

# Murder At Mogollon

*In 1912, Mogollon was a bustling mining town in western Socorro County*

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## Life in Mogollon

In 1912, the bustling mining town of Mogollon was part of western Socorro County. While the mines and mills around Socorro were in decline, those at Mogollon were producing 70 percent of New Mexico's gold and silver.

The dominant mining operations were the Last Chance and Maud S. mines, operated by the Ernestine Mining Company, and the Little Fanny and Champion mines, operated by the Socorro Mines Company. Mogollon, with a population of about 1,500 persons, had produced nearly \$3 million in gold and \$7 million in silver by statehood.

This wealth allowed Mogollon, in many respects, to become a modern town. Some of the mines were electrified and electric lighting illuminated the main street and some businesses. Telephone service had arrived for those who could afford the \$2 monthly fee. Even Mogollon Deputy Sheriff Cipriano Baca had a telephone in his office. An automobile or motor-truck would occasionally be seen on her dusty streets, though mule-drawn wagons and folks on horseback were still the common sight.

In spite of these modern 20th century conveniences, Mogollon was still a very remote mining camp filled with rough miners, hard gamblers, and others keeping the reputation of the "Wild West" alive. To them, it was still the 1800s. Though the Gun Law of 1899 prohibited the carrying of deadly weapons in New Mexico's towns and cities, this seemed to have had little effect in Mogollon.



Photo by Bonnie McGuire

**The main street through Mogollon today, taken in early spring with snow still on the ground. The building on the left was the Mogollon Mercantile and banking agent for the Last Chance mine.**

These must have been interesting days for Mogollon. People enjoying the modern world of electricity, telephones and the automobile amidst a population of ruffians still toting their six-shooters and Winchester rifles.

The Mogollon Mercantile Company was one of the mining town's active businesses. It was here where you purchased about anything you needed from food to clothing, building materials to tools, tobacco to wine, and of course, mining supplies. The mercantile also had a large safe and acted as a holding bank, keeping the money of many of Mogollon's residents and businesses safe and secure. The Ernestine Mining Company had its main account, and money, secured in the Silver City State Bank with the Mogollon Mercantile as their local banking agents.

Unlike Socorro, Mogollon had no nearby railroad. The nearest railhead was at Silver City, 85 miles to



Photo by Bonnie McGuire

**Two men were robbed and killed in the Mogollon Mercantile Company in 1912. Today, the building serves as the town museum.**

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the south. All goods and supplies arrived in Mogollon by daily freight wagons, a hard day-long trip through the rugged Gila Mountains. Though Mogollon was part of Socorro County, the majority of commerce was conducted with the closer Silver City. In fact, Silver City made several attempts to annex Mogollon into Grant County before Catron County was created in 1921.

### **One Day In Mogollon**

Early on Monday morning, February 19, 1912, barely a month after New Mexico's statehood, Charles Freeman opened the Mogollon Mercantile Company as usual. Freeman was manager and co-owner of the mercantile business. He was soon joined by store clerk William Clark and bookkeeper Eugene Burns. This would be a long day, as the Last Chance mine paid it's workers on the 20th of each month. The monthly payroll would be arriving late in the day by an armed guard express.

Later that morning, Earl Alford Wayne, General Manager of the Ernestine Mining Company, received a telephone call from the Silver City State Bank. The monthly payroll of \$3,710, equivalent to about \$80,000 today, was on it's way to Mogollon. Wayne no doubt informed manager

Freeman that the payroll would be arriving at the express office in early evening.

About 7:00 p.m., manager Freeman and bookkeeper Burns left for the express office, leaving clerk Burns alone in the store. The guarded payroll had just arrived by the Bennett Auto Company from Silver City. Freeman and Burns counted the money, signed for the delivery, and carried the package of money the few doors down the street to the mercantile. Burns placed the payroll into the safe, closed the large steel door, and spun the combination dial to ensure it was locked and secure. The payroll was safe for the night.

Two cowboys with Winchester rifles entered the store, not especially out of place in wild Mogollon. Clark approached the men, offering his assistance. The two customers raised their rifles, one pointed squarely at Clark, and the other at Freeman standing behind the counter. With no warning, they squeezed their triggers. Clark and Freeman fell to the floor -- dead.

The February 24 Socorro Chieftain reported the murders as follows: *"Two Mexicans entered the store carrying Winchester rifles. One report says Clark was shot without a word and as Freeman stepped around the end of the counter to see what was going on was also shot. Another report states that both were shot at about the same time. Another account says that the men were commanded to hold up their hands and that Freeman delayed obeying the order or refused to obey and instantly shot."*

The two banditos then leveled their rifles at Burns and led the frightened bookkeeper into the back room. Burns was ordered to open the safe, which for fear of his life, was compelled to obey. When the safe door swung open, the two grabbed the payroll package and a sack of processed silver. They immediately made their escape, sparing the life of Eugene Burns.

The terrified bookkeeper ran down the street to the sheriff's office and reported the robbery and murders to Deputy Sheriff Cipriano Baca. Taking advantage of the last few moments of sunlight, Baca immediately began to investigate the scene of the crimes. He followed their footprints down the alley from the store, but lost their tracks as the

two murders jumped across the creek to a hard rock ledge and continued their flight. Returning to the store, Deputy Baca found the package of silver which the banditos evidently found to be too heavy to be bothered with.

The Chieftain news article continued, *“Freeman and Clark were both shot through the heart and died almost instantly. The bookkeeper, who was a witness to the whole affair, recognized one of the men as Apolonino Durango, a Mexican well known around the camp. The other man he was not able to recognize.*

*“C. A. Freeman has been a resident of Mogollon for about five years, during which time he has been connected with the Mogollon Mercantile company, first as manager for Mr. Craig, and later as part owner and manager. He leaves a wife and three daughters residing in Pasadena, Cal., to whom the sad news of his untimely death was sent by wire last evening. (William) Clark was a native of Mogollon and had been employed in the store for some time. His parents live in that district.”*

William Clark was buried in the Mogollon Cemetery. His gravestone states he was 26 years and two months old when he was killed. Freeman's body was returned to his family in Pasadena, California, where he was buried.

Deputy Baca promptly surmised the ruthless killers had targeted the Last Chance mine payroll. Durango, being a familiar face in Mogollon, was acquainted with the payday custom and knew the company had the money in the safe at the time of the robbery.

### **Deputy Cipriano Baca**

Cipriano Baca was one of New Mexico's famed lawmen, serving as a deputy sheriff in Grant County. He then moved to Mogollon in the same capacity in 1892 under Socorro County Sheriff Leopoldo Contreras. A few years later, Sheriff Holm Bursum moved the deputy and his family to Socorro. At this time, Baca had also been elected as Socorro County Assessor, serving several terms.

As deputy sheriff, Baca became well known for capturing various outlaws over the years, including several members of the famed Black

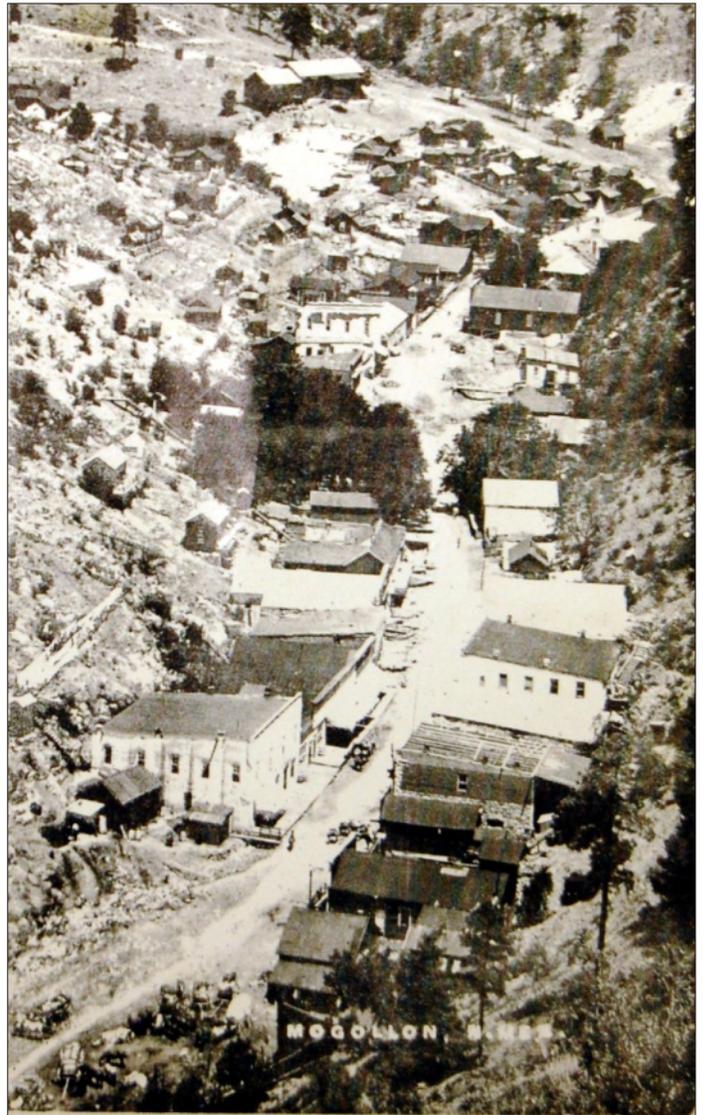


Photo courtesy Robert Eveleth

**This circa. 1910 postcard shows Mogollon built in the narrow canyon of Silver Creek. Most of the main street buildings remain standing today.**

Jack gang. This bunch of outlaws committed train robberies from Lordsburg, New Mexico into eastern Arizona. A posse led by Baca captured several of the gang near Stein's Pass in 1897.

However, the most notorious member of the Black Jack gang, George Musgrave, managed to elude Baca's posse. Musgrave was an original member of the gang, earning a reputation for committing the first bank robbery in Arizona to the largest Santa Fe Railroad heist in history. He also had a few notches on his pistol.

Baca pursued Musgrave, losing him at the Mexico border. With murder warrants for Musgrave's arrest, Baca was highly criticized by U.S. Marshall Creighton Foraker for driving the

wanted outlaw deep into Mexico and out of reach. Foraker must have gotten over it, as he hired Cipriano Baca as a Deputy U.S. Marshall in later years.

Baca joined Fullerton's Rangers in 1905, the southern component of the New Mexico Mounted Territorial Police protecting the U.S.-Mexico border. After 1907, Baca accepted various law enforcement jobs taking him from El Paso to the coal mines at Dawson.

Socorro County Sheriff Geronimo Sanchez convinced Baca to return to Mogollon in 1910 to bring law and order to the wild mining town. Baca accepted the job and had found his hands full trying to tame the mining town ever since.

In 1918, Baca made the painful decision to end his job as deputy sheriff in Mogollon to become a full-time ranger for the New Mexico Mounted Police, once again serving along the border with Mexico.

Baca ended his 50-year law enforcement career when he fell into poor health in the mid-1930s. He died of colon cancer in Albuquerque in 1936 at 77 years of age. The Albuquerque Journal hailed the long-time Socorro County resident as one of New Mexico's great lawmen.

### The Pursuit

Baca was 52-years of age when he hopped into the saddle to lead the Mogollon posse. *"Within twenty minutes after the crime,"* the Socorro Chieftain reported, *"Cipriano Baca, deputy sheriff at Mogollon, with a posse mounted and armed was in pursuit of the murderers, and up to the time when the telephone line went out of commission no news of them had been received. Three parties are now in the hills and every available man in the camp is out. Owing to the rough and sparsely inhabited nature of the country which surrounds Mogollon, the capture of the men will be a difficult task indeed."*

Prior to departing Mogollon with the posse, Baca telephoned the Sheriff's office in Socorro with a



Photo courtesy Bob Eveleth

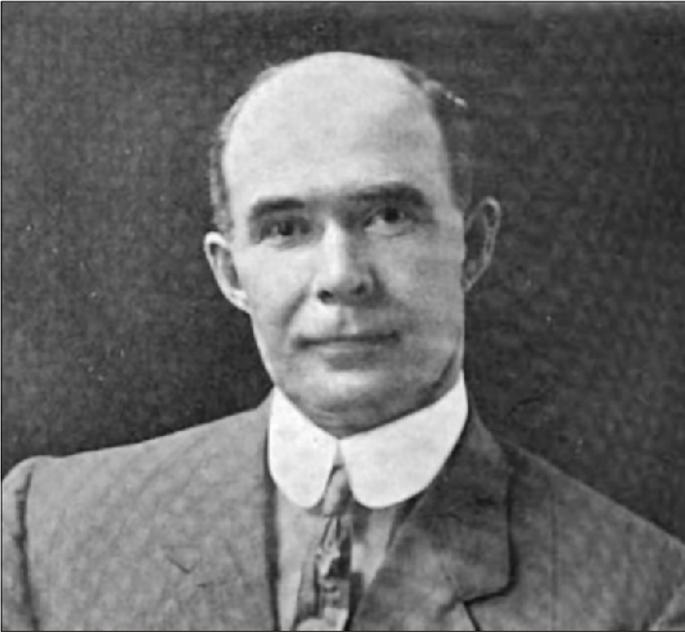
**The mill at the Last Chance mine as it appeared about 1910. This mine produced over a million dollars in gold and silver.**

report of the crime and identity of the men. Unbeknownst to the murders, lawmen for 100 miles in every direction had been alerted of the murder and their identities within minutes.

Baca led his posse along the road to Alma, one of the roads in and out of Mogollon. He found nothing. When the sun rose the next day, a second posse followed the road to Silver City through the Gila. A third posse, led by Socorro County Sheriff Emil James, was also heading to the Gila country. It is possible that Sheriff Jame's posse, and their horses, traveled from Socorro to Silver City by railroad. This was common practice to get 100 miles under one's belt in a few hours rather than two or three days on horseback.

Tracks of the two murderers, and evidence of camp sites, wandered around the region for a couple of days until they struck off in a due southerly route. This was no surprise. Most outlaws on the run generally headed for the Mexico border with the law hot on their trail. Durango and his partner were no different.

By Thursday evening, the desperados were spotted about 10:00 at night near the James Bell ranch on the Gila River. Posse member Scott Hartley (possibly a deputy sheriff), and a local rancher known only as Holland, trailed the men all night. Shortly after sunrise Friday morning, they followed the two outlaws to an old adobe hut



Courtesy "Representative New Mexico"  
**Emil Wayne was the general manager of the Last Chance mine when the payroll was robbed in 1912. Two men were killed in the robbery.**

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near the Gila farms, about 30 miles north of Silver City.

As Hartley and Holland approached the house, the two bandits sprang from the front door and opened fire on the two unarmed men. Hartley and Holland dove for cover. Miraculously, they were uninjured. Scott Hartley attempted to retrieve his Winchester rifle from his saddle. However, the reign of bullets from the house prevented his further advance.

### **The Capture**

Just as Hartley realized things were looking fairly grim, the sound of galloping horses filled his ears. It was Socorro Sheriff Emil James and his posse zeroing in on the sounds of the gunshots. The two bandits wisely retreated back into the house. Gunfire was exchanged between Sheriff James and the bandits on and off over the next several hours.

The Feb. 24th issue of the Socorro Chieftain reported the day's events. *"In the pitched battle that followed one of the bandits was killed and the other barricaded himself in the house and resisted all efforts to dislodge him until 5 o'clock this afternoon, when he surrendered. Sheriff James, with his prisoner, arrived in Silver City at 9 o'clock tonight (Friday) and the captured*

*bandit was lodged in jail where he is heavily guarded. Owing to the brutal nature of the crime and the popularity of the two victims, there is a strong feeling against the desperadoes. More than fifty shots were exchanged during the encounter which resulted in the death and capture of the murderers."*

After the gun fight, Sheriff James found over \$2,000 in cash on the dead man's body. Another \$1,500 was found secreted in the house where they had taken refuge. Virtually every dollar from the stolen Last Chance mine payroll had been recovered.

The bandit killed by Sheriff James was identified as Juan Gregorio Torrange -- not Durango -- as bookkeeper Burns recalled. It was Torrange that had killed the store manager, Charles Freeman.

The captured man identified himself as Francisco Rodriguez, though his identity was later confirmed to be that of Francisco Granado. Hard to believe a cold blooded killer would lie about his name! It was Granado that had killed store clerk William Clark with a point blank shot to the heart.

### **Trial in Socorro**

Sheriff Emil James transported prisoner Granado back to Socorro, arriving by train on Sunday. Monday morning, Granado had his preliminary hearing before Judge Amos Green, pleaded guilty, and was remanded to the county jail. He was ordered to be closely guarded.

While in the Socorro County jail, Granado talked freely of the crime, giving a full and detailed confession to Sheriff James. According to law, any murder committed in the perpetration of a felony is a first degree murder. If found guilty, he could face the death penalty.

The trial was held on Tuesday, April 2. Sheriff James repeated Granado's confession of the crime, along with other witnesses from Mogollon. The April 6 Chieftain reported the outcome of the trial. *"It took the jury only a very short time to find a verdict of murder in the first degree. ... This means the capital penalty for Granado, the first to be inflicted in the county since January, 1907.*

Granado was sentenced to be hanged in Socorro on May 3, 1912 pending appeal. Immediately

following the trial, Sheriff James transported the convicted murderer to the penitentiary in Santa Fe for safe keeping, along with several other prisoners found guilty by the district court.

### **The Appeal**

Granado's defense attorney, J. A. Lowe of Socorro, filed an appeal for the conviction and sentencing of his client. He claimed errors were made in the trial in that his client did not realize the consequences of his confession which was made without legal counsel present, and no evidence was presented to prove his guilt.

The appeal was heard by the New Mexico Supreme Court and published in the Pacific Court Reporter journal. The court summarized the case, adding, *“All of the facts were fully established by the evidence and witnesses and the establishment of guilt of the defendant (Granado) was there left the slightest doubt. The defendant did not testify. This fact would not excuse or exculpate the crime or save the defendant from the punishment prescribed by the law.”*

The New Mexico Supreme Court ruled on March 20, 1913 *“Finding no error in the record, the judgment of the lower court is affirmed, and the judgment and sentence of the court shall be executed on Friday, April 25, 1913.”*

### **The Execution of Granado**

In mid-April, 1913, Granado, and another prisoner named Ivory Frazer, were transferred from the penitentiary in Santa Fe to Socorro for the court ordered execution.

Frazer was convicted of the November 7, 1911 murders of Deputy Sheriff Thomas Hall and Al Smithers upon a jail break from Deming.

Many people felt that now with New Mexico finally achieving statehood, the state should be above hanging criminals as they did in the Territorial days. With the supreme court upholding the sentencing, Governor William McDonald was confronted to intercede. The state's first governor declared his office should not be a court of final judgment and refused to commute the sentences.

The gallows were built at the Socorro County jail. State law allowed hangings to be a public event.



[B\_Courthouse]

Courtesy Socorro County Historical Society

**The old Socorro County Courthouse. The two-story building in the rear is the old county jail where Francisco Granado was executed in 1913 – the last hanging in Socorro County.**

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However, Sheriff James decided to hang the men, as ordered, promptly at sunrise to avoid a spectacle created by a large crowd.

In the darkened hours of April 25, 1913, Sheriff Emil James led Ivory Frazer and Francisco Granado to the gallows. As the sun rose, the Socorro County sheriff performed the formalities of reading the charges and order of execution, asking the two men if they had any last requests. Granado remained silent; Frazer's final words were “May death on the gallows be a warning to young men of New Mexico.”

With the sun barely above the horizon, the two men dropped through the trap doors. The only known public witness was a reporter from the Santa Fe New Mexican, who wrote, *“At 4:52 AM on the 25th, Ivory Frazer and Francisco Granado became the first individuals put to death in the newly created state of New Mexico. The men were executed in the county jail of Socorro, and the sentence was meted out by hanging. Both men's necks being broken in the simultaneous drop from the gallows, their death was reported as instantaneous.”*

Thus, Socorro County has the distinction of conducting the first executions in the state of New Mexico.

There are no known copies of the Socorro Chieftain newspaper for the entire year of 1913. As a result, it is not known how Socorro's newspaper reported the hangings.

### **Hangings in New Mexico**

There were 20 executions by hanging in New Mexico since statehood. The last was the hanging of Francisco Vaisa in Estancia on April 6, 1923. In 1929, the state legislature changed the manner of execution from hanging to electrocution. More importantly, the law transferred the responsibility of execution to the state penitentiary, a welcome relief to county sheriffs across the state -- most of whom did not care to be an executioner.

Between 1929 and 1956, seven men were executed by electrocution.

In 1955, the state legislature changed the law again, requiring executions to be performed by lethal gas in an attempt to find a more "humane" method of capital punishment. Only one person, David Cooper, was put to death in New Mexico's gas chamber in 1960.

In 1979, the manner of execution was changed to lethal injection. Convicted child killer Terry Clark was put to death on November 6, 2000 -- the only person executed in the state by lethal injection.

The death penalty was removed as a form of punishment under Governor Bill Richardson in 2009.

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*Some of the references used in this article:* "The George Musgrave Story" by Karen and John Tanner; "Fullerton's Rangers" by Chuck Hornung; "Ore Deposits of New Mexico" (1910) by Louis Graton and Charles Gordon; Socorro Chieftain newspapers, Robert Eveleth, New Mexico Bureau of Geology, and a special thanks to Bonnie Wayne McGuire, granddaughter of Last Chance mine owner A. E. Wayne.



### **NOTE: Visiting Mogollon**

*If you have never visited Mogollon, you are missing a unique experience and a valued trip back into time. Though Mogollon is considered perhaps New Mexico's best ghost town, it also remains a small active community with several businesses, such as a great old-west museum, antique and gift store, café, and virtually a totally intact old mining town to explore.*

*The town is open to visitors from May through October. From October through May, the road from Alma (near Glenwood) to Mogollon is closed for the winter due to the heavy snows common to the area.*

**For more information, visit:**

<http://www.mogollonenterprises.com>