as president of the American National Livestock association gained such proportions today that it was deemed almost certain to prevail at the election tomorrow. I. W. Fryor, of San Antonio, who was slated to succeed, probably will withdraw and take the honor in 1917. It was also regarded as certain that Chyrens would be chosen for the next convention of the organization.

The second day's session of the nineteenth annual convention of the American Livestock association was to consist mainly of entertainment for the visitors.

Only the business session was held, in the forenoon. At 3 o'clock an automobile ride was planned, ending at Fort Bliss, where a grand drill and exhibition had been arranged with the Eighth cavalry, Sixth, Sixteenth, Seventeenth and Twentieth infantry regiments and the Fourth field artillery participating. In the evening there was to be a ball given in one of the principal hotels.

A reception and musical were given last night for the visiting ladies.

Last night's program consisted of illustrated lectures by Dr. C. C. Young on "Hybrids in Central Asia," and a discussion of the losses sustained by stockmen from poisonous plants by Dr. C. D. Marsh, physiologist on poisonous plants in the United States department of agriculture. Tomorrow will be devoted principally to discussion affecting the stockmen.

### DEMAND PROTECTION FOR AMERICANS.

Except for a slight amendment proposed by Ed. Lasater and accepted without debate, resolutions demanding protection for American lives and property in Mexico and asking for a patrol of the northern region of Mexico, were unanimously adopted shortly after the American National Livestock association convened for the second day's session of its nineteenth annual convention yesterday morning. The resolution follows:

"Whereas, during the last five years in the republic of Mexico, by reasons of dissensions therein prevailing, many American citizens who were in the republic of Mexico upon lawful pursuits

public of Mexico upon lawful pursuits

Continued on last page.