

W. H. Burges, Pioneer Attorney, Taken by Death

W. H. Burges, pioneer El Paso attorney, died at 10:40 a. m. today in Southwestern General Hospital after an illness of two weeks.

Mr. Burges was 78. He was a member of Burges, Scott, Rasberry and Hulse attorneys.

His home was at 1302 Montana street.

He is survived by his wife, Mrs. Anna Burges, and a niece, Mrs. Jane Burges Perrenot, both of El Paso.

Funeral arrangements are pending with the Hagedon-Harding Funeral Home.

William Henry Burges was born at Seguin Nov. 12, 1867, the son of William Henry and Bettie Rust Burges.

He attended the University of Texas law school, graduating in 1899 in the first law class to graduate. He was admitted to the bar the same year and came to El Paso to prac-



W. H. Burges

He married Anna Pollard Sept. 23, 1896.

Mr. Burges was El Paso City Attorney from 1893 until 1895.

As a young and energetic lawyer he was interested in local politics and good government. He won attention at the beginning of the century by his activities at the head of a citizens' league which fought open gambling and finally outlawed it.

In those days elections were exciting, and support of open gambling often was a campaign issue.

Mr. Burges never sought public office, however, except on one occasion.

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case. In the early 20's he ran for the City School Board on an anti-Klan ticket, and was defeated.

Mr. Burges was widely known as a first class lawyer and handled many important cases. His clients numbered some of the great corporations, including mining, oil and railroad companies of the Southwest.

Most Famous Case

His most famous case, which attracted international attention, was that involving criminal and civil suits growing out of the mass deportation of striking miners from Bisbee, Ariz., by enraged citizens.

The strike had been called in June of 1917 by the Industrial Workers of the World, allegedly to hamper the World War I effort of the Government and to usher in "the Red dawn."

After a picket line incident the Bisbee sheriff organized a posse of some 1800 persons, rounded up 1188 men at gun's point, herded them into a ball park and then loaded them on cattle cars and shipped them over the old El Paso and Southwestern railway into New Mexico, where they were abandoned.

\$14,000,000 Damage Suits

As a result 387 Bisbee residents, including officials of the Phelps Dodge and other major copper companies, were charged with kidnaping. Civil damage suits against the companies asked a total of \$14,000,000.

Mr. Burges gave up a lucrative practice in Chicago, where he had gone early in 1917, and returned to El Paso and Bisbee as leading counsel for the copper companies and other defendants in both criminal and civil cases.

It was one of the epic trials of America. Feeling ran high between strikers and non-strikers. Fights were of everyday occurrence. Two men had been killed during the mass deportation from Bisbee, and others had been injured. Liberal and labor circles all over the country were aroused.

Only One Man Tried

President Wilson sent a conciliation commission to Bisbee whose secretary, Felix Frankfurter, was to become a Supreme Court justice. Frankfurter made a report favorable to the strikers and Mr. Burges often asserted that the Frankfurter report was not based on fact.

Only one man, Harry E. Wootton, was tried on the criminal charge of kidnaping. Mr. Burges introduced and cross-examined scores of witnesses. In his argument Mr. Burges advocated what he called "the law of necessity," which in effect was a plea that a community, the same as an individual, has a right to defend itself. The radical I.W.W.'s, he argued, were actually not concerned with bettering the miners' condition but in bringing about revolution.

Trial Lasted 90 Days

Inflammatory speeches and letters from local I.W.W.'s to Big Bill Heyward, the I.W.W. chief in Chicago, were introduced, and Mr. Burges contended that the community had a right to prevent the strikers from stopping the production of vital copper and to protect itself from violence.

The trial, held in Tombstone in 1920, lasted 90 days. The jury, out 17 minutes, returned a verdict of not guilty for Mr. Burges' client. By adroit legal maneuvering he kept any of the other defendants from going to trial.

By 1921 the \$14,000,000 worth of civil suits had been settled for less than \$100,000. Mr. Burges himself received a fee of \$150,000 and all expenses for three years.

Important Anti-Trust Suits

When some of the copper company executives resisted making settlements with the deportees, Mr. Burges advised them that some of the men had been mistreated, and should be indemnified. Further, he advised the companies to permit the miners to organize a responsible union.

"Nobody believes me, but I am a union man," Mr. Burges used to say. He was, however, strongly opposed to radical unions.

Mr. Burges was counsel for Standard Oil and other major oil companies in many cases, including important anti-trust suits. After the Bisbee trials he continued to represent Phelps Dodge in Texas.

In 1924 Mr. Burges was special assistant to the U. S. Attorney General in charge of postal fraud prosecutions in the Northern Texas district. From 1911 to 1914 he was a regent of the University of Texas.

Was Fond of Books

He was a member and a president of the El Paso Bar Assn., president of the Texas Bar Assn., from 1909 to 1910, and was a member of the American Bar Assn. He was a Phi Beta Kappa and belonged to the Order of Coif, legal fraternity.

In politics Mr. Burges was an old-line Jeffersonian Democrat and in recent years was an outspoken foe of the New Deal.

Mr. Burges, like his brother, the late Maj. Richard F. Burges, was fond of books. He maintained an extensive library filled with first editions and rare volumes.