

# THE DISTRICT COURT

## Moses Lewis Makes Statement After Sentence is Passed.

## SCHOONOVER MUST LEAVE

## Poor Woman Dragged to Court Over 75 Miles on Unfounded Charge.

Moses Lewis who was convicted here at the present term of court on the charge of murdering his first cousin Leland S. Terhune in Chaves county and brought here on a change of venue was sentenced Wednesday afternoon by Judge William H. Pope to 99 years in the penitentiary and to pay the costs of the case. Before sentencing Lewis Judge Pope carefully reviewed the case to him and congratulated him on being ably defended by Messrs. John T. McClure and D. W. Elliott, the two attorneys of Roswell who were appointed to defend him. The opinion of the court was that they were two as competent and conscientious lawyers as in the district and that they had defended him without money or price at Roswell and came here and defended him and even spent money out of their own pockets in securing evidence for the defense. He spoke of the theory of the prosecution that Terhune was murdered in cold blood in the night time and the body buried to conceal the crime and that the motive for the crime was his regard for Terhune's wife and in getting the man out of the way he had a hope that he could secure her for his wife. Also of the theory of the defense and the contention of the defendant that Terhune was killed by Lewis in self-defense and that he buried the body because he was scared and did not know what to do and that the jury evidently believed the theory of the prosecution as they had brought in a verdict guilty, without any recommendation of mercy. He also spoke of the story of Cain and Abel and drew comparisons and concluded by sentencing Lewis to 99 years in the penitentiary. The only comment the prisoner made to the court was that he was convicted on account of money and as the sentence was pronounced he turned deathly pale and as he started to sit down his knees gave out under him.

He was seen in the jail immediately after the sentence by Robert T. McClung, a newspaper reporter who secured expressions of opinion as to the sentence. He said that he was innocent and was unjustly convicted and that he told the truth on the stand here and at Roswell on his first trial and that he did not have any change to make and that he would cling to the fact that he acted in self-defense until he died. He did not expect a less sentence under the verdict of the jury and was not in the least surprised when Judge Pope sentenced him to 99 years. He was asked if he would rather face a sentence of 99 years knowing that he would be compelled to spend the remainder of his life in prison or the death penalty. He said that it was the hardest question ever put to him, as life was sweet and the sentence he was under was terrible and that he could not answer. "If you are telling the truth do you not know and feel that it is the rule of nature and the law of the Almighty that innocence as well as murder will eventually out and that if you are innocent

there will be a possibility of your some time regaining your freedom and that you are not doomed to spend your life in the penitentiary," said the reporter. He replied, "Well nobody seen it but me and God and how am I ever to prove my innocence if they do not believe my story. I have thought about what you said many times, but nobody ever told me before that murder as well as innocence will some time out and what you have said gives me more hope and makes me feel better than anything that has been said to since my trouble."

Lewis has turned highly religious and spends most of his time reading the bible. He never reads magazines or news papers that are taken into the jail. As the reporter left Lewis courteously wished him luck and said "well good-bye, I reckon I will never see you again."

Some surprise was created when B. M. Mitchell, a sheep man of the plains withdrew his plea of "not guilty" and pleaded "guilty" to the second charge of the indictment he was tried on at the present term of court and there was a hung jury. There were two counts in the indictment charging stealing 440 sheep and in buying, receiving and aiding in the concealment of the same sheep, knowing the same to have been stolen. He pleaded guilty to the second count of the indictment and the stealing charge and several other indictments, including carrying concealed weapons, forcing bill of sale and malicious threats were dismissed. He was given two and a half years in the penitentiary and placed in jail. He had been out on bond since the disagreement of the jury. The jury stood eight for conviction and four for acquittal, and where held together for forty-eight hours by Judge Pope hoping that they would agree, as the case had been a very expensive one for Eddy county. Mitchell who is an intelligent appearing young man thirty three years ago was seen in jail by a reporter but did not care to discuss his case, only saying that he had no ill feeling and that Judge Pope had acted under his duty and that he intended to lead a model life in prison to secure time off and when released to live an upright life.

### Lewis Sentenced.

Wednesday afternoon at two o'clock Judge Pope ordered those convicted at this term before the court to receive sentence. The first subject was Dr. Combes, who plead guilty to carrying a six shooter and who was held in jail for a few days having been brought from Clifton, Arizona, to testify in the Holly Ray case for the prosecution. He had testified to having picked up a six shooter at the south door of the Bank Saloon outside on the sidewalk the morning after the shooting. He claimed to have dropped the revolver some twenty minutes previous. His story on the stand was rather disjointed and the attorneys for the defense tore it up pretty badly. After his testimony was in he was arrested for carrying a deadly weapon, and it was for this he plead guilty and was sentenced to six months in jail, but the sentence was suspended provided he left the territory, owing to the fact he came from Clifton, without the trouble of a requisition.

The second man arraigned for sentence was Sol Schoonover who was convicted of owning a house rented for prostitution. As Sol had made a deal the night before to sell his saloon and was preparing to leave for Arizona, this case was quickly

disposed of. Sol was asked by the court if he had anything to say and he stated that he had actually sold out and wished to leave the town and wished to thank his lawyers, friends, and citizens general and also the court in advance for its clemency. After this the court sentenced Sol to ninety days in jail, pay costs and \$50.00 fine, the fine and jail sentence to be suspended during his absence from New Mexico and he was given thirty days in which to close up his affairs and leave for good.

The court was occupied last week Thursday and Friday on the civil case of Bajac vs Rives to recover \$1000 paid Rives to use in mining in Mexico and a short summary of the case is about as follows:

J. T. Rives had a friend in Chamipa, Mexico, named Parlin who represented he had a gold mine. Bajac advanced \$1000 to assist in denouncing the mine in name of Parlin & Bajac, which denouncement and development on the mine was to have been performed on or before September 1 1907. This it seems was not done according to the written contract and Bajac sued Rives for the return of his \$1000. Rives sets up that the time for denouncing had been extended without his comment and the contract thereby changed. The requests of facts were made before a jury and the arguments on the legal points will be made to-day.

### A Deplorable Case.

The saddest scene that was enacted in the Eddy county court house was Thursday when Nannie Stovall an illiterate woman aged about 38 years from the plains country, 75 miles east of Carlbad, near Monument was given a preliminary hearing before Judge William H. Pope on the charge of murdering her own infant the latter part of April last year. It was proven that the woman was assaulted by a negro when she was eighteen years of age and since that time she had been a nervous wreck and was weak-minded and subject to epileptic fits. Shortly before she removed to New Mexico with her brother Leonard Stovall and her uncle she was working in a cotton field in Texas and she was led astray and seduced by a cotton picker named Rogers on the promise of marriage. He did not carry out his promise. It was proven by Mrs. Elliff the wife of Deputy Sheriff Elliff who lives near the Stovall's that Nannie Stovall was thrown from a horse in April 1907 and that the woman in about three days gave birth to a child prematurely born and that it was born dead. The woman, her brother and uncle had claims and were camped together and the weak-minded woman in an effort to conceal her shame dug a grave about fifty feet from the camp and buried the child.

The woman who was under a severe mental strain intended to testify that she buried the body of the child prematurely born, but was overcome and had an epileptic fit in the court room here.

Judge Pope dismissed the woman from custody and said that it was a sad case and regrettable and further stated that no criminal intent had been shown and that the woman in burying the body did not do it to try and conceal a crime, but in trying to hide her shame. Lawyers and strong men in the audience were moved to tears at the pathetic sight; a tinge of tenderness was added by the care and affection shown by the brother of the

unfortunate woman. He led her out of the court room and as the last flight of outside stairs was reached the woman was overcome by another fit and spell of heart failure and a physician was called and the brother nursed his sister until she was removed to comfortable quarters.

The brother asked her if she wanted to be taken to a hospital and she faintly said that she wanted to be with her brother even if it was in the camp wagon at a wagon yard.

It was a strong illustration of one half of the world not knowing the poverty, shame and suffering of the other half, and it was deplorable that this weak-minded, suffering, illiterate woman should be brought across the plains a distance of eighty-five miles and have her shame and suffering aired before the gaze of a morbid public on a charge of murder that evidence developed had absolutely no foundation. The majesty of the law must be and will be upheld, and it is eminently proper to even run down and sift rumors of crime, but it does seem to the writer that this poor creature could have been given a preliminary hearing before Justice of the Peace J. L. Taylor whose office is only a few miles from the defendant's home in the rural community in which she lived instead of being dragged a distance of seventy-five miles across the plains.

### Quick Meal Gasoline Stoves

A child or an untrained hired girl can use it safely. Fuel only costs 1 or 6 cents a day. No kindling, ashes, soot, dirt or HEAT. Cheaper than wood at \$3.00 a cord. We sell them.

TRACY-ROBERTS Bldg. Co.

### Quick Meal Gasoline Stoves for sale by Tracy-Roberts Hardware Co.

Notice To Take Effect. As a consequence of the... (text continues with legal notice details)

Prize For Town Beautifying Contest. Various methods are adopted for an... (text continues with contest details)

Local Street Planting. Since the Hollywood City Council... (text continues with street planting details)

# ALAMO COFFEE

No other equals it  
Strictly high grade  
1 and 2 pound cans only  
TRY A CAN  
W.M. LECK  
Exclusive Agent

Neighborhood Favorite.  
Mrs. E. D. Charles, of Harbor, Maine, speaking of Electric Bitters, says: "It is a neighborhood favorite here with us." It deserves to be a favorite everywhere. It gives quick relief in dyspepsia, liver complaint, kidney derangement, malnutrition, nervousness, weakness and general debility. Its action on the blood as a thorough purifier makes it especially useful as a spring medicine. This grand alternative tonic is sold under guarantee at the Eddy Drug Store, Eddy.

Sweet potato plants ready April 1st. Roswell Seed Co.

Notice of Election.  
Notice is hereby given to all qualified voters of the town of Carlbad, Eddy County, Territory of New Mexico that there will be held on Tuesday, April 7, 1908, which will be the first Tuesday in April, an election to and for the town of Carlbad for the purpose of electing the following officers for said town to-wit:

- One Mayor to serve two years.
- One Recorder to serve two years.
- One Marshal to serve two years.
- Two Trustees to serve four years.
- One Trustee to represent people within the territory of Eddy Harbor assigned.
- Two members of the Board of Public Health to serve two years.
- One member of the Board of Education to serve four years.

Such election to be held in manner and form as provided by the statutes of the Territory of New Mexico. The polls, which shall be located at the town hall in said town, shall be open from 9 o'clock a. m. until 5 o'clock p. m. on the day of the election and closed at the following places, to-wit:

Geo. M. Phillips, W. L. Hilly, J. J. Taylor. The undersigned being hereby appointed by the Board of Election of the town of Carlbad to register voters and to receive and certify the same, who have been previously registered according to the territorial statutes shall receive and deliver the books for voting in a certain office at N. K. Cunningham on or on the premises at the court house in Carlbad, New Mexico, under the supervision of the town clerk of Carlbad, Eddy County, New Mexico, and will be in possession of the books of Carlbad at regular intervals during their term of office, to-wit: Geo. M. Phillips, W. L. Hilly, J. J. Taylor and W. L. Hilly, which said books of registration to fully comply with the statutes of the Territory of New Mexico as regards form of signature and recording.

A. B. O'Connell, Mayor  
J. B. Harvey, Recorder

Croup  
It is a violent inflammation of the mucous membrane of the wind pipe, which is most likely to be contracted by children and young children. It is one of the most dangerous diseases of childhood. It almost always comes on in the night. Give frequent small doses of Ballard's Homeopathic Syrup and apply Ballard's Snow-Balmment externally to the throat. Sold by the Eddy Drug Co. Price 25c per bottle and \$1.00.

The Jumping off Place.  
"Consumption had me in its grasp, and I had almost reached the jumping off place when I was advised to try Dr. King's New Discovery, and I want to say right now it saved my life." My improvement began with the first bottle, and after six dozen bottles I was a well and happy man again. Says George Moore of Grimsland, North Carolina: "As a remedy for coughs and colds and hoarseness of voice, sore lungs for preventing pneumonia, New Discovery is superior." Sold by the Eddy Drug Co. Price 25c per bottle and \$1.00.

We have 180 acres 9 miles west of Carlbad, patented land, with fine dam and reservoir and individual irrigating plant, fine land, four room frame dwelling, all tillable land. Price \$12,000, half cash, balance one, two and three years. The finest fruit land in New Mexico.  
Holloway Land Co.

Just Because  
your cough is only in the throat and does not trouble you now, don't think that it needs no attention. When it has not had much of a start it is the time to check it. The slightest cough easily leads to Pneumonia, Bronchitis and Consumption. A bottle of Ballard's Homeopathic Syrup will cure that cough. The price puts it within reach of all. Sold by the Eddy Drug Co.