

New Mexico Historical Review

Volume 19 | Number 4

Article 4

10-1-1944

A Tuscon Tragedy

J. G. Bourke

L. B. Bloom

Follow this and additional works at: <https://digitalrepository.unm.edu/nmhr>

Recommended Citation

Bourke, J. G. and L. B. Bloom. "A Tuscon Tragedy." *New Mexico Historical Review* 19, 4 (1944).
<https://digitalrepository.unm.edu/nmhr/vol19/iss4/4>

This Article is brought to you for free and open access by UNM Digital Repository. It has been accepted for inclusion in *New Mexico Historical Review* by an authorized editor of UNM Digital Repository. For more information, please contact amywinter@unm.edu, lsloane@salud.unm.edu, sarahrk@unm.edu.

A TUCSON TRAGEDY
A True Tale of Terror
The Court of Judge Lynch
The Execution

Written for the Boston Commercial Bulletin

II

IDENTIFYING THE MURDERERS

With Evans to think was to act. It took him no time at all to indicate by whispers, signs and winks that he wanted half a dozen Americans to follow him. Exactly what he said or how he said it, he himself could never explain, but he managed to let his small band of select companions know that three Mexican desperados, whom he had the best of reasons for considering the murderers, were in the crowd, unable to leave town until the pickets should be withdrawn and playing the dodge of mingling boldly with the mourners to divert all suspicion from themselves.

The next they knew was the sharp sound of click! click! "Hands up! and no jawbone. There! that will do. Now, tie this one."

It was done. The Mexicans made no resistance. What could it mean? murmured the crowd. Those men have done nothing. Why have they been arrested?

"Ah! truly, sir, you speak well. We are poor people from Oposura coming up to the *fiesta* of the glorious Saint Agostin, and now about to travel to Magdalena for the *funcion* of the ever blessed Saint Francis."

"Take that fellow," said Evans, unmindful of this pious explanation, "and follow me through the house."

Once in the yard, Evans' purpose was plain to be seen.

"Take off his moccasins and put his feet in those foot-prints."

The prisoner resisted as best he could, but unavailingly. His foot fitted perfectly in the track. The two were identical. A shiver ran through the crowd which unbidden had pressed in behind.

"They have caught one of the murderers, sure," was the general comment.

"Gentlemen, perhaps I can be of some service to you," said a bright looking young man, pushing forward to the group which had assumed management of affairs. It was a

surgeon of the army, lately assigned for duty at the military post near Tucson.

A professional call had brought him into town, just as the story was passing from mouth to mouth that suspicion had been directed to a Mexican whose newly-washed feet just fitted the bloody tracks in the yard of the murdered Muñoz.

"Will you let me examine those feet?"

"Why, certainly, doctor, with pleasure."

The young surgeon knelt down and, before the prisoner could divine his motive had seized one of his feet with one hand and with the other ran a penknife under the nail of the great toe, drawing out dark, red, coagulated blood.

"I'll put this under the microscope to be certain and let you know what this is," he said, making a bow and disappearing.

THE SURGEON'S DEVICE

Is it worth while to delay at this point? Rather is it not better to hurry the story to a conclusion by saying that the doctor's shrewd surmise was demonstrated into a scientific fact and that blood, human blood, was proved to exist in the clotted mass which careless ablutions had failed to remove?

The doom of one of the three was sealed. But how about the other two? The most rigid search had failed to bring to light any of the stolen property, there was nothing but circumstantial evidence against them, and they protested their innocence with an energy and plausibility that were not altogether without effect upon the minds of those in charge of them. The prisoners were, however, separated and cross-examined at different points. Their answers, as might be expected, showed many discrepancies; not serious enough, perhaps, to justify, in the strictest interpretation of the law, the scene which next followed, but sufficiently grave, in the remote outlying settlements of the Far West, to justify his Honor,—Judge Lynch,—in any measure, even death itself.

"Boys!" said the spokesman, "we're on the right trail. One of these men has certainly been concerned in this most brutal murder, and altho' I can't prove it, I believe that all three have been. They can't tell the same story twice in succession; they're lying right along and I propose that we hang them all three until they do tell the truth."

Evans was addressing the population of Tucson. It seemed as if every soul in the town had found a way to the old montepio, in front of which were massed hundreds of men, impatient, excited, thirsting for revenge.

"You bet," was the emphatic endorsement, uttered by hundreds of voices "that's what we'll do."

JUDGE LYNCH IN COURT

The prisoners glanced uneasily from face to face. They saw around them representatives of nearly every race in the world. Mexicans in scores; Mexican Indians; Apaches, of whom a few then known as Tame Apaches, had lived in Tucson for years; a negro or two, and as many Chinamen, for the Mongolian had scarcely as yet invaded the territory; while among the "Americans," were Germans, Irish, French, Yankees from Cape Cod; long-limbed Missourians, phlegmatic Pennsylvania Dutch and a goodly sprinkling of "Forty Niners" from California; men of godly lives and men over whose past careers charity had kindly spread her mantle.

Scarcely an American present without a title. There were colonels and majors in plenty; "doctors" too and "jedges," with here and there a "professor" to keep them company. The Mexicans were content with the simpler but more elegant "Don," which their American neighbors never omitted in addressing them.

There was something peculiar about this punctilious politeness of Arizona, beneath whose sage-brush and saguaras the Muses and Graces were not commonly reputed to dwell.

You might be disposed to dispute "Jedge" Dawkins' claim to forensic distinction, and were he back in Boston you would, no doubt, in cold blood, call him Dawkins only, if you called him anything at all; but in the exhilarating climate of the Southwest when you had it intimated to you that Dawkins was "quick on the trigger" and "a nasty man in a row," you at once gave him the benefit of the doubt and of the handle to his name.

Some of the Mexicans of the better class were exceptionally refined and good mannered. Politeness, in a word, clothes the Mexican as with a garment. He may not always mean what he says, yet he says what he doesn't mean in such a graceful, Chesterfieldian way that you like him in spite of yourself.

MEXICAN POLITENESS

No American has ever realized the niceties of good breeding until he has seen a Mexican of the lower class approach a "caballero" and ask for a light for his cigarette. There is such perfect courtesy, such a sense of mutual dependence and mutual confidence displayed, that, at the least, you fancy that one must be a poor relation of the other. Not in the slightest degree, except as they both trace back to old Father Adam. They have never seen each other before and may never see each other again.

To come back to the throng which massed about the condemned, it now includes numbers of the best Mexicans in the town, who were more anxious to rid the earth of these wretches than even the Americans were, because they knew more of the past history of the gang, to which it was believed they had belonged in Sonora.

Thus stood the prisoners for one brief moment scanning the features of those who were soon to be their executioners; in that brief moment, the quivering wretches had time enough to comprehend that in the sea of diverse faces there was one trait in common, one bond of union,—the absence of all mercy.

“Don Leopoldo!” said Evans, turning to a plainly garbed, rather swarthy faced, but very keen looking Mexican, “we want you to say to these men that they have not much longer to live. We know that they’ve murdered poor Muñoz and his family and ought to be hanged on sight; for all that, we want to do the fair thing and will give them a chance to tell the truth and all they want to say. Maybe one of them had less to do with it than the rest.”

PLEADING FOR MERCY

At this intimation, slight as it was, of clemency for “State’s evidence,” one of the culprits, who may as well be called García—and while we are naming him, let us, as a matter of poetic license, designate his accessories as Vásquez and Ribera—began most piteously to plead for mercy.

“By all the saints in heaven,” he swore, “I had nothing to do with the murder. I was not the one who did it.”

“It makes no difference which of you did it,” interposed the impatient captors, “we’re going to hang you all just for luck, and if you can’t remember all about it by the time we let you down, we’ll stretch your necks for good.”

One after another the murderers dangled in the air and were kept there until nearly strangled. Then they were let down and from their half-articulate, terror-stricken utterances the full horror of their crime was gleaned.

Vásquez and Ribera had committed the murder, García keeping watch, lying down flat on the ground, on the opposite side of the street, ready to sound a low whistle the moment any one approached. But no providential footstep, no belated gambler homeward reeling from the scene of his successes or reverses at the *fiesta*, scared away the inhuman butchers from their deed of blood. Muñoz, Doña Luisa and the little child were murdered almost in the manner suggested to the quick perceptions of those who first entered their house, and there remained to be cleared up only one

mystery of the place of concealment of the jewelry and other trinkets of value which had been the incentive to the crime.

CONCEALING THE PLUNDER

"I will tell you," said Vásquez, coolly; "you know all now. It's no use trying to conceal further. We buried our plunder directly in front of the Governor's house. We thought that that would be the last place any one would think of examining. A short distance down the lane which leads from the Governor's house to the bishop's house, on the right hand side, is a mesquite tree; under it we buried the jewelry. Take me there, I will show you the spot."

There was a chorus of assent to this proposition. With hands still bound, but escorted by so strong a guard that all hope of escape was out of the question, Vásquez led the way— "There! Dig in that spot." A half dozen spadefulls of soft earth brought to light a small bundle of gold ear-rings, bracelets and watch chains, some of them well marked with blood from the murderers' hands.

These men were to hang, and in a very few minutes. Every hour of grace would be only so much additional torture; why not run them down into the Bottom and hang them to the first cottonwoods? But here spoke out "Don Samuel," an Amercian married to a Mexican lady, and almost as much a Mexican as an American, so far as knowledge of language and customs went, a clearheaded man, a property holder and a prominent person in every sense. "I want to say right here that we have caught these men in the very act, I may say, of foul murder; we have tried them not by a jury of twelve, but by a jury of the whole town. By that jury and by their own confession, we have found them guilty. Why hang them in the Bottom? Why not hang them in the Plaza itself?"

A murmur of approval.

"While we're about it," added a tall, quiet looking miner from the Comstock, "why not make a clean job of it? Why not hang Williss who was seen by half a dozen good, reputable witnesses to shoot that Mexican, Flores, in cold blood a year ago? The county can't well afford to keep him in jail forever and he's had a fair trial and been found guilty. This trying a murderer half a dozen times over costs a heap of money."

"Yes, they might just as well hang the whole batch at once," so the great throng concluded with lightning celerity. Who set in place the strong beams which formed the gallows? Quién sabe. Who bought the rope and made ready the nooses? Quién sabe. Quién sabe was busy that day and

did much that over-zealous officials might afterwards have liked to find out.

The cathedral bells, which hung on a horizontal beam in front of the old church, clanged and clanged and clanged, because small boys were deputed for this task and the small boy is never so conscientious in obedience to orders as when his work involves noise.

It was a solemn,—a dreadful scene,—that on the plaza in front of the church, the gallows, the executioners, the sullen determined assemblage; the three Mexican murderers were promptly in place, two of them bold and collected, the third faint with fright, sustained in the arms of two stout men.

“Make way!—and the crowd divides, to allow the entrance of the party who had seized upon jail and jailor and taken possession of the fourth murderer whom they were dragging to his death—a white-faced, cowardly cur. He had in his day been a “desperate character” and in that role had shot and maimed many a poor wretch drunker than himself or not so well armed. Half a dozen murders were charged up on his head and one proved. Yet when his turn came to die, no innocent child could plead so piteously for mercy. “Gentlemen, only a few days, spare me! I’ll be a different man for the rest of my life. Don’t kill a poor man in cold blood—”

FOUR STRANGE SCARECROWS

“Was that what you told Flores?” queried one of those nearest him. “Didn’t you say you shot to see a d - - - d Mexican wriggle? Well, you’ve got to take a dose of your own medicine and that’s all there is about it.”

“Don’t let me die like a dog—let me talk to some clergyman.”

“By Jove, boys, he’s right. Let some one of those ‘muchachos’ run over for Padre Antonio or Padre Francisco, but tell him to hurry, as we have no time for fooling.”

The speaker was a rough-mannered, brawny, handsome fellow, from somewhere down in York State, the last man in the world to be credited with any personal solicitude about matters theological where himself alone was concerned. He was too manly not to concede to others, however, the same freedom of opinion he demanded for himself. The swift-running boys delivered their message and returned, heralding the priest, at whose approach all drew back a respectful distance, to allow him whispered converse with the doomed.

Vásquez died impenitent—that is, he explained that his whole career had been so bad there was no use trying to say

prayers in his last hour. García was believed to be already dead of fright. Ribera humbly confessed his sins, while Williss, a Protestant, as was said, held the priest's hand in a vice-like grip and listened during the brief time allowed him to the good man's words.

'Twas early morning again. The first faint flush of dawn once more aroused the crows up on the tops of the pitahayas and this time the burden of their gossip was the four strange scarecrows which hung from the gallows in front of the church in the Plaza of old Tucson.