

COL. FOUNTAIN KILLED.

DISAPPEARED IN THE DONA ANA COUNTY HILLS.

A Band of Cattle Thieves Believed to Have Assassinated Him and His Child.—No Later News by Telephone.

Constable Ben Williams of Las Cruces now in this city, received last night the following telegram:

LAS CRUCES, N. M., Feb. 3 Ben Williams: Report here is Fountain killed on the road. R. LOHMAN.

This morning the Las Cruces Republican, had an extra edition which had the following:

"Has Colonel A. J. Fountain been murdered? Every indication points to an affirmative answer. The people of Las Cruces are greatly excited over what will undoubtedly prove a dastardly double murder. Colonel A. J. Fountain, who left Las Cruces some time since for Lincoln county to secure indictments against the cattle thieves who have for years infested this section, should have arrived home yesterday, but did not come. Every clue as to the cause of his absence points toward murder, in which he and his little 8-year-old son are the victims.

"The last seen of Colonel Fountain was by the mail carrier between Parker's Wells and Luna's Wells, who met the colonel Saturday, while the carrier was on his way to Tularosa. The point of meeting was near the Chalk Hills, about forty miles from Las Cruces. Colonel Fountain was driving homeward. He reigned up his team on the approach. The conversation which ensued and subsequent happenings we give as told by the carrier.

MAIL CARRIER'S STORY.

"I met Colonel Fountain near the Chalk Hills, about forty miles from Las Cruces. Just before meeting him I saw three men on horseback, who seemed not to want to meet me and took across the plain at my approach. When I met Colonel Fountain he asked me if I knew who the horsemen were. I told him I did not and he then said they had been following or riding directly ahead of him for some time. He was suspicious of them.

"I told the colonel that it would be best to come back to a neighboring ranch with me and that we would start to Las Cruces together Sunday morning. He studied the matter a moment, and then said:

"No. I will drive on. Good bye."

"With this Colonel Fountain drove off; and I continued on my way.

"Sunday morning I started toward Las Cruces. About five miles this side of where I had met Colonel Fountain the previous day I saw where the tracks of the colonel's buggy had left the road. Remembering the suspicious actions of the horsemen the previous day I thought something was wrong and began to follow. After following a ways I got down and examined the tracks. In addition to the tracks made by the colonel's team and buggy the hoof racks of three horses following were plainly discernible.

"I then came on to Las Cruces and finding that Colonel Fountain had not arrived told what I had seen."

POSSE ORGANIZED.

"The news spread like wild fire and a party was immediately organized, headed by Albert and Jack Fountain, sons of Colonel Fountain, to search for Colonel Fountain if alive, or find his body if dead.

"About 4 o'clock Monday afternoon the party returned and reported having found Colonel Fountain's wagon ten miles off the road, but the colonel nor his little son were anywhere to be found. The horses were gone, as was also the feed, the colonel's rifle and other articles which he had in the wagon. A box under the wagon seat, in which Colonel Fountain kept his papers, had been pulled out and the contents of the box were rumpled up as if having been gone through hurriedly. All around where the wagon was found could be traced the hoof prints of three horses.

A MEXICAN'S STORY.

"A Mexican who lives in the neighborhood where he was found, but whose name we were unable to learn, says he followed the track made by Colonel Fountain's team and says that at times Colonel Fountain would drive rather slowly and again would appear to be driving at break-neck speed. He also found, a little distance from the tracks of Colonel Fountain's team, the imprints of the hoofs of three horses apparently being ridden very fast, as if the riders were intent on heading off the colonel.

STORY OF JACK FOUNTAIN.

"Jack Fountain, a son of the supposed murdered man, who was with the party in search of his father, told the following story on his return:

"We struck father's trail where he left the road and followed it to where he had evidently made a stop, and where from all indications he was taken prisoner by the men who were following him. The tracks show that horsemen approached him from three sides, and I think that owing to the presence of my little brother father must have surrendered rather than have the little boy hurt.

"From there we followed the trails of the entire party to where we found the wagon. The foot-prints of both father and brother could be seen around the wagon. The tracks of the horses leaving the wagon were going toward the old Wilber ranch in the Jicarillas. I was sure of foul play after discovering this evidence and came to town for assistance."

TWO POSSES ORGANIZED.

"A large posse headed by W. H. Jewell and Fred H. Bascom started out about six o'clock last evening, followed shortly by another posse headed by John Casey, Jr. They went well provided with provisions and equipped to make a thorough search of the country. Brave determined men composed the parties, and if Colonel Fountain has been murdered, as is undoubtedly the case, and his murderers overtaken, retribution will be speedy. Justice has too long been trifled with in this county. The scale has fallen from her eyes, and if the officials whose duty it is to do cannot stamp out crime, then it develops upon the people to take the law into their own hands.

As soon as the news of the probable murder of Colonel Fountain reached the city, Aztec lodge, A. F. & A. M., of which he is an honored member, offered a reward of \$100 for the return of his body, either dead or alive.

BIOGRAPHICAL SKETCH.

"There are few men whose lives can show the record of public honor and service that has been the history of A. J. Fountain, for many years a resident of Las Cruces, a man whose patriotism and loyalty, zeal and energy in every good cause has made him famous both at home and abroad.

"Col. Fountain was born in New York in 1838. He was educated at Columbia college. In his early youth he went to California, engaged in literary work, studied advocacy, enlisted in the first California volunteers in 1861, marched from the Pacific to the Rio Grande, served in New Mexico and Texas during the war and was promoted to lieutenant and captain. In 1865 he settled in El Paso, Texas. He was elected in 1868 as surveyor of the Boxer district, served in many civil positions and was elected to the state senate in 1868, serving until 1874. He received an appointment from Gov. Davis as brigadier general of the state guard in western Texas. In 1875 he moved to Mesilla, and soon had a large law practice.

"Col. Fountain organized and was commissioned captain of Mesilla scouts in 1879. He took the field against Victoria, was appointed major of cavalry in 1881, and in 1883 was ordered by Gov. Sheldon to suppress lawlessness in southern New Mexico. This work was effectively done in two months. A number of the rustlers were killed and many others were sent to the penitentiary. For this service he was presented with a service of silver plate by the citizens of Dona Ana county. He was made colonel of First New Mexico cavalry, and with this regiment he took the field against Geronimo in 1885. In 1888 he was elected to the legislature and was made speaker of the house of representatives. Later Col. Fountain was appointed special counsel for the government by President Cleveland during his first administration, and subsequently was appointed district attorney by President Harrison. Since then he has been counsel for the New Mexico Stock association.

"There has never been a man who has worked harder in the interests of New Mexico and Dona Ana county than has Col. Albert J. Fountain."

INDIGNATION IN LAS CRUCES.

Feeling ran high in Las Cruces yesterday and anybody who would have been suspected of having instigated an assassination would have been lynched.

The Republican had these editorial paragraphs:

"A devoted wife and loving family await longingly and hopefully the coming of a kind husband and father, and a dutiful son and brother, upon whose faces they may never look again. Many friends hope against faith for the return of an honored friend, while many others search the plains for his living or dead body. If dead there can be no question as to whose door the blame lies. Crime has been rampant and unchecked; fraudulent officials fill offices of trust and the criminals have taken advantage of criminal laxity to commit crimes at our very doors.

"Men of Dona Ana, is this to continue? Assert your manhood and demand your rights. The hour is at hand.

"The Vigilantes enforced law in the '50's. Why not now?"

LATEST BY TELEPHONE.

At 2 o'clock this afternoon the HERALD called up Editor Papan and inquired if there were any later developments. He replied that a large party were in search of the assassins, but no one had returned and no further information had been obtained. The violent excitement in Las Cruces had subsided, he said, but if the pursuers found the party they were looking for there would be a battle.

OPINION OF EX-JUDGE FALL.

Judge Fall, of Las Cruces is in town, partly on legal business, as he is to assist John Selman in the Hardin killing case, which comes up tomorrow. He said this afternoon Colonel Fountain might have been killed, for he had a good many enemies, Mexican as well as American but it remained to be found out whether there had been any murder as claimed. The stage driver had told two or three different stories, and told him he had seen three men off from the regular road just before meeting Colonel Fountain, but whether they were Americans or Mexicans he could not say; on meeting the colonel the latter had inquired who those men were ahead of him when the driver merely mentioned he thought he had seen three men but knew nothing about them. Fountain was driving two horses at his buckboard, and leading a third, so that the story of five sets of horses tracks following the buckboard might be romance. The judge then introduced the reporter to a Sacramento mountain man, Captain Parker, who said he was over the trail Sunday evening, and there was no such evidence of the combination of wagon and horse tracks as had been reported.

Neither did he believe that any parties had followed the trail to the Jarilla hills and found the buckboard alone as had been asserted, as there is a 12 mile strip of sand hills and mesquite dunes west of Jarillas, impassible in a buckboard except by one road, though the buckboard was probably found at another place.

Judge Fall said that several weeks ago, while journeying from Lincoln, Colonel Fountain had let his horses get away from him, and was overtaken by the stage after having walked twenty miles toward Cruces. The horses had run home and their appearance had given rise to an excitement something like this.

Until it was really shown that murder had been committed, there was no occasion for any such excitement as was running at Cruces, and just like as not, Col. Fountain would show up as he has before when thought to have been foully dealt with.