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ALBERT FRANKLIN BANTA: ARIZONA PIONEER

Edited by FRANK D. REEVE

(Continued)

After adjournment Pat Hamilton and Self took the Black Canon stage for Phoenix, here we stopt for a few days and then went to Tucson—by stage from Phoenix to Old Maricopa Wells and thence by rail to Tucson. At Tucson we put up at the Cosmopolitan Hotel on Main Street, now known as the Orndorf. A series of stage robberies had ocured on the Black Canon road at a point about half a mile above Gillett.¹⁸² Wells, Fargo and Company's special officers—J. B. Hume and Johnny Thacker—had exhausted every means to ferrit out the robbers but without success; in fact they were completely stumped. They had not secured a single clue to the robbers. Before proceeding further I must refer to a matter that ocured in Santa Fe which has a bearing and really led up to the events about to be related.

In May, 1869 the U. S. Depository at Santa Fe was robbed of \$350,000; Colonel Collins,¹⁸³ a man over eighty years of age, was dead on the floor of the Depository. He had been shot in the side of the head which was powder-burned. At this time George Martin was¹⁸⁴ the Postmaster at Santa Fe. A tremendous excitement followed. The report went out that the depository had been robbed of \$400,000; Collins murdered; that the robbers had broken in thru the window of

182. Gillett was a mining camp in the Black Canyon north of Phoenix. It developed in the 1870's.

183. James L. Collins played a prominent part in New Mexican politics and Indian affairs during the decades of the 1850's and 1860's. His career can be followed in Frank D. Reeve, "The Federal Indian Policy in New Mexico, 1858-1880," *NEW MEXICO HISTORICAL REVIEW*, beginning at 12:218. The official records speak of his death as murder. *Ibid.*, 13:59. I am surprised at the age attributed to him by Banta.

184. "According to records of the Post Office Department now in our custody, a George T. Martin served as postmaster at Santa Fe from March 12, 1868 to April 8, 1869.

"You may be interested to know that a George Martin served as postmaster at Gila City, Dona Ana County, from January 1, 1861 to February 14, 1863." Meyer H. Fishbein (For the Chief Archivist) to Miss Genevieve Porterfield (Reference Librarian, University of New Mexico), December 28, 1951 (Industrial Records Branch, National Archives and Records Service, Washington 25, D. C.)

an adjoining room—the sleeping apartment of Colonel Collins. Two or three hundred deputies were sworn in and placed about the city, who allowed no one to leave Santa Fe. I went to the scene of the alleged robbery and, after fifteen minutes examination, declared no robbers had done the job; that the robbery had been done on the inside; that the alleged murder was simply a suicide. For this I was threatened with violence by friends of the dead Colonel. I said a U. S. secret service man would be here in a few days, and if he don't corroborate my statements then I am ready to take my medicine. He did. Martin was aware of these facts.

One day I went into the dining room of the Cosmopolitan Hotel for lunch, taking a seat at the opposite side of the room from the door. In a few moments George Martin, accompanied by two men strangers to me, entered the room and took seats at a table on the opposite side. Before seating himself Martin saluted me and I returned his salute; he then leaned over his table and spoke to the two men seated. Immediately George came across the room and said, "Those two gentlemen over there are Wells, Fargo & Co.'s special officers and they would like to have a talk with you after lunch." I assented and after lunch we all went out upon the veranda; after Martin had introduced us he returned to the office; he was the Tucson agent for the Company. Thacker said, "You have heard of the Gillett robberies have you?" I assented with a nod of my head. He then says, "Our agent here Mr. Martin has recommended you to help us out if you will; we are at the end of our rope and can't do a thing more in these cases; will you help us?" I replied, "Gentlemen, I don't know that I can do anything in the matter but will try."

Thacker and I immediately left Tucson for Phoenix where we put up with old Charly Saleri whose adobe hotel was on Washington street. Here I and Thacker talked over the matter pro and con. Thacker said, "The Company in San Francisco were suspicious of the agent at Gillett, and thought he was in collusion with the robbers, and this was the cause of our failure to get any clues to the robberies; that I must investigate that agent; that if these robberies were not run down the Company had threatened to take off

the Express." In the meantime since leaving Tucson I had been thinking, and now wanted some information from Thacker and asked, "How much was in the box when last robbed?" He said \$900 in gold, thirty-five in Greenbacks and a pair of ladie's fancy slippers. I then asked if robberies were consecutively or was there intervals between robberies. He said there were intervals, and that nothing was in the box at these intervals. The gold was in \$20 pieces. "That's enough," I replied.

Jim Cusenbury was Superintendent of stage line; I had a letter from Jim to the drivers to allow me to get on and off the stage at any point I wished and not say anything about it. The weather was hot, and I wore a linen duster. Before leaving Phoenix for Gillett, Thacker said it would not do for him to go up; that if I had occasion to write him to do so with the name of "John Long," and not Thacker as it might cause suspicion. The stage arrived at Gillett along in the night. The agent had a saloon with a glass front, lighted up by a large coal-oil lamp hung in the center of the room. The bar was at back facing the glass front; at the north end of the bar he had a little place cut off where he handled Wells, Fargo business. The table was about 2½ by 3 feet and in front of this was a low railing facing the front of the room. This railing was conveniently high enough to permit a man to lean upon and to easily look down into the Wells, Fargo box while the agent attended to the business. All these matters I took in at a glance the moment I entered the room.

Sitting off to one side by myself I noticed two men come in and walk up to the aforementioned railing, and after joshing the agent a few seconds, saw one slightly nudge [nudge] the other and both men left the room. They were the blacksmiths at Gillett, and had worked there for years, so I was told afterwards. I was there and then satisfied that I had a clue, and within fifteen minutes after my arrival. I had previously told the agent that I intended to go up to the Tip Top mine on the morrow. It was now late in the night, and after eating a bite I asked the agent if he had a spare room. He had, it was an outside room with a window facing to the

front same as saloon, the window had no curtain to it. I retired for the balance of the night, and in the morning at breakfast I casually remarked if the stage had been held up that night. The agent laughingly remarked, "If they had it would have been a dry haul as there was nothing in the box." This put him going on the stage robberies, and without his knowing it I had pumped him dry, and in doing so was satisfied he had no more to do with the robberies than I had.

That day I had a talk with [the] Postmaster, and others; that is to say they did plenty of talking and I listened with no apparent interest in the matter. All had wild ideas about the robberies; the P. M. said, "Wells Fargo officers were blind, it was plain that the robberies were committed by a couple of men who pretended to be miners; that they had a camp out in the hills and after a robbery would return to their camp and pretend to be mining; it was plain enough." Of course he knew all about it.

To have an excuse for staying another night, I went off into the hills out of sight of the village; finding a shady place I lay down to wait until evening. Late in the afternoon I gathered up a lot of rocks, any old rock answered my purpose, and then hiked back to the saloon. Showing my rocks to the agent I remarked, "What do you think of that for gold rock?" As soon as I mentioned rock several miners sidled up and taking a glance at my "find," smiled and turned away. The agent looked at the rock and then at me, and of course put me down as a first water idiot. He says, "For God's sake man, that is not gold rock, it is ordinary country rock, there is absolutely nothing in it." I was of course greatly astonished and said, "You don't mean to say there is no gold in that rock." "Of course not, ask any of these miners here." I turned towards the miners and they simply smiled and shook their heads. All right, I thought it was good rock, however I am tired and worn out with my tramp, and am hungry as a wolf, can I get a bite and have the room another night; too tired to tramp it to Tip Top to-day.

At bed-time I went into the room, lit my candle, took off my coat, threw off my suspenders, as if going to bed, then blew out the light. There was no curtain to the window. The

light extinguished, I resumed my clothing and cautiously passed outside. Keeping out of the light coming from the saloon, I passed around in front and concealed myself in the thick mesquite which grew in front of the saloon. Here I awaited the arrival of the stage. The stage arrived on time; I saw the stock-tender take out the old team and hitch up the fresh team; the driver took the mail sack out of the boot and carried [it] to the postoffice about a quarter [mile] away; the agent came out and took in the box. As all was going on two men passed close by me, not more than fifteen feet away; they were talking in a low tone, and I could not catch a word. They went into the saloon and going up to the little railing they leaned upon it and looked into Wells Fargo's box. The light was [right] and I could plainly see every movement. After joking with the agent a few moments one lightly nudged the other and both left the place. They were the same two blacksmiths that had gone thru the same performance the night before. As soon as the stage left and the coast was clear I returned to my room.

The following morning the agent jokingly asked if I was going prospecting to-day. I said no, there seemed to be no use as the rock had nothing in it; that I should go up to the Tip Top mine. The last robbery of the \$900 in gold and thirty-five in paper was done the night before the monthly payday at the Tip Top mine. Reaching the mine I went to the store of St. James & Dawes. It was noontime and only one clerk was in the store. To my inquiry for St. James was informed he was then in Prescott, but Mr. Dawes was at lunch and would soon return. I said it was my old acquaintance I wish to see, and turned to go, but turning as if of an after thought, I asked the clerk if there were any sporting men at Tip Top. He said yes; and looking out the window says, there goes one now, he works here and gambles at paydays. I excused myself saying I desired to see that party.

I will say here that a sporting man has had so much experience in sizing up the bank rolls in the drawer, that they can come very close to guessing the amount in sight. Knowing this I overtook the fellow and said, "I hear you do a little faro-bank business her[e] on paydays." He answered

in the affirmative. "Who were here last payday dealing bank?" He said Tom Barnum of Phoenix, and other parties from Prescott. "Anyonè else," I asked. "Yes, the blacksmiths from Gillett were here dealing bank." I laughed and said, "They surely did not win anything, and must be [doing] a big business blacksmithing to accumulate a bank roll. Did you get any of the chicken pie?" He replied that he got his proportion of the wad. "How much of a roll did they have?" Well, I sized up the drawer and think they had about \$900 in gold and thirty-five or forty dollars in greenbacks. Yes, the gold was in twenty dollar pieces.

Here I had found what had become of the money taken from Wells Fargo's box, the night before that payday at the Tip Top mine. With this information I returned to Gillett. Here I did something not quite "professional." Seeing Mr. Gillett at the Mill, he was the general superintendent of the whole works, I went down to chat with him for a few moments. Of course we had not talked a minute before he reverted to the stage robberies and seemed very much distressed over the threatened withdrawal of the Express by the Company. To ease his mind on this score I said, "Mr. Gillett, I will tell you something in confidence, if you promise on the word of a gentleman that it goes no farther." Certainly, anything in confidence is sacred, I then said, "Do you see that blacksmith shop there, those two blacksmiths are the two men that are holding up the stages." "Perfectly preposterous. They are hard working men and have been here for years, I cannot believe it." I replied no matter how long they have been here nor how hard they work, they are the parties doing these jobs.

I returned to Phoenix and the hotel where I found Thacker. I gave Thacker my facts and then said—Jim Larsen and Joe Chambers.¹⁸⁵ Thacker jumped to his feet exclaiming, "Absolutely certain!" "How the devil did you catch on so quickly." I replied that I had a clue within fifteen minutes after my arrival at Gillett; that it was only a matter of observation and the ability to put two and two together and make four out of it. "Well what would you do in this

185. I have no information on Larsen and Chambers, but see *Note* 186.

matter now," says Thacker. If I had the handling of it I would put a "dummy" in the box and take both in the act, they will hold it up as sure as the sun shines. However, I sized the two men up and am certain that Chambers is the weaker mentally, and if placed in separate cells and a little "work" done on him, he will squeal. Thacker said all the Company wanted was the breaking up of the robberies; that to put a "dummy" in the box might lead to a killing, the other way is the safest, and I think perhaps the best. Do as you like, but I would put a "dummy" in the box and take 'em in the act. Thacker and the officers went up on the next stage, the two blacksmiths were lodged in jail.

Chambers did squeal as I had predicted he would do; Larsen received a "blind" of twenty-five years and Chambers, on account of turning "states evidence," got a lighter sentence. Mr. John J. Valentine,¹⁸⁶ head of Wells, Fargo & Co., at San Francisco, told me the Company wanted to keep in touch with me, that in case anything should turn up the company wanted my services, and was only sorry that the Company could use but two Special Officers on the coast. I never asked for employment, nor did I ever charge a cent for my services above described; also I paid my own expenses, a mere trifle however, not to exceed three dollars all told.

Returning to Tucson for a few days I then started east on a visit to my relatives in Indiana, none of whom I had seen since I was six years of age. My visit lasted two months when I returned to St. Johns, Apache county, Arizona.

My election to the legislature practically eliminated me from county politics, and I turned my attention to the Brokerage & Exchange business, in which I did fairly well; this included the buying of county warrants at a pretty stiff discount.¹⁸⁷

186. John J. Valentine became General Manager of Wells Fargo & Co. in 1882 and President in 1892. He is mentioned frequently in Edward Hungerford, *Wells Fargo: Advancing the American Frontier* (Random House, New York, 1949). Many stories of stagecoach robberies in Arizona are told entertainingly in Neill C. Wilson, *Treasure Express: Epic Days of the Wells Fargo*, ch. 17 (The Macmillan Co., New York, 1838). There is no mention of the particular robbery that Banta writes about in either of the above publications.

187. Fish gives an account of politics during the years from 1879 to 1902 and states that various irregularities and illegalities occurred in connection with county

August 12, 1882, I started the first newspaper at St. Johns, but subsequently sold it to the Mormons, and it was called by them the *Orion Era*, and then afterwards falling into the hands of gentiles, it was changed to the *St. Johns Herald*,¹⁸⁸ and is still published there.

In September, 1884, I had a little dispute with Sol Barth; he became much excited and grabbed [me] by the throat with both hands; I carried a little penknife in my vest pocket, which I used to clean my finger nails; this knife I happened to have in my hand at the time, and to force Sol to release his hold, I began jabbing him about the head with the penknife. At the same time I had a Colt's 44 double action pistol; this double action was new to me. I had no thought of hurting Sol, nor could I with so little knife, so had no idea of using my gun. A number of persons were present. Sol's younger brother was present, and he too became unduly excited over the little matter, and coming up behind me, fired a forty-four bullet through my neck. The ball also passed thru Sol's thumb. Immediately I pulled my gun and wheeled about to see who had shot me—did not know that his brother Nathan was present. Pulling gun with right hand I caught my neck with my left hand to stay the flow of blood until I could shoot. My first thought was, my neck is not broken; my second was that the jugular vein had been cut—was bleeding freely and I could not hope to last but a few seconds, so caught my neck with left hand to stay flow of blood until I could bring my gun into action.

warrants. *Manuscript*, 3:644-651. This is corroborated by the conviction of Solomon Barth. But I have no reason to think that Banta was mixed up in any irregularities. See *Note 46* for the Barth case.

188. Banta started the *Arizona Pioneer* at St. Johns. *Arizona Sentinel*, August 26, 1882. A. F. Banta started "the Pioneer Press" soon after the occupation of the town-site of St. Johns which started early in October, 1880. The paper was bought by the Mormons in 1883. James H. McClintock, *Mormon Settlement in Arizona*, p. 180 (Manufacturers Stationers Inc., Phoenix, 1921) "A weekly paper, called the *Orion Era*, is published here [St. Johns]. . . ." Hamilton, *Resources*, p. 63 (2nd edition) Gregory, *American Newspapers*, dates the beginning of the *St. Johns Herald* as January 15, 1885. He states that the name has varied and does not mention the *Orion Era*; obviously his listing is incomplete.

"The printing press [at St. Johns] which is owned by a company has proved a tax on the shareholders. The 'Orion Era' which is published by the company does not nearly pay expenses." Eastern Arizona Stake, *Journal History*, December 13, 1885 (Church of Jesus Christ of Latter-Day Saints, Salt Lake City) see *Note 10* and *Note 199*.

One's thoughts are quicker than lightning in emergencies, I know this is true from experience. In a "double-action" Colt the trigger sets well forward leaving much space back of the trigger and between it and the guard; this fact is what deceived me, not being used to one of that kind—never carried one since. Seeing Nathan Barth with a gun in his hand making off, I attempted to fire at him but the gun would not work. Not thing [knowing] about the d--med double-action, I thought some one had been tampering with my gun. Releasing my throat with my left hand, now all bloody, I threw my pistol down into left hand and cocked it with my thumb, I now knew it would go. All this was done in less time than it takes to tell it. I raised my gun to fire but at the same instant the Sheriff and Ramon Lopez knocked the gun so that the ball struck about twenty feet away in the direction of Nathan.

Tom Perez was Sheriff and he put me under arrest; paid no attention to the other parties, and did not arrest either one of the Barths. I asked Tom what he meant by this and he said, "There was no danger from those other fellows, so I took you in charge." I refused to prosecute the case, but C. L. Gutterson, then District Attorney of the county and who was present at the time of the shooting, had him indicted.¹⁸⁹

The jugglar vein was not severed, but was laid bare by the bullet; Dr. Dalby¹⁹⁰ pulled a rag thru my neck and sewed up the rents, but I refused to be put under the influence of chloroform. After the Doctor had gotten thru with his job, I asked if I couldn't smoke my pipe; he laughed and said I see no reason why you should not, and I smoked my pipe right along. Was in the house about ten days but would not stay there any longer and was up about town with my neck tied up. It took about six months for the wound to

189. A clipping from the *Prescott Courier* for the year 1884 reads: "People who saw the fracas say that Franklin pulled his gun and but for the interference of bystanders would have killed the Barths."

Thomas Perez is mentioned as Supervisor of Apache county in 1880, so he could have been Sheriff as Banta states at the time of the fight. Charles L. Gutterson is mentioned as District Attorney of Apache county in 1885. Fish, *Manuscript*, 3:646,648.

190. Dr. Dalby is mentioned by Fish as a member of the Anti-Mormon movement at St. Johns in 1883-84. *Manuscript*, 3:630.

heal up, but to this day I cannot bear to have any pressure on my windpipe as it was cut pretty badly by the shot.

Dr. Dalby was on the point of going to Omaha, so I went with him as far as Albuquerque, where I remained under the treatment of Dr. Easterday.¹⁹¹ As soon as the Doctor would permit I left for El Paso. Here I remained over the winter of 1884-5. From El Paso I went to New Orleans where I remained nearly three months taking in the Exposition, and then returned to El Paso in May, 1885; I returned to St. Johns the same year. 1887 found me at Holbrook acting [as] Justice of the Peace and Notary Public. Since leaving St. Johns in the fall of 1885, I had been over many parts of the Territory.

In the summer of 1888, the county convention was held at Holbrook; Dr. Dalby, Walter Darling,¹⁹² *et al* were the delegates to the convention. A bunch of the delegates including Dalby and Darling came to my office and requested that I run for District Attorney. I refused saying that I did not want the office, to put someone else on the ticket. They went away but returned the following day and said we are going to nominate you. "Well," I said, "If you put me on the ticket I shall not leave Holbrook, nor make any campaign of the county." All right we don't want you to make any campaign, all we want you to do is to run on the ticket. Bob Morrison¹⁹³ of Prescott was my opponent for the same office on the opposition ticket. My friend Bob made a redhot campaign; I never left Holbrook nor asked a man to vote for me. I was elected. I went into office 1, January, 1889. I had not been in office long when I found that the county was cursed with an unscrupulous ring, which was fatning off the county monies. It came about in this way.

When in El Paso and before returning to St. Johns, I received a letter from my brother Henry, then engaged in a little business at St. Johns, that a "very fine gentleman and

191. This was Dr. George Easterday. His brother, Jacob S. Easterday, joined him in practice in Old Albuquerque about 1893. Mrs. J. S. Easterday, interview.

192. Walter Darling is mentioned by Fish as a member of the Anti-Mormon movement at St. Johns in 1883-1884. *Manuscript*, 3:630.

193. A newspaper clipping without name or date states that Robert E. Morrison, a man of exceptional ability, was defeated by Banta for District Attorney in 1883, and Banta was not a lawyer.

a lawyer had located in St. Johns, and I want you to meet him." As before said I returned, and the same night Mr. Harris Baldwin, attorney at law, came into Henry's place and Henry at once introduced me to that gentleman. After all had departed my brother Henry says, "What do you think of Mr. Baldwin?" I replied that he carried the ear-marks of a first class rascal. Henry became very indignant and wanted to know why I should rate a man that way on so short acquaintance. Very well, time will prove my opinion to be correct. It did.

At this time the county of Apache had an agreement with the Atlantic Railway Company to assess its property at \$5,000 per mile. This had been done for several years and the Company had promptly paid its taxes. C.L. Gutterson was District Attorney; Serafin Apodaca was County Assessor. Baldwin was impecunious; Sol Barth had bought him law books and furnished him with grub and house rent—he had a wife and she was a very nice little woman too. To raise the wind Baldwin induced Gutterson to instruct the Assessor to assess the Railroad property at \$9,000 per mile, knowing the Company would kick and refuse to pay it; this was just the thing Baldwin figured on at the beginning. Gutterson did—may have stood in with the play—and Apodaca assessed the road at \$9,000 per mile. It had the desired result; road refused to pay anything; it went delinquent for the first time since its construction. Then Baldwin says to Gutterson, you will need assistance in prosecuting the big Railroad case; go before the Board of Supervisors, have them appoint me your assistant in the Railroad case. This was done and [at] a fee of \$1,000 cash as a retaining fee and a contingent fee of 33 per cent upon all monies collected.

This was a great scheme well worthy of any first class rascal. Chief Justice James H. Wright was our judge. As a matter of course a judgment was obtained in the Court against the Road. By appeal the case was carried up to the Supreme Court of the Territory. Here the judgment of the lower court was affirmed.¹⁹⁴ The Railroad attorney, Mr.

194. Banta gives many details on this tax issue that do not appear in the court reports. The Railroad company did seek to deny the validity of the tax on the basis of

Hazeltine, appealed the case to the Supreme Court of the United States.

In the meantime another case had come on, similar to the above, in which Mr. Baldwin had received another \$1,000 fee. However when it came on to try the case before the Supreme Court of the Territory, lo and behold, Mr. Baldwin could not practice before that court; notwithstanding both he and Gutterson had said to the Board of Supervisors that Mr. Baldwin "will carry the case thru all the courts of the Territory." So Baldwin and Gutterson went before the Board and recommended that they appoint a Mr. Daniel P. Baldwin, Ex-Attorney General of Indiana—no relation to Harris Baldwin—who was deaf as a post. This Daniel P. Baldwin was a stockholder in the Long H cattle ranch near St. Johns and at the time was at the ranch. Both Gutterson and Harris Baldwin made it appear to the Board that Daniel P. Baldwin was an eminent jurist and was able and qualified to carry the case thru any court in the land. This the Board agreed to, and Daniel P. Baldwin entered into a written contract with the county to prosecute the case to the end, for which he received a cash fee from the county of \$2,000. This Daniel P. Baldwin went up to Prescott and made a twenty minute argument for the county, and that was all he did do in the case.

As before said the case went up to the U. S. Supreme court. Here was another hitch. Mr. Daniel P. Baldwin was not a big enough gun to practice before the Supreme Court of the U. S. But he could and did recommend one who had the necessary qualifications; he recommended that the Board employ Senator Turpie of Indiana. The Senator was communicated with, and for the sum of \$5,000 he would make the necessary argument before the Supreme Court. It was paid by the Board of Supervisors. As the matter stood be-

its charter which gave it a right-of-way free from taxation. But the court held that the exemption did not apply to improvements, that is, the actual railway and equipment. The Territorial Supreme Court upheld the District Court ruling in *Atlantic & P. R. Co., v. Lesuer, County Treasurer* (September 18, 1888) 19 *Pacific Reporter* 157. W. C. Hazledine (Summer Howard and E. M. Sanford) appeared for the appellant. The first name is spelled in different ways in the records, and Banta spells it with the letter "t." Baldwin and Baldwin appeared for the appellee. The decision was read by Justice Barnes, concurred in by Justices Wright and Porter.

fore the Supreme Court of the U. S., it was at the tailend of the court calendar, and the sum of \$5,000, paid to Senator Turpie, was to make an argument before the Court in support of a motion to have the Apache Tax case set forward, that it might be reached within a reasonably short time. The Supreme Court took the matter under advisement and in due time—never in a hurry—they denied the motion on the grounds that the matter “was not of sufficient importance, and must take its usual course.”

In the meantime the delinquent tax cases of the Railroad were before the Territorial District Court, and in each case Mr. Harris Baldwin had received his \$1,000 cash fee in each instance. However, by stipulations between the attorneys of both sides, no more cases were carried up to the Supreme Court of the Territory, but were to await the outcome of the case then pending in the United States Supreme Court: Such was the condition of affairs in Apache county when I went into the office of District Attorney for the county, January 1, 1889. The ring was well entrenched, and I had the fight of my life to break up the combination, and to rout the looters of the county. I won out.

I went before the Board of Supervisors and clearly demonstrated the rotten condition in which they were floundering; that the schemers had gotten up an endless chain of graft; that the Supreme Court case would not be reached under four years time. (I had previously written the Clerk of the Supreme Court, requesting him to send me a statement, with the seal of the court attached, the time that would elapse before the Apache Tax case would likely come on to be heard. And he had written in about three and a half or four years.) Presenting the Clerk's statement to the Board I said, “Now, what will be the result when our tax case comes up? It will be this; the Railway attorneys, and they have the best to be had in the country, and will find some flaw or technical error, or something, and the case will be sent back to be tried *de novo*; and what does that mean? It means the case comes right here in our court to be tried over again, and then up to the Supreme Court of the Territory, and then—back to the U. S. Supreme Court and again at the

tailend of that court's calendar. This means another three or four years in that court. As a result of all this the county is running in debt; no funds to pay even the county officials." The Board were at first favorably impressed, but the gang got hold of them and they had to knuckle to the pressure.

Then I went to work and had type written petitions drawn up, two for each precinct; these petitions were addressed to the Board of Supervisors praying them to recind previous action in the Railroad case, and to return to the original agreement. I drew up a circular letter to the taxpayers, in which I outlined the condition of affairs, as per above described; of this letter I made two copies for each precinct. My certificate from the Clerk of the U. S. Supreme Court I took to the *St. Johns Herald* to have two hundred copies printed, which I wished to send along with the petitions; but the publisher refused to print them—he too was in the ring. I then sent the certificate to the *Journal Miner*¹⁹⁵ at Prescott, ordering two hundred printed and to send bill to me. Mr. J. C. Martin, then proprietor of that paper, printed four hundred copies and said, "No charge, go for the rascals." These documents I sent out to be signed by the taxpayers of the county. My policies were almost unanimously approved by the taxpayers, as nearly 90 per cent of them signed my petitions.

At the next quarterly meeting of the Board I laid the petitions before them saying, "Gentlemen, here are petitions signed by ninety per cent of the taxpayers of this county, look them over and verify that fact; now are you going to ignoré the people of this county in this matter?" They did not dare refuse the prayer of the petitioners, and immediately made the change and had it entered upon the minutes of the Board. I had told the Supervisors, and the taxpayers, of my arrangement with the Railroad Company as to the back taxes then due. In the meantime I had made two trips to Albuquerque and one to Prescott, and other points in our county, all of which was at my own expense.

I now notified Hazeltine to meet me at Prescott at the

195. The *Arizona Journal* was one of three papers at Prescott, edited by J. C. Martin. Elliott, *Arizona*, p. 250.

coming term of our Supreme Court. There was one tax case then on file in that court, carried up on appeal from the lower court; this case I proposed to have dismissed, and it was for this reason I desired the presence of the Railway solicitor, Mr. Hazeltine. The case was dismissed.¹⁹⁶ I then signed stipulations, as the District Attorney of Apache county, with the Railroad attorney, to dismiss the celebrated tax case then pending in the Supreme Court of the United States.¹⁹⁷ In due time that case was dismissed and the whole matter satisfactorily arranged. After Hazeltine had returned from Washington, he wrote me a letter to visit him at Albuquerque and the final act in the drama would be consummated. I went to Albuquerque and Mr. Hazeltine handed me a check on the First National Bank of Albuquerque,¹⁹⁸ payable to my order, for the sum of \$70,000. I endorsed the check and turned it over to the County Treasurer of Apache county. And once more the county was on a cash basis; the ring of grafters routed.

Suffice to say that everyone of the grafters pulled their freight, and St. Johns knew them no more. Harris Baldwin went to Prescott, and afterwards skipped the country for parts unknown; Gutterson went to Nebraska; the clerk of the Board of Supervisors went to the devil; J. F. Wallace, owner of the *Herald*, sold out and left the county; the Supervisors turned over a new leaf, and thereafter were half way decent. I made the fight of my own accord, after first finding out the situation of affairs, single-handed and alone—and

196. This case was dismissed earlier than the one pending before the Supreme Court of the United States. James H. Wright was Justice, William C. Hazledine, J. A. Williamson and E. M. Sanford appeared for the appellant. Clark Churchill, Attorney General, and A. F. Banta appeared for the appellee. The case was "Dismissed on stipulation," January 13, 1892. *77 Pacific Reporter 1131*.

197. The case before the Supreme Court of the United States was dismissed October 21, 1890, with costs on motion of A. B. Browne (with A. T. Britton and W. C. Hazledine for the appellant. David Turpie appeared for the appellee. *140 U. S. 669*. David Turpie represented Indiana in the United States Senate from March 4, 1887 to March 3, 1901. *Biographical Directory of the American Congress, 1774-19149*. (Government Printing Office, 1950).

198. The First National Bank of Albuquerque was incorporated in December, 1881. *History of New Mexico*, 1:416 (Pacific States Publishing Co., 1907) The bank today does not possess records that far back. The attorney, William C. Hazledine, was a resident of Albuquerque, *Ibid.*, 2:533.

win [won] out for the people. *Vox populi, vox dei*. My term of office expired December 31, 1890.

I then engaged in the business of Brokerage and Exchange, but soon after organized the State Bank of Arizona. However, [with] the election of Cleveland in 1892, which was followed by a nation-wide panic beginning in 1893, everything went to smash and I simply quit the business. Disposing of my property in St. Johns, I moved to Holbrook, the county seat of Navajo county. At Holbrook I started the *Holbrook Argus*;¹⁹⁹ the first issue was on December 12, 1895.

At this time Oakes Murphy²⁰⁰ was Arizona's Delegate in Congress. Feeling the country demanded and would have a change in the national administration, I espoused the cause of Wm. McKinley, as in my opinion he was the logical candidate of the Republican party. Oakes wrote me a long letter from Washington, in which he gave a long list of possible candidates for the nomination in 1896, and said, "We don't want to be too fast in this matter, our best policy is to wait and see which one is the most friendly towards the Territory." I answered, "To the devil with policy, McKinley is the man; its in the air and his nomination is an assured fact." In almost every issue of my paper I gave various reasons why McKinley should receive the nomination, and if nominated his election was certain; also said McKinley would receive six hundred votes in the convention on the second ballot—I think it was 545.²⁰¹ He was nominated and elected as a matter of course.

(To be continued)

199. "A. F. Banta, founder of this paper, came in from St. Johns Sunday morning. We enjoyed a pleasant visit with Mr. Banta, and he informs us that he expects to make his permanent home at St. Johns—Holbrook Argus;" quoted in *Prescott Weekly Courier*, December 14, 1900. The paper is listed as a weekly with the founding date as December 12, 1895, in Gregory, *American Newspapers*.

200. N. O. Murphy arrived in Arizona in 1883. He was acting Governor at the opening of the 16th Legislative Assembly on January 19, 1891; commissioned Governor on May 11, 1892; and for a second term on July 16, 1898. Between terms as Governor he served as Delegate to Congress, November, 1894. *Portrait and Biographical Record of Arizona*. Fish dates the beginning of the second term as August 1. *Manuscript*, 2:366. The State Historian gives the same date. Kelly, *Arizona*. But Wyllys, *Arizona*, prefers the date, October 1.

201. McKinley was nominated on the first ballot with a total of 661½ votes out of a possible 902. Lester Burrell Shippee, *Recent American History*, p. 215 (The Macmillan Company, New York, 1927).