

have been reached had a full hearing been accorded.

Permit me to supply some omissions in your statements concerning the Griffin and Loomis cases. Griffin was pardoned while the case was pending on appeal in the supreme court, and before the judges had an opportunity of passing upon it. Judge Henderson, it is true, recommended his pardon, but Judge Henderson was the counsel for the accused. There was a question between the assistant attorney and the defense in relation to the cleaning of the pistol, which it seems was determined upon the statements and evidence produced by the defendant's counsel. You state that the jurors who convicted Griffin filed affidavits before the governor that the impression that the Hamer pistol had not been fired because of its clean appearance, was the blinding point upon which the conviction was secured. The difficulty about this excuse is, that it assumes as true a controverted fact; further the judge who tried the case and the judges of the Supreme court who could review all the testimony, were better able to determine, first, whether the fact as alleged was true, and, second, if true, whether it was a material fact. The extraordinary proceedings of an application for a pardon while the case was pending on appeal, would seem to indicate a lack of confidence in the point relied on. The application assumed the guilt of Griffin, because a pardon is not granted to an innocent man. The truth is, there is a decided difference of opinion as to what was the turning point in the case, and it will serve no useful purpose to discuss the evidence here. Your statement, however, seems carefully to omit a very prominent fact, viz., that Griffin left Hamer, went away and armed himself and returned to the saloon where the homicide was subsequently committed.

Loomis was pardoned against the emphatic protest of this office. Without any official notification of the application, the fact of the application was accidentally brought to the attention of the district attorney. Your statement of facts in this case might well have included also the further statements, that Loomis in his retreat fired upon the pursuing officer, indicating his desperate character. That your local officers, including your city marshal, took the pains to unearth the past record of Loomis, and presented the same to the judge, to the effect that he was an expert and professional burglar and criminal, and had served a term in the penitentiary of another state. That petitions for his pardon came from Ozden, simply illustrates the unreliability and worthlessness as a general rule of such requests. What did the people of Ozden know about this criminal whose first introduction into that community was in the capacity of a detected burglar.

My excuse for this trouble you find in the fact that upon my office devolves in part, at least, the responsibility of administering the criminal law of the Territory. It is a mistake to assume that there is no crime here. There is a great deal of it. So long as the public sentiment permits the administration of justice to be obstructed and neutralized by the well-meant but mistaken efforts of kindly disposed

persons in behalf of convicted felons, so long will the good order and safety of society be in peril.

So far as Dillon is concerned, it may be remarked that the question of insanity or non-responsibility now sought to be tried upon the ex parte statements of persons not under oath, was fully and carefully presented by distinguished counsel and professional witnesses at the trial. The verdict passes the challenge of the trial judge and the supreme court. The question of his pardon should not be made to depend upon this matter, which has been litigated and determined in the only way provided for by our law. If there are other reasons sufficient to move executive clemency, the case will present a different aspect.

Respectfully,

C. S. VARIAN.

### A COLORED MAN BURNED TO DEATH

PARIS, Tex., Feb. 1.—Henry Smith, the negro ravisher of four-year-old Myrtle Vance, has exploded in part his awful crime by death at the stake. Ever since the perpetration of his terrible crime, the city and the entire surrounding country has been in a wild frenzy of excitement. When the news came last night that he had been captured at Hope, Ark., and identified, the city was wild with joy over the apprehension of the brute.

Hundreds of people poured into the city from the adjoining country, and word was passed from lip to lip that the punishment of the fiend should be death by fire. The whisky shops were closed and unruly men were dispersed. Schools were dismissed by a proclamation from the mayor, and everything was done in a business-like manner. The law was laid aside, and the citizens took into their own hands the inhuman beast and burned him at the stake. Never before, since the days of the Spanish Inquisition, has there been such terrible punishment meted out to any man.

#### THE HISTORY OF HIS CRIME

is as follows:

Thursday last Smith picked up little Myrtle Vance, aged three and a half years, near her father's residence, and carrying her to a pasture near the outskirts of the city, first viciously assaulted the innocent little babe, and then took one little limb in each hand and literally tore her in twain, then covering the body with leaves and brush he laid down and slept calmly through the night by the side of his victim.

Friday morning Smith went to the house of his wife and forced her to cook breakfast. After eating it he left town. The child's remains were found Friday afternoon, and when the news of the atrocious crime spread the whole town turned out in chase. The railroads put up bulletins offering free transportation to all who would join in the search. A posse went out in every direction, and not a stone was left unturned. Smith was tracked to Detroit on foot, where he jumped a freight train and left for his old home in Arkansas. Yesterday he was captured near Hope, Ark., and was fully identified.

This morning he was brought through Texarkana, where five thousand people

awaited to see the man who should receive the fate of Ed Coy. At that place speeches were made by prominent Paris citizens, who asked that the prisoner be not molested by Texarkana people, but the guard he allowed to deliver him up to the outraged and indignant citizens of Paris. Along the road the train gathered strength from various towns, people crowding upon the platforms and the tops of the coaches.

#### ANXIOUS TO SEE THE LYNCHING

and the negro who was so soon to be delivered up to the infuriated mob.

Arriving here at 12 o'clock, the train was met by a surging mass of humanity, 10,000 strong. The negro was placed upon a carnival floating mockery of a king on a throne, and, followed by an immense crowd, was escorted through the city, so that all might see the monster.

When the procession had marched through the principal streets, it halted in an open prairie about 800 yards from the Texas & Pacific depot. Here Smith was placed upon a scaffold six feet square and ten feet high and securely bound within view of all beholders. Here he was tortured for fifty minutes by red-hot iron brands thrust against his quivering body. Commencing at his feet, iron brands were placed against him inch by inch until they were thrust against his face. Then kerosene was poured upon him, cotton seed hulls placed beneath him and set on fire.

In less time than it takes to relate it the tortured man was burned to a crisp, and in a little while thereafter nothing was left of the whole funeral pyre but pieces of charcoal, which before nightfall were carried away by curiosity seekers.

Words to describe

#### THE AWFUL TORTURE

inflicted upon Smith cannot be found. The story appals one with its fearful, awful terror. The negro for a long time after starting on the journey for Paris did not realize his plight. At last, when told that he must die the most awful death that human mind could conceive, he begged for protection. He was willing to be shot, and wanted Marshal Franklin of Paris to do it, but he was told that he was to be burned to death. His agony was awful. He writhed and pleaded in mental and bodily pain in anticipation.

Scarcely had the train reached Paris when the torture commenced. His clothes were torn off piecemeal and scattered in the crowd, people catching the shreds and putting them away as mementoes. The child's father, her brother and two uncles gathered about the negro as he was fastened to the torture platform and thrust hot irons into his quivering flesh. It was horrible, this man dying by slow torture in the midst of the smoke from his own burning flesh. Every groan from the wretch, every contortion of his body was cheered by the thickly-packed crowd of 10,000 people. The mass of beings was 600 yards in diameter, the scaffold being in the center. After burning his feet and legs, hot irons were rolled up and down Smith's stomach, back and arms. Then his eyes were burned out and irons thrust down his throat.