

WHO KILLED J. FRANCISCO CHÁVES?

by Mark Thompson

Only two members of the State Bar of New Mexico have been honored by having a New Mexico county named after them—Thomas B. Catron in 1921, four months before his death, and José Francisco Cháves, for whom the county was named at the height of his political power in 1889.¹ Catron is probably better known because he became one of the first U.S. senators after statehood, and his Santa Fe law firm continues today. The Cháves story is by no means untold, but a comprehensive biography of his life or perhaps a good historical novel is long overdue.

Cháves was born into the political aristocracy of the Rio Abajo at Los Padillas on June 27, 1833. Both his paternal grandfather, Francisco Xavier, and his father, Mariano, served as governor during the Mexican Republic era (1821-1846). After his father's death, Cháves' mother married Henry Connelly, later territorial governor of New Mexico (1861-66). Legend has it that his father sent him east to school to prepare for the coming of the "heretics." His academic studies included two years of liberal arts in St. Louis and two years in New York City at the College of Physician and Surgeons (now part of Columbia University). By all accounts, Cháves was well prepared for a life of public service.

Cháves' military and political careers clearly overshadow his work as a lawyer, but he did serve as district attorney for Bernalillo, Socorro and Valencia counties from 1881-1882.² Two matters, however, are interesting because of his relationship to the landed gentry of Valencia County—two of his siblings had married into the Otero family. In 1883-1884, he and Eugene Fisk of Santa Fe successfully defended James Whitney, charged with the murder of Manuel B. Otero in the "war" over the Baca and Estancia land grants. In October 1885, Cháves represented the parties opposed to the administration of the Estate of Manuel A. Otero, (father of Manuel B.), by Dr. Edward C. Henriques, also wounded in the Estancia Valley shootout and a major witness for the prosecution at the Whitney trial. One can imagine the tension at the big family gatherings in Los Lunas.

The election of 1904 was a volatile one, particularly for the Republican Party which had denied the incumbent, Bernard Rodey, nomination for his seat as the delegate to Congress. Rodey then ran an independent campaign. This was also the first election for the Territorial Council (senate) seat held by the Republican Cháves for nineteen years. The voters in the county-in-waiting (Torrance) were counted separately from its primary "mother" county (Valencia). Some pundits believed that the new county had been created for Cháves' convenience, but he faced a small revolt in Torrance and he only carried the county by a vote of 411 to 390, contrasted with

his margin of victory in the "remaining" Valencia County, 1,825 to one!

On Nov. 26, 1904, eighteen days after the election, Cháves was fatally shot while having supper at the home of Juan de Dios Salas in Piños Wells, a small community about six miles northeast of Cedarvale in Torrance County. The shot came through a window and the assailant got away before any identification occurred. Almost immediately the case had a "round up the usual suspects" quality. District Attorney Frank W. Clancy said that he was "firmly convinced that Colonel Cháves met his death at the hands of some one of a desperate band of stock thieves" and that he was "firmly convinced that the theory of political differences had nothing whatever to do with the crime."³ On the day before the Cháves burial at the National

Cemetery in Santa Fe, Domingo Valles, a person "said to be related to a man now serving time in the penitentiary [in Santa Fe] for stealing cattle,"⁴ was arrested at his home near Progreso.

By the second of December there was speculation that Valles would finger the "prominent stockmen of Torrance County" behind the murder, but two weeks later the county sheriff was saying that Valles "had nothing to do with the crime."⁵ That did not mean Valles was released, of course, and his preliminary hearing occurred on Jan. 26, 1904, before Judge E.A. Mann in Estancia. Valles was represented by prominent lawyer and politician, O.A. Larrazolo of Las Vegas. There was much discussion of following footprints to the home of the accused, notwithstanding the failure of "bloodhounds" to pick up the scent, but the main evidence was the testimony of Porcopio Cordova who said that Valles had admitted the killing to him. Valles was held over without bail.⁶

In territorial days, capital murder cases were often brought to trial within a year of the killing, but this case proved to be the exception. Other than a change of venue to Albuquerque (later changed back to Estancia), nothing further happened in 1905. In January 1906, there was a flurry of activity as a result of a confession made to the Yavapai County sheriff in Prescott, Arizona, by a sometime resident of New Mexico, Frank Bell. Governor Hagerman sent Deputy U.S. Marshall Fred Fornoff to Prescott. Fornoff reported that Bell's story did not add up and may have been engineered by Valles himself. Bell eventually recanted saying that he was drunk when he confessed, behavior that was consistent with the opinion of a physician who examined Bell at Fornoff's request.⁷ In the fall of 1906, defense counsel Larrazolo was otherwise occupied with another race for Congressional delegate, although I found no indication that the political campaign had any impact on the progress of the Valles case.⁸



Unveiled in 1925, a bust of Colonel J. Francisco Cháves stands on the first floor of the State Capitol Building.

When the trial finally began on Aug. 6, 1907, the condition of the facilities shared top billing. Estancia had no formal courtroom. The trial was conducted in a partially completed storeroom which had to be “furnished” the morning of the *voir dire*. The roof leaked to the extent that Judge Mann presided in a raincoat.⁹ District Attorney Clancy’s opening statement convinced the newspaper that the prosecution would make a strong showing, but after the witnesses took the stand that confidence seemed misplaced. Porcopio Cordova was nowhere to be found. Clancy put on another witness who denied Valles had confessed to him. The prosecution witnesses proved “disappointing.”¹⁰

The case went to the jury on Saturday, Aug. 10, and the jury deliberated into Sunday before Domingo Valles was found not guilty. After almost three years, I doubt that Valles took much solace in the declaration of the *Albuquerque Journal* that it was “One of the Most Interesting Trials in New Mexico’s History.”¹¹ Frank Clancy, at the unveiling of the Cháves bust in the State Senate in 1925, naturally said that he had prosecuted the man he thought killed Colonel Cháves but admitted that Larrazola had conducted a “masterly” defense.¹² So the question remains, who killed J. Francisco Cháves?

About the Author

Mark Thompson is a former member of the State Bar and an occasional contributor of history articles.

¹Governor George Curry claimed that the residents of “Little Texas” insisted that the name be spelled with an “s” instead of the “z” used by “Chavez.” H.B. Henning, ed., *George Curry, 1861-1947: An Autobiography* (U. of New Mexico Press: 1958), p. 65. That assertion, perhaps intended as a “putdown,” might have surprised Cháves. In the territorial archives I found a 1903 letter on his legislative let-

terhead; the printed name, the typed name and his signature all are spelled with an s. New Mexico Territorial Archives, micropublication edition, (1974), Roll 93, frame 161. I will leave to others better qualified to resolve any perceived controversy over the spelling.

²*New Mexico Blue Book* (Santa Fe, 1882), p. 64. Many biographical notes indicate similar service in 1875-76, but I have been unable to confirm that service.

³“COLONEL J. FRANCISCO CHÁVES KILLED BY ASSASSIN’S BULLET,” *Albuquerque Morning Journal* (November 28, 1904), p. 1.

⁴“One Suspect Now Held in Santa Fe,” *Albuquerque Morning Journal* (November 30, 1904), p. 1.

⁵ “Sensational Finale Expected To Cháves Murder,” *Albuquerque Morning Journal* (December 2, 1904), p. 1 and “Cháves’ Successor Has Been Chosen, But Cháves’ Assassin is Still Enjoying Full Liberty and No Hope of Capture,” *Albuquerque Morning Journal* (December 14, 1904), p. 6.

⁶“Telltale Footprints Incriminate Valles,” *Albuquerque Morning Journal* (January 27, 1905), p. 1.

⁷“Bell Says Was Drunk When He Confessed to Murder of Col. Cháves,” *Albuquerque Morning Journal* (February 1, 1906), p. 1.

⁸“Larrazola (sic) Of San Miquel To Grace Altar. Las Vegas Man Ends Fearful Suspense by Consenting to Make Race for Delegateship,” *Albuquerque Morning Journal* (September 14, 1906), p. 1.

⁹“Holds Court Under Difficulties At Estancia,” *Albuquerque Morning Journal* (August 10, 1907), p. 10.

¹⁰Witnesses For Territory Balk,” *Albuquerque Morning Journal* (August 9, 1907), p. 2.

¹¹“Jury Returns Verdict Of Not Guilty In The Case of Domingo Valles,” *Albuquerque Morning Journal* (August 12, 1907), p. 1.

¹²Paul A.F. Walter, ed., “Colonel Jose Francisco Cháves, 1833-1904,” *New Mexico Historical Society* (1927), p. 10.

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