

MURDER(?) and MURDER(!) - Interviews with Lucinda Proctor Gillespie

By Denny Peterson

Charles A. Proctor, born in Guildhall, Vermont in 1858, came to Arizona in 1875. He established himself as a rancher in southern Arizona and in 1888, he married Maria Jesus Salazar, who was a 15-year-old Mexican girl.

In early 1913 now living on the Sopori ranch near Arivaca, after bearing Charles Proctor six children, Maria, now aged 40, grew interested in a wagon driver who worked for her husband. He was named Tomas Elias and was very insolent toward Mr. Proctor, now 55 years of age. Elias and Maria (called Jesusita by her family and friends) communicated by letter and would meet in the desert on the Sopori Ranch. These background notes only begin to tell the tragic story.

Charles and Jesusita were fighting bitterly over her involvement with Elias and Elias had gone so far as to threaten to kill Charles Proctor.

Charles was so concerned about Elias' threats that he told his four sons; Charles, George, Henry and Frank; "If you ever find me dead, go after Tomas." Jesusita, angry and scared over her confrontation with Charles, took an overdose of laudanum in an attempt to commit suicide. She was rushed to St. Mary's Hospital in Tucson by Charles, where she recovered. She returned to the ranch later. Charles Proctor had taken to wearing a pistol since receiving the threats on his life. After an argument with Jesusita one night, Charles Proctor took a walk, as he often did when troubled. The next morning, May 15, 1913, at about 5 a.m., Jesusita found him dead about 50 yards from the house at the side of the road. He hadn't been shot or stabbed and there was no sign of violence. According to the Arizona Daily Star of May 16, 1913, a "coroner's jury decided that he had come to his death from unknown causes. A loaded six-shooter, with the chambers full and the hammer cocked, lay near him. The report that he had committed suicide was without foundation." It is believed that he died from heart failure of apoplexy from a seizure of fright. However, according to Lucinda Proctor, daughter of Charles, one of the doctors who examined him noted that his face had been washed. There was no dust on his face from his fall to the ground.

Charles' sons believed that Tomas Elias had killed their father and were anxious to find him and kill him. However, their uncle Frank advised them not to act hastily. Elias wasted no time after Charles' death in trying to take command of the ranch, advising Jesusita, now a wealthy widow. Jesusita owned three ranches and a freighting business and Elias offered to manage it for her. Jesusita went into mourning, dressing in black, and wearing a veil over her face. Lucinda, her daughter, thought it very strange that Jesusita would go to all the trouble of acting like she was mourning Charles' death for two years, seeing Elias all the while.

Elias antagonized Charles' sons and it seems reasonable to believe that the boys did their best to make Elias' life miserable. Elias took one of the boys' horses and when Frank, the youngest boy, went to get it back, Elias beat him. This act further increased the boys' hatred for their mother's friend.

This tense, hateful situation persisted for two years until Elias and Jesusita decided to get married. They left the boys at the Sopori and took the girls, Lucinda, 10 and Mary 7, to friends in Tucson. On Saturday, September 11, 1915, Jesusita and Elias were married at Nogales at the Church of the Sacred Heart. Then they went to Elias' home. Elias' home was near the Sopori ranch and on September 13, when Elias went to the Sopori ranch house, Frank and George Proctor shot him several times. The very well known law firm of Duffy and Purdom had been engaged by the boys' uncle Frank Proctor with Thomas Richey of Tucson as their associate. Frank (the uncle) had told the attorneys that it (paying the fees) may break him but the boys had to come free. Jesusita was so enraged by her sons' actions, she sent them all away, even Henry and Charles, who had not participated in the killing. She even hired an attorney to aid the Santa Cruz County Attorney Fred Noon in his prosecution of her two sons, Frank aged 17 and George, aged 23. When the case came to trial in October, the jury which was selected was composed of family friends - men who had known the boys for their entire lives. This was probably not entirely coincidence since prosecuting County Attorney Noon was a long-time neighbor and friend of the Proctor family. Testimony for the state took one day. Witnesses weren't available so they questioned people who had talked to the boys. In the case for the defense several persons testified on the good character of the boys. Then Frank testified: "Went in through kitchen. Inside I walked ahead, saw Tomas Elias there, near a table, in a sitting position. Elias made as if to grab me, and made as if to get his gun; I drew my gun as quick as I could, fired several times and turned and ran. George fired also."(1) George was called to testify, repeated much of what Frank had said, and explained that Elias had threatened the boys and had behaved in a generally violent manner. "It was about 6 o'clock at evening when the jury retired from the court room. After a quarter of an hour the jurors were escorted to dinner and were gone an hour. Shortly after 7 o'clock they returned to the jury room, and in a very few minutes they had found a verdict... the Court ordered the defendants released from custody and the case dismissed; and the trial was at an end."(2)

The boys never communicated with their mother from that time until her death in 1957. The very confused Mexican woman who had married Charles Proctor so many years past never corrected anyone who chose to call her Mrs. Proctor rather than Mrs. Elias. She wanted to forget the Elias part of her life for it had left such a painful mark on her life and the lives of all her children. Family tragedies can either bring a family together or split it up. In this case it divided the family, in a split that has lasted to this day.

(1) Oasis, October 30, 1915, 3rd series, Vol. V, #25 (2) Oasis, November 6, 1915, #26