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ALBERT FRANKLIN BANTA: ARIZONA PIONEER

Edited by FRANK D. REEVE

(Continued)

I let the newspaper affair go to the devil and went back to Tucson. This was in the fall of 1877. I dubbed about Tucson all winter; I and Johnny Hart¹³⁹ doing a little prospecting in the Santa Catalinas. The following spring of 1878, Hart and I again went into the Santa Catalinas prospecting; returning to Tucson we heard of the Tombstone¹⁴⁰ strike by Dick Gird, and the Shefflin [Schieffelin] Brothers. I proposed that we go to the new strike, but John said, "Nothing to it, we will go back to the Santa Catalinas." Returning to Tucson we got a room where we batched, John was a good cook. One day Hart proposed that we go down to Joe Newgass's restaurant and board there for a while. This we did for only a few days. One morning at breakfast I called for hot cakes; I happened to open one of the cakes and discovered two extra large cockroaches inside the cake. I called John's attention to it and remarked, I don't mind one cockroach to the cake but I surely draw the line on two cockroaches all in one hot cake. John immediately got up from the table saying we will go back to our batching again, I'll no more of this.

A few days afterward I met Charly Shibell,¹⁴¹ sheriff of Pima county, and he says, "Did you know Martin A.

139. I have no information on this acquaintance of Banta's.

140. The story of Tombstone has been dealt with by many writers. The latest is a compilation of material from the newspaper, *The Epitaph*, in Douglas D. Martin, *Tombstone's Epitaph* (Albuquerque, University of New Mexico Press, 1951). See also Stuart N. Lake, *Wyatt Earp, Frontier Marshal* (Houghton Mifflin Co., New York, 1931). Charles Leland Sonnichsen, *Billy King's Tombstone: the private life of an Arizona boom town* (The Caxton Printers, Ltd., Caldwell, Id., 1942). An essay on Schieffelen can be read in Lockwood, *Arizona Characters*, ch. 10. The name Shefflin in the text should read Schieffelen.

141. Charles A. Shibell was born in St. Louis, August 14, 1841. He arrived in Arizona with the California Volunteers during the Civil War in the capacity of teamster. In 1876 and 1878 he was elected Sheriff of Pima county. He then became proprietor of the Palace Hotel in Tucson. *Portrait and Biographical Record of Arizona* (Chapman Publishing Company, Chicago, 1901) L. Vernon Briggs, *Arizona and New Mexico 1882 . . .*, p. 1. (Boston, 1932. Privately printed) Briggs arrived in Tucson in 1882.

Sweeny?" I said, "Of course I do, I know him well, Why?" He said that Sweeny had been killed at the Grand Central mine (Tombstone) by Jack Friday, and ask if I knew Friday, I did not personally but had heard of him. The Sheriff said, "I've had my deputies out and they have scoured the country over and can't get trace of Jack Friday; he has simply gone up in smoke." I says to the Sheriff, "Look here Charly, my experience with the average deputy sheriff or constable is, they don't know enough to pound sand into a rat hole; they can swagger around town, knock some drunken man over the head with a gun, drag him off to jail, and then think they have done the Grand, but put them out where they have to use a little brains—which they haven't got—they are simply a bunch of bone-heads." I will ask you one or two questions: "Has Jack Friday sold his interest in the Grand Central mine?" The Sheriff said no. I then said, "No trouble to find your man." "I've heard that sort of talk before," said the Sheriff. This made me a bit warm under the neck-tie, and getting up I said very emphatically, "If I don't find your man Mr. Shebell I will not charge you a single cent."

I immediately left Tucson, carrying extradition papers from Governor Safford on the Governor of Sonora, Mexico. My papers called for Oliver Boyer (Jack Friday), and two Mexican murderers. From Tucson I passed thru the Patagonia mountains; past the old Mowery [Mowry] mine and thence to the little Mexican town of Santa Cruz [Cruz] in the state of Sonora. Representing myself to be [a] prospector, I made inquiry if any American had passed that way in the past three or four weeks; that I had gone to Tucson to have some assays made and expected to meet my partner here. Nothing doing here, I went on down to San Lazaro, two leagues from Santa Cruz. At this place lived a Mexican—friend of Shibell's and to whom I carried a letter—named Ariego. Going to the house I inquired of his wife; she answered that Señor Ariego was then out after a load of poles, but would be back in a short while. He presently returned and I gave him my letter of introduction, in which the Sheriff had mentioned my business into Mexico. At dinner he and his wife compared notes, but did not remember

of any American or Americans having passed that way in the last few weeks. However, the wife spoke up and said in Spanish of course, "Don't you remember, about four weeks ago three men camped in that old adobe house a mile below here and one of them came up after something to eat, and you told him to go bring his companions and all could have to eat? and that the *cautivo* [captive?] and the small American came into the house, but the big man sat outside on a rock with gun across his knees and head in his hands and appeared to be sad?" I said please describe the big man; I knew at once I was on the trail, but instead of one I now had three men to trail. I asked which way they were headed for and was told Las Planchas de la Plata. Here I had to do a little figuring. If Friday had sold his mine he was making for the Gulf port at Guaymas; if so, then my best course would be to go direct to Magdalena and swing around and if possible head him off or "cut his trail."

I took the Magdalena road and in crossing the river by that name came near being drowned. It was the month of July, '78; a cloud burst had occurred somewhere above; I heard the roar of the water and could see the river was rising fast so rushed in to get over before it got too deep. I had about reached the opposite bank when the water struck my horse and washed his hinder parts around, but he had gotten his fore-feet on the ground and by making a lunge we barely scrambled out of the raging flood. By the time I had gotten upon the bank and looked back the water was all of ten feet deep and rushing like a mill-race. A few miles further I came to a hacienda [hacienda] the property of Don Manuel Corea.

Riding up to the house I saw a man sitting out in front and said to him, after dismounting, "Take my horse and care for him." I supposed of course he was a Mexican peon, but instead of answering me he turned his head and called out, "Don Manuel, some one here to see you." To my surprise he spoke in English; at this time I did not know who were residing in the house. In about a minute a young man came out in his shirt sleeves, bare-headed with slippers upon his feet. He rushed up, shook hands, asked my name, where I was

going, ordered a peon to take care of my horse and invited me to take a seat under the veranda. All this was spoken in excellent English. Pretty soon a young lady appeared and the Don introduced me to his wife. She was an American from Los Angeles. I soon found out that Manuel had been educated in the States; had married in Los Angeles; was a member of the state senate of Sonora; that his residence was in Magdalena; that his widowed mother, brother Juakin [Joaquin], an unmarried sister and a younger sister were living here at the hacienda. Having a few very fine Tepic cigars with me, I asked Don Manuel to have a cigar; his wife was present at the time. With a peculiar expression on his face, which I saw, he declined saying, "I have given up the habit and do not smoke anymore." This struck me as strange as about ninety-nine per cent of the Mexican people smoke. He was very anxious to hear news from the outside world; had become Americanized in that respect; and, as he said, we have no newspapers down here, and never know a thing of what is going on in the world. Of course I gave him all I had heard up to the time of leaving Tucson; in the meantime he asked me into a room where I could wash off the dust, all the time keeping up a running fire of questions.

The next morning I was for going on but he would not hear of it at all, and insisted that I stay indefinitely; but of course I could not do this. He said, "My wife and I are going down to Magdalena day after tomorrow, you must stay that long and go down with us in the carriage." To this I agreed as he so much wished to have some one with whom he could talk that knew at least a little something outside of his circumscribed bailiwick. After breakfast he invited me to take a look at the garden and fruit trees. We walked about some and finally sat down under a fig-tree, pretty well down towards the lower end of the garden. After we had sat down I pulled out a cigar and remarked that I would now enjoy a good smoke. He watched me for a few seconds and then remarked, "Have you another one of those Tepics?" To this I replied, "Of course I have, and am only sorry that I cannot offer you one, now that you have foregone that luxury." With a rueful expression he says, "Oh, come now, cut

out all that rotten stuff, you know I'm simply dying for a smoke." We sat there and smoked a couple of cegars each.

The day for our departure for Magdalena had arrived, the family carriage was brought out and Don Manuel, his wife and his little sister and myself took our places in the conveyance. In those days, prior to the coming in of General Porfirio Diaz, the country was overrun with bandits, from one end to the other of Mexico, and one dare not travel anywhere without being prepared for a fight. A peon led my horse and was armed with a gun; three other men road along on horses, all armed with rifles and pistols, one in advance and the other two, one upon either side of the carriage. In this manner we traveled to Magdalena which place we reached about midnight. Driving up to the san jon [wagon?] entrance a peon was there to let down the chain and heavy bar, and we drove into the court. The Don's house was like all Spanish built houses; the front windows were covered with iron bars; at the rear of the building was an large garden full of fruit trees, grapes, flowers and vegetables. The adobe walls around the garden were six or more feet high and the tops covered with broken glass bottles. It was perhaps the most beautiful place in the city.

Calling upon the Prefect and stating my business, that functionary had his clerk look over his books for four weeks back to see if any such party as I had described had passed thru his jurisdiction. In this connection I will say that Mexico follows the European custom of checks upon all people going and coming; by this method it is easy to trace a party to any part of the country. If one takes a conveyance at a hotel, say the City of Mexico, and orders the driver to take him to the railway depot, but after going away gives orders to the driver to go elsewhere, it is the duty of that driver to inform the first policeman or other officer of that change. No chance for any monkey business there; if you go to the depot all well and good, but if you go elsewhere, that "elsewhere" must be known to the authorities. The system is good in my opinion. The Prefect informed me that no such persons had been thru, else he would have had them on his books.

I pulled out for a little place some few miles below on the Magdalena river. Stopping at the best house I saw in Santa Clara, for that was the name of the place, I road up and seeing a peon ordered him to take my animal, unsaddle it, put the saddle in the shade, water the horse and put it where it could get some feed. This he did without a word. Traveling in Mexico it was my custom to put up at the best house in sight, taking for granted the proprietors were better able to furnish me and horse with entertainment, for the simple reason no charge would be made; this of course applies to all sections outside of towns. They will not accept pay and are inclined to resent any such offers as an insult to their hospitality. In this respect there are no better people in the world than are the Mexicans and the Pueblo Indians. Having lived four fifths of my life among them I feel that I can speak by the card in this matter.

I lay down in the shade of the house and smoked my pipe; presently two young ladies came to the door, it being open, and in Spanish asked if I would please come in and see what was the matter with the sewing machine; the man in here don't seem to know. I replied that I knew nothing about sewing machines, if I did would be pleased to look at it. "What!, are you not an American?" I replied that I was but did not know the least thing about a sewing machine. They seemed to doubt my ignorance of the machine, and one said in soto voice [*sotto voce*]: "Quisas sabes pero no quieres."¹⁴² I said, "No senorita, I am telling the truth." However, I arose and went into the room and there found an American tinkering under the machine. I said to him, "What the devil are you doing there?" Nothing, I don't know anything about the thing, but it is not so hot in here as out in the harvest field running a reaping machine. I told the girls the fellow knew nothing about the matter, and it was useless for him to tinker with it, as he might ruin it. They agreed and told him to quit. This was between 10 and 11 o'clock in the forenoon and about time for all hands to quit work on account of the intense heat.

Pretty soon the *haciandero* [hacendero—a rancher], the

142. Quisas sabes pero no quieres: perhaps you know but do not want to.

father of the girls, came in from the fields, and shaking hands bid me welcome to stay as long as I cared to. He was very light complected and of course was one of the better class of Mexicans. After dinner all took *siestas*, as was the custom in that country; that is all went to sleep until three or four o'clock in the afternoon. Between three and four o'clock the laborers went to their work again; this applied to peons as well as all others. I had my horse saddled up and prepared to continue my journey, but the *haciendero* insisted upon me remaining over for a few days at least. To this I could not agree as my business was urgent and I must push on.

Bidding all goodby, I hit the road that ran down the valley of the Magdalena river. Sometime in the night I turned out of the road and lay down under a mesquite tree and went to sleep, there being no houses in sight. The next morning was Sunday and after a few miles I came to another hacienda. As I approached the place I saw a large man in his shirt-sleeves and straw hat with an American bucket in his hand going down to the river after water. The sight was unusual and I wondered what it meant. Going up we saluted each other and I noticed he had come out of an old tumbled down adobe house, and seeing a much better house a little way beyond I went to it but found no one there; turning my head I looked back and saw the man with the bucket entering the hut. My curiosity getting the better of me I resolved to return and see what the unusual sight meant. He was of the better class of course, that was plainly to be seen. Riding up to the door he bade me dismount, ordered a boy to take care of my horse and asked me to enter the room.

Here I saw a table with writing materials, several books, and a few ore specimens lying upon it. At one end of the room was a library of books, all of which mystified me more than ever; I noticed too that the books had French bindings. Breakfast is never a very early meal in Mexico, and in Central America and Panama, also other tropical countries, it is never taken before 11 o'clock a. m. However, a cup of coffee or chocolate is usually taken in bed, or soon after aris-

ing, and this must suffice until breakfast at eleven o'clock. Here the *tortillera*¹⁴³ came in and announced that breakfast was ready. Going into another similar to the one we left was a long table set with plates for ten or more people. My host took the head and bade me sit at his right; and at once began making excuses for the meager fare, but said, "I am building a new house on the hill nearby, and the next time I have the honor to entertain you, will be better prepared to do so." Greatly to my further surprise on picking up a fork I found it to be solid silver, and the spoons were of the same metal. Mentally I said to myself, "Who the devil can this fellow be." After breakfast we returned to the other room and smoked a cigar. Here we talked politics, railroads, agriculture, etc., etc. I found that my host had traveled over Europe, spoke German and French but not a word of English. From this point I intended to cut across the high table lands lying between the Magdalena and Altar rivers, and possibly strike the trail of the fugitive. I determined that before going I would ask the name of my intelligent host. I did so and was informed that, "I am called Pancho Serna."

Knowing that General Serna¹⁴⁴ was then Governor of the State of Sonora, and to whom I carried extradition papers, I said, "Are you a brother of General Serna?" He answered that he was General Serna, so I at once made my business known to him. The General took the papers and sat down at the table and examined them; and, altho not at the capital of the state, which was Ures at that time, he approved them at once; furthermore, he wrote a personal letter to the Prefect at Altar, to use every endeavor to capture the fugitive, and to send him in irons to the international line, in charge of the Rurales, and there they should turn over the prisoner to my custody. Don Francisco Serna was a gentleman in every respect, and invited [me] to return to the state and call upon him at the capitol; that he would be happy to see me again, and would do me any favors possible to do. I had already told him of the little episode at Santa

143. He means the person (a woman) who made the *tortilla*, a thin wafer-like food made of corn and water and cooked like a pancake.

144. See Note 6.

Clara, and was told that the *haciandero* there was his brother-in-law.

My papers being approved by the Governor, and armed with a strong letter to the Prefect at Altar—Don Luis Redondo—I bid the Governor *adios* [goodby] and started for the city of Altar. While crossing the high table-lands en route, a heavy rainstorm came on and the road was a foot deep with water, but not a drop fell upon me and the sun was shining brightly; the heavy rain kept in advance of me perhaps a quarter of a mile, where I could see it falling in torrents but not a drop fell upon me. This sort of phenomenon is peculiar to the Southwest and is frequently seen in Arizona[a]. It was here also that I heard the whistle of a Bob White; I pulled my horse to listen, it was the first time I heard that whistle since leaving the state of Wisconsin, and it recalled my boyhood days back in the Badger state. That night I slept under a Palo Verde tree in a drizzling rain, not knowing how far I was from Altar, as I had never been in that section.

The following day early I reached Altar and seeing a house with a corral back of it, asked the proprietor if I could put my horse in his corral. He opened the front door of his house and told me to bring in my horse. There was no outlet to the corral save thru the house; this is done as a precaution from thieves. Of course the corral had a high adobe wall all around and was an adjunct to the building. There was one restaurant in the town and as it was noon I went there to get my breakfast, having eaten nothing since leaving the Governor's hacienda at Yrutiaba the morning before. The Prefect, Colonel Torres¹⁴⁵ commanding the Rurales, an American named Hamilton, and several other Mexicans took their meals at this restaurant. A tall dignified sandy complected Mexican took the head of the table and the Colonel at the foot; I sat near the head next to the tall man and young Hamilton sat opposite me. After all had been seated I asked Hamilton if he was acquainted with [the] Prefect. He said allow me to introduce you to Don Luis Redondo, the

145. Possibly Colonel Don Lorenzo Torres, mentioned in Corral, *El General Ignacio Presqueira*; see Note 6.

Prefect of Altar; and I was introduced to the tall gentleman at the head of the table; he also introduced me to Colonel Torres and the others. Of course I at once handed my papers to the Prefect, who glanced at the addresses and laid them beside his plate.

After we had eaten the Prefect invited me to his office; there he opened the papers and we talked the matter over. He turned to his clerk and had him look over his books for three weeks back; this the clerk did and said, "I find no record of such parties." He then said to me, "What do you think about it?" Replying I said, "It is evident the party has not passed south for Guaymas, and he must be somewhere above here." "It must be," said the Prefect, "I am certain he has not passed thru the district of Altar, else a record of it would be on those books there." In my conversation with Don Luis he asked if I was acquainted with Jose Redondo at Yuma, and I said that I knew him well. "He is my brother," said the Prefect. The Governor's letter being a pusher, Don Luis did all he could by writing official letters to each and every *Presidente* [a local official] of the several small villages along the river as far as the boundary line, in which he ordered them to arrest the party and send them in irons to Altar, if such party was found in their jurisdiction.

Armed with these additional letters I started up the Altar river, making inquiry at each place. At Tubitama [Tubutama] I asked the *Presidente* if any Americans had been there in the past three or four weeks. He said no one had been there. I put up with the *Presidente* that night and the following morning started for Sarica [Saric], a town about twenty miles further up. Along the valley of the Altar river the semi-tropical growth is so thick it is almost impossible to leave the road without cutting your way out. The town of Tubitama is situate on a mesa and close to the river; the road to Sarica led straight out from town and could be seen for half a mile, then it suddenly turned at right angles and then could not be seen any more owing to the timber, vines, brush and thick undergrowth.

Before I had reached the turn in the road I heard a low call, and looking back without stopping my horse, I saw a

Mexican with his hand in front of his body, making a motion with his hand. I knew at once it was a secret matter so never let on but kept going until I made the turn in the road out of sight of the town, when I pulled up and waited for the man to come up. Coming up the man put his hand upon my leg and said, "The *Presidente* lied to you, that on San Pedro's day two Americans and a *cautivo* (one that has been capture[d] and raised by the Apaches) had been there. Of course he lied to me, they all do it. He told me the men I was looking for were at Sarica, and stopping with a blacksmith named Romero. I thanked him for the information and gave him a dollar for his trouble. Here was an instance where a man was afraid to tell the truth, Why!

Arriving at Sarica I went to the house of "Coal-yard Bill," an American living there and who was married to a Mexican woman. I knew that Don Guillermo (Coal-yard) [Bill] lived in Sarica as I had met him there in the summer of 1872. In the yard I saw a sandy complected fellow and taking him for a peon, being dressed like one with a pair of sandles, a chip hat and pants made of manta (sheeting), I ordered him to take care of my horse, to water him and then tie to a fig tree in the shade. He did so without a word, and while complying with my orders I sat down in the shade and lit my pipe.

Pretty soon he came up and said in good English, "Well, where are you going and from whence did you come?" To say I was astonished is putting it mildly. "What! are you white," I exclaimed, "Then why in the name of the Great Horn Spoon didn't you say so?" He laughed and said it made no difference to him as he looked it and [might] just as well be it. Then he told me that he had been caught smuggling and lost all he had even to the clothes he had on at the time; that others had given him the togs he then had on; but it made no difference, the first time he succeeded including the Rurales he would more than even up, so he took the matter philosophically. I asked the fellow if he knew Romero the blacksmith, and if any Americans were stopping with him. He said yes and that two Americans and a *cautivo* were there. I then said my horse has lost a shoe; that

I was en route to the Planches de Plata, and requested that he accompany me to the shop and do some interpreting for me. It was late in the evening when we went to the shop. The house was like most Mexican houses, twice the length of the width, with a door in the middle front and another on the opposite [side] of the building. At one end was the blacksmithing outfit and at the other the family cuisine.

As I stepped to the door all were at supper; the family sitting upon the floor near the fireplace; at the opposite side of the room in the corner were two men, one large and the other rather small; both were Americans, but neither looked around when I told the fellow with me to ask the blacksmith if he could put a shoe on my horse in the morning. Neither of the two whites spoke but appeared to be whispering, and seeing they were suspicious I turned my back towards them and continued to talk horseshoeing. Before leaving, however, I thought to have another look at my men, glancing quickly back I saw they were gone. I then knew to certainty the big fellow was my quarry. Returning to the house I waited until it was quite dark before going to see the *Presidente*.

Going to the *Presidente's* house, I found him to be a big burly, black villinous looking fellow, and a gunsmith by trade. Handing him the Prefect's letter, he read it over very carefully and then said where is your man; I said at the blacksmith's house; also told him of the actions of the two men; that it was the big man I wanted and not the little man. "All right, I see they are suspicious of you; leave your handcuffs with me, and as you have said that you were going to the Planches de Plata, it is best that you go away for a day, and when you have left they will return to town." All this was fare enough on its face, but the rascal had a card up his sleeve, which will develop itself further along.

Leaving the matter in the hands of the *Presidente*, I returned to "Coal-yard's" house for the night. The next morning had the [shoe] put on horse, but did not see my party. The blacksmith was quite inquisitive as to where I was going. I said Planches de Plata was my present destination; that I had been down to Altar to denounce some

mining claims; that my partners were over at the Planches, and much more to same effect. Of course I was lying like a dog but, acting upon the principle that the end justified the means, I diplomatically lied to the best of my ability. Saddling up I went to the little *cantina* and treated all the rounders to mescal, and then ostentatiously asked to be shown the road to the Planches.

I must here return back to Altar and say a few words about that restaurant; this narrative would be absolutely incomplete without that restaurant—it was a peach. The floor was of cobblestones and a quantity of water had been poured upon it leaving little pools in the cavities between the stones. An old couple run the outfit. He waited upon the table and the old woman did the cooking. The old fellow was between fifty and sixty years of age; typical Sancho Panza of Don Quijote de la Mancha; and the old woman, well, the Doncea [Dulcinea] del Tobosa was a nymph in comparison. The weather was extremely hot; he was bare-headed and barefooted, with not a stitch on but a pair of pants made of manta, and these were rolled up above the knees. His paunch was so large it was necessary to fasten his light cotton pants below and under his immense paunch. The perspiration dript off that paunch like water from the eaves of a house. In waiting upon the table, this immense paunch was the first thing visible as he pushed it in between people at the table. It would not have been so awfully awful, if he had had a shirt on his body. It really was the sight of my life, and I suppose nothing like ever was seen anywhere else on earth. However, as no one else about the table appeared to see anything incongruous or *outré* [far fetched] in the matter, I did not either. When in Rome do as the Romans do and follow suit. But the r[em]embrance of that restaurant and its proprietors shall stay with me to the end of time, and then some. And be remembered, this restaurant was the one and only—the Delmonico so to speak—in the city of Altar, containing a population of four or five thousand people. It sure was a peach and no mistake. Sic.

I followed this road [leading to the Planches de Plata]

four or five miles then cut across lots aiming to strike the river a few miles below Sarica. Reaching the river I followed up towards the town looking for a place to lay by. Finally, I saw a Mexican *jacal* inside of a small field, perhaps two hundred yards from the road. Going in I found a Mexican, wife, and three year old child were the occupants of the *jacal*. I asked if he could conceal my horse where it could not be seen, and that I too wanted to remain in hiding. He said, "Good, good, I can do it." I remained there that night and the following day, so as to give the *Presidente* ample time to accomplish his promised work. During the day at the *jacal* that little three year old would run in and tell her mother, if she saw anyone on the road, "*Hay viene gente mama*,"¹⁴⁶ with all the mystery and caution of a grown up person. They were ready and anxious to hide a refugee and supposed criminal from the authorities, and it seems to be *la mera cosa de la su gloria* to do this thing. About dark I asked for my horse, and offered to pay for the trouble I had caused them, but they refused to accept anything; however, I gave the baby a silver dollar, but they were for refusing to allow it to take the money, but I insisted on doing so saying, "I give to the baby for *dulces* [sweets] and not to you." They were very anxious to know where I was going, and when I said, "To town," were very much surprised, and the man says, "Why the authorities are there." I replied that I wanted to see the "authorities." Both looked incredulous and the fellow actually followed me until I had almost reached the town. The whole thing was beyond their comprehension. Going directly to the *Presidente's* house I asked if he had attended to the business. "No," says he, "but I will at once." Of course I was disgusted, and went immediately to the house of "Coal-yard Bill." Here they told me that the *Presidente*, Friday and the whole bunch had been on a drunk together; that the *Presidente* had told the fugitive and everybody my mission to the country, which of course was the first time any of them had heard why I came there. Now I was boiling over with rage at the duplicity of the official.

146. Here come people, Mama. The next Spanish quotation in the text can be translated: a mere matter of glory (implying that they expected no tangible reward for their action)

The next morning I called on the *Presidente* and demanded back all my papers and the handcuffs, and then gave the black hound a piece of my mind, calling everything I could lay tongue to. He was very indignant and said he did not mind what I had said about him personally, but I had insulted the great government he represented. I replied a dog represent[s] nothing and turned upon my heels and left him. Returning to Bill's house I was telling my troubles, when an officer of the Rurales came and took me into custody. That black devil had framed up a job to have me murdered, but I know the Mexican so well that I almost know of what they are thinking.

Right here I will say a few words about Mexican methods. If arrested, never try to escape no matter how many opportunities are left (purposely) open for you; tho put in jail and the door left open, never step outside of that jail door, for as sure as the sun shine[s] you will be shot down—*ley fuga* [fleeing the law]. There are times, however, when they will murder a prisoner even tho he makes no attempt to escape, and then lie about the attempt.

The jail was a small affair, having an iron door, also a light wooden one. I was put in and only the wooden door closed. At once I was on the scheme and sat down, of course I could have walked out and be shot, but did not do so. The door really was not a door but was one of slats thru which I could see, the slats being four or five inches apart. Pretty soon I caught sight of my smuggler friend, making all sorts of frantic signs to me, which I understood was not to come out. Of course I was on all right and made signs to that effect. I had been in jail perhaps two hours when the chief of police came to the door and pushed it open with his foot. He spoke very good English, and as he came in said, "Why, the door was not fastened, you could have gone out." I replied, "Yes, but I didn't intend to go out." He says it is well that you did not, as two sentries were posted not far away to prevent an escape. I began again to talk mean about the *Presidente*, but the chief of police, as we walked along together, advised me to say no more, "We all know," says he, "that he is a black scoundrel, but he is the

boss here, wait until you catch him across the line then go for the d——d thief."

Like most places this town was divided into two factions, and the chief of police belonged to the opposite faction to that of the *Presidente*, and [that] is why he talked as he did. He went with me all the way to Bill's house. We now held a war council, the chief of police taking part. To wind up I was advised to turn my papers over to parties of the opposing faction. I gave papers to a middle aged man with three grown sons; all were sandy complected and fairly white. Of course they advised me to go through the same program as in the first instance.

However, I decided to act a little different this time. The next morning I road up to the little saloon and bought a few cigars, called the bunch up to have a drink of mescal, and then gave out that I was now going direct to Tucson; my object had failed and I could do nothing further. A fellow named Johnson—he was the small man with Friday, a murderer from California and a refugee—was nearby and he heard my remarks about going to Tucson. This fellow was a cunning scoundrel and was the main cause of most of my trouble. At this time I carried a Wells Fargo Messinger gun—a double-barreled shot gun cut off; also my trusty six-shooter. As I turned to go away, calling back to the Mexicans *adios* [goodby], Johnson stopt me and said, "You are going to Tucson; just as well, we know what you are here for, the *Presidente* told us; however, Jack says if you will agree to report in Tucson that he (Jack) is not to be found in Sonora, he will give you \$500; that your report will settle [the] matter and Jack will have no further trouble." I said, "Yes, and assassinate me or try to and get the money back again. You haven't got money enough [to] hire me to do that." Johnson was armed with a six-shooter, but was on my left side and my sawed-off gun was always ready for action, pointed in his direction. "All right, do you need a little money for the road, if you do I can let you have it; where did you say you'd camp tonight?" I said, "At the Busane, how many times more do you want to know; I've

told you [a] half dozen times already." "So long, at the Busane, eh?"

The Busane was some miles above Sarica, but no one lived there or near it. Of course I had no notion of going to the Busane, but he was sure that was my next stopping place. Two miles above Sarica, a quarter of a mile off the main road, lived Jim Walters; he owned a little grist-mill. Turning in here I told Jim to put my horse where he could not be seen from the road, and that I wanted to hide somewhere. He said go up stairs and no one will know you are here as I will caution my people to say nothing. It was now late in the evening, and pretty soon three Mexicans on horseback, with bottles of mescal in their hands, came charging over to the house and wanted to know if they had seen an American pass up the road. They were informed that someone had gone up on horse-back, but they could not see who it might have been. "We are after that fellow," and away they went. Johnson had sent them to murder me while I slept, but I fooled the scoundrel again.

After the assassins had left I asked Walters if he had a man I could depend upon to do some work; he said yes, and sent up a most villanous looking fellow to be seen; I asked the fellow if he knew the two Americans and the *cautivo*; he said, "Yes, they stop with Romero, I know where all three sleep outside the house." I told him to go down to-night and watch those fellows; that I didn't want them to get away without me knowing it; that I would give him a dollar for his trouble. In that country and at that time a dollar was a lot of money to the lower class of Mexicans. He said, "I know a better way and will save much trouble. For *five dollars* I will take an axe and split their skulls open, it is no trouble to do it, they lay along side by side." And he went thru the pantomime of chopping their heads open with an axe. This horrified me and I said no, not that, simply watch them that they do not get the start of me, that's all I want you to do. He seemed put out at my refusal and thinking I was haggling at the price, he offered to murder the three men for *two dollars and fifty cents*.

This is the truth if I ever told the truth in my life; that

fellow would have gladly killed those people for that insignificant sum. He was what are know in Spanish-America, a "bravo" or professional murder. I refused to have the men killed off, even for that small sum, and he went away in a disgruntled manner. I says to Jim after the fellow had left, "For God's sake Jim, what sort of a fellow have you here, and then told him the fellow's proposition to me." Jim merely shrugged his shoulders and said, "Oh, well, he will do as he agrees to." "My honorable (?) watcher" returned in the morning and reported all right, at the same time saying how easy it would have been to chop off their heads while they slept. Still had murder in his head. I gave him the promised dollar.

To give these people ample time I resolved to lay over another day with Walters, and that night again sent the "devil" down to watch. This time he had not gone long when he returned and reported the parties had fled. It seems that on his way down he heard horsemen coming up the road, naturally suspicious he pushed the brush aside and concealed himself, and they passed within a few feet of him; with a pantomime movement he said, "If I had had a lance I could have killed one as they passed me." Immediately I had my horse and rushed down to town to see my people and find out why they had not arrested the fugitive.

It was now quite dark and a rain had set in. Going to the house I asked if they had done anything, and was informed that nothing had been done yet, but they were going to attend to the matter right away. I told them the parties had left, two on one horse and one on another. They seemed surprised and said, "We'll go and see the *Presidente* at once." The *Presidente* received us rather coolly, and after the matter had been thrashed out plenty, finally gave them permission to go, but to be "very careful not to go beyond his jurisdiction." Returning to the house, it was now raining in torrents, and I had on a light linen duster, and sat there in that downpour until two o'clock in the morning, waiting for those people to come out and start on the pursuit. To be sure I could have gone into the house out of the rain, but supposing each minute they would be off I did not go in.

Subsequent events proved that all these delays were premeditated and were for a purpose, but depending upon their good intentions I was grossly deceived. Jack Friday owned an interest in the Grand Central mine for which Captain Whitesides¹⁴⁷ of Camp Huachuca,¹⁴⁸ had offered \$5,000, but Jack wanted \$10,000, and had refused to sell. They had arranged to return to Huachuca and sell; all those Mexicans were in with the play; hence the delays and other obstacles thrown in my way. All this I was totally ignorant of at the time.

Finally we got off after the fugitives. When leaving Jim Walters' place a colt had followed me down town. Before we had reached Jim's place we met a man on horseback coming on as fast as his horse could run. My Mexicans halted him and they talked a bit and the fellow went on towards town. I asked the old man who the fellow was and his object in going to town at this time of night. "O, he lives just above here and is going to town after some meat." I said, "Nonsense, he may be going after meat but he has some connection with the party we are after."

At this time we had reached the lane to Walters' place, I said to the Mexicans that I would put the colt in the corral and return; that when that Mexican returned to be sure and not let him pass, as he would go to the parties and inform them we were on the trail. To this they agreed, and I took the colt over, but as I was nearing my party I heard the clatter of horse's feet on the hard road ahead of my party. Coming up I said who had gone by and was told it was the man with the meat. He had not lied as he had meat with him. I was furious but powerless; I says to the old man that fellow is not going home but to those people we are after. This they would not, or pretended not, to believe.

At this moment a dog barked and the old man says, "Now he has reached his house, that was his dog." I said to the old fellow I'll bet my horse against a nickle he does not stop

147. I do not find Whitesides listed in Heitman, *Register*, or in Orton, *Records*.

148. This was a temporary post in the Huachuca mountains to protect the new mining interests, especially in Tombstone. Hinton, *Handbook*, p. 312. But it was not so temporary after all; the old fort was the site of military training in World War II. Wylls, *Arizona*, p. 356.

at his house. The fellow never stopt until he came to where the three fugitives had camped for the night. He gave them warning we were on their trail and they got up and started off again. In the meantime, my Mexican found a place where they were sure the party must be camped. I tried to argue with them to the contrary, but it done no good and we stay[ed] there all night. Next morning I found the trail leading off up a canon and we followed it almost to Huachuca. With the aid of the *cautivo*, the fugitives could travel at night as the fellow knew the country, but we were obliged to lay over.

After we had crossed the boundary line into Arizona, my Mexs being ignorant of the fact, yet were all the time a bit suspicious, and finally we struck a plain wagon road, and their suspicions were confirmed. They were frightened and immediately turned about to hasten back into Sonora. However, I persuaded them to cut quartering back so as to cut any trail that might lead out of Camp Huachuca. That evening we cut a trail, but the animals were all shod and as the party we were following had barefooted animals, my Mexs declared it was not the party we were following. I knew better and we will follow these shod tracks, and we did so.

We were now north of the Patagonia mountains and going south towards the mountains. About noon of the second day after our about march, we run into their camp. They had camped half a mile north of the old Mowery mine.¹⁴⁹ Johnson had gone to the mine for grub, the *cautivo* was out with the animals and Jack was in camp alone. Seeing us, he made a leap for his rifle which was standing against a big pine, but my Mexicans had charged and had their rifles upon him; he at once threw up his hands and sur-

149. This old mine, discovered by Mexicans in 1857, was purchased by Sylvester Mowry who played a prominent part in the early history of Arizona. He arrived as an army Lieutenant in 1855. During the Civil War he was arrested by General Carleton as a Southern sympathizer and taken to San Francisco. He was released without trial, went to London to sell the mine and died in poverty. Hodge, *Arizona*, pp. 126ff. Fish, *Manuscript*, 2:349. The correspondence relative to his arrest is published in Orton, *Records*, pp. 52ff.

An early booster for Arizona, Mowry published *Arizona and Sonora: the geography, history, and resources of the Silver Region of North America*. (Harper & Brothers, New York, 1866. 3rd edition)

rendered. I now told the Mexicans as we were in Arizona I would take charge of the prisoner. To this they said, "No, we are in Sonora and will take charge." I said the Mowery mine was in Arizona and it was still north [south?] of us, it stands to reason we are in Arizona. It did no good and all I could do was to follow along until we again reached Sarica.

I now determined to go on down to Altar and report the matter to the Prefect, being thoroughly convinced that my Mexicans had proved treacherous in the whole matter. I did so and the Prefect was very angry and said he would punish the whole lot of them. He said he would send the Rurales soldiers up as soon as he could. I started back to Sarica but before I had reached the town, perhaps five miles below, a shot came from the brush and my horse lunged forward. I reached Sarica before he died. In a few days the soldiers came and arrested the *Presidente* and the Mexicans that had been with me, and took them to Altar. I was for going down and testify against them, but Walters, my smuggling friend, and "Coal-yard Bill" said it would never do; that I would be killed sure; that I was playing luck that I was not already killed. So I decided not to go. The bunch were kept in jail a few days and were released and all returned to Sarica.

Jack had sold his claim to Whitesides for two thousand and five hundred dollars. He gave two hundred of it to the *Presidente*; to the *cautivo* \$200, and to each of my Mexicans \$300. Johnson got \$500 or more and in fact about all the Mexicans in the town were in on the "divy." Both Jack and Johnson laughed at me [and] said, "You see it is all off with you here; all are our friends and you cannot do a thing." Jack said, "Nothing small about me, if you want five hundred or such a matter I am ready to give it to you." Knowing what was soon to come I determined to stay with the pot and see it out.

They kept bleeding Jack until his money was gone, and when no more money was to be had from him, those treacherous devils arrested him and took him to Altar and turned him over to the Prefect. Thus making themselves solid with

that officer, but did not tell him they had bled Jack to death before doing so. To say Jack was mad is putting [it] mildly; he cursed the whole bunch from *Presidente* down. He said to me I have been a fool all the way thru in this thing; had I gone with you at first I now would have money to fight my case; but as it is I haven't a dollar left me, and must have some jim crow lawyer to defend me in court. He got twenty-five years; there were some extenuating circumstances; Sweeny was known to be a tough character, although I knew he never used a shooting iron; he lacked nerve. He was one of those prize-fighting plugs, all of whom are yellow-bellied.

Suffice to say I road abo[u]t 900 miles on that trip; had one horse shot; missed being assassinated three or more times, but I am here yet telling the story. As to the two Mexican murderers, I found them too, but the *Presidente* said they were Mexican citizens, and as such must be tried by the Mexican courts. It was us[e]less to fool time away with them.

I returned to Tucson in September, and soon thereafter H. S. Stevens, being then a candidate for re-election to Congress, asked me if I would not go up into the eastern end of Yavapai county and look after his interests in the campaign. This would take [me] back again to the Little Colorado at St. Johns, Springerville and other points. Leaving Tucson I went to (old) Camp Grant; thence over the Apache trail leading up the Arivaipai canon and on to Camp Apache and the Little Colorado.

The campaign of 1878 was a hot one; the candidates were H. S. Stevens, King S. Woolsey¹⁵⁰ and John G. Campbell.¹⁵¹

150. King S. Woolsey was an outstanding pioneer: politician, rancher, and Indian fighter. He died at the early age of 47 on June 29, 1879. A biographical sketch is in Farish, *Arizona*, 2:215-226. He is referred to as "Arizona's most prominent citizen," in the *Phoenix Herald*, July 2, 1879, quoted in Farish, 2:225. "One of the most famous citizens in the annals of Arizona's history." Barney, *Manuscript*, 2:28. The 1st Legislative Assembly passed a concurrent resolution in appreciation of his service as leader of expeditions against the Indians. *Acts and Resolutions* p. 69 (Prescott, 1865). One of his expeditions is recorded in F. A. Cook, "Diary," NEW MEXICO HISTORICAL REVIEW, 24:95-120. His name appears often in Farish, *Arizona*.

151. John G. Campbell was born in Glasgow, Scotland, June 27, 1827. He arrived in the United States in 1841, traveled to California by way of northern Mexico in 1849, arrived in Arizona in 1863, and settled near Prescott in 1864. He was Territorial Delegate and twice a member of the Assembly. *Portrait and Biographical Record*. Fish, *Manuscript*, 3:551. Kelly, *Arizona*.

All of them wanted the vote [in] our section and were there in force. The people of Springerville again had me on the ticket for Justice of the Peace—I was elected. John G. spent on that election about \$20,000. All sorts of fraud were alleged, particularly in Yavapai county. After the polls were closed I followed the returns to Prescott. Wired Stevens at Tucson of the wholesale frauds; he sent Theodore Farley,¹⁵² the District Attorney of Pima county, up to Prescott to consult with me and to take any legal proceedings he thought necessary. We found that the returns from Pinal county had not shown up, nor never did show up as they were almost solid for Stevens. Without the Pinal vote it was useless to attempt anything; this fact being wired to Steve, he said let her go. Farley returned to Tucson and I to the Little Colorado—John G. received the certificate of election. That election cost him his financial ruin; he died without anything worth mentioning.

Up to this time Prescott had succeeded in hogging about everything in the matter of county offices; the eastern end of the county and, in fact, any other part of the county outside of Prescott were practically ignored altogether. That winter—1879—the legislature met at Prescott. There had been some talk about a division of the county on account of the state of affairs as above related, and to circumvent any county division, Prescott put Jim Stinson¹⁵³ on “their” ticket to represent our section, he being solemnly pledged against any county division. Sol Barth and myself resolved to go up and see what could be done in the matter of dividing the county. M. W. Stewart¹⁵⁴ was Speaker of the House, and the “Silver Tongue” orator—Tom Fitch¹⁵⁵—the leader

152. I have no information on Farley.

153. James Stinson is listed as a member of the 10th Legislative Assembly as representative from Snowflake, Yavapai County. *Acts and Resolutions*. He arrived in Arizona in 1873 and settled at the site of Snowflake. He sold out his holdings in 1878 to William J. Flake. Erastus Snow and Flake combined their last names to give the settlement the name of Snowflake. Udall, *Historical Sketch*, p. 6.

154. M. W. Stewart, Speaker of the House, represented Pima county in the 10th Legislative Assembly. Kelly, *Arizona*.

155. Thomas Fitch emigrated to California in 1860. In 1864 he moved to Nevada and was elected to Congress in 1868. Then he wandered to Utah, California, and Arizona, arriving in 1877. He represented Yavapai county in 1878. Professionally, he was a lawyer and journalist. 10th Legislative Assembly, *Acts and Resolutions* (Prescott, 1877). Elliott, *Arizona*, p. 289.

of the Yavapai delegation in the House. At this time I was a U. S. Deputy Marshal under Major C. P. Dake¹⁵⁶ Marshal for the Territory; Jim Speedy¹⁵⁷ of Tucson, a friend of mine, was a member from Pima county. The mercurial Sam Purdy¹⁵⁸ of Yuma county, also my old time friend, represented Yuma county.

We got the Bill introduced; Fitch and Stinson worked, traded, sold themselves on all and any proposition they could, along with the other members of Yavapai, to defeat the Bill. They had my friend Sam Purdy pledged, of which I was ignorant at the time. One morning before the legislature convened, and the day set for the "Apach[e] Bill" to come up, I met Speedy and said to him, "Jim, I want you to vote for our Bill today." Laughingly he put his hand behind his back. I said, "Rats, you know I can't do that." Jim then says, "How do you stand with Major Dake, I want the Deputyship for Tucson." I replied that perhaps I could fix it; would see him in a few minutes.

I went to the Major's office, and told him what I wanted, and said further that perhaps we may need his vote on other matters, and it would be well to make the appointment; the Major said all right, bring Mr. Speedy up here and introduce him. I took Jim up at once, and going into the Major's private office I said, "Major, this is Mr. Speedy of whom I have spoken to you about the deputy marshalship for Pima county." After a few seconds conversation, we stepped into the main office and the Major says to his chief clerk, Mr. Bowden, "Please make out an appointment for James Speedy of Tucson."

The House convened; the Apache Bill was called; several members were absent, among them was Sam Purdy; Fitch moved a call of the House, the Sargeant of Arms—Sidney

156. Major Crawley P. Dake served in the Civil War. He was appointed United States Marshall for Arizona in 1878, settled in Prescott, and died there, April 9, 1890. *Portrait and Biographical Record*.

157. James Speedy, representative from Pima county in the 10th Legislative Assembly. *Acts and Resolutions*.

158. Samuel Purdy, son of the one-time Governor of California, arrived in Arizona in 1874 as superintendent of a land company. He located in Yuma and represented his county in three assemblies. Elliott, *Arizona*, p. 301. Kelly, *Arizona. Acts and Resolutions* of the several assemblies.

W. Carpenter¹⁵⁹—was instructed to fetch in the absentees; I rushed out at the heels of Carpenter. Sid. asked if I knew where Purdy was; I said yes, and would look after Purdy while you hunt up the other two members. I sent Carpenter off up Montezuma street on a "cold trail," and started to find Purdy, and did find him on Granite Street as usual. Telling Sam what was up I said you must vote for our Bill. "Can't do it," says Sam, "I am pledged to Fitch and Stinson against it." I replied that I didn't care a d—m what he had pledged to those fellows, I want you to vote for that Bill. I then gave him some very good reasons for doing so—some others of inside portent. "Is that so?" Come on says Sam and we went on a run for the House.

As we reached the House, the all [call?] had been raised and something was then up. Sam rushed in and without taking his seat asked the Speaker what matter was then before the House and was told it was the Apache Bill. "Before that Bill comes to a vote I desire to make a few remarks," [Sam said,] and then turning towards Fitch and Stinson, pointing his finger at them said, "You have deliberately lied to me in this matter." This was a bombshell in the enemy's camp. He then went on and made a redhot speech in favor of the Bill, and said, "I shall vote for this bill, notwithstanding my pledge to those fellows, and I hope my friends in the House will do the same." The Bill passed by a majority of two votes. Fremont¹⁶⁰ was Governor and signed the Bill in February, 1879. Sol Barth worked like a Trojan; when we started in on the thing, we did not have a single vote to our credit. After adjournment, Sol and I returned to St. Johns. The Act provided for a special election to be held the first Monday in June, 1879. The Governor appointed all county officers to hold until the special election. The fellow appointed District Attorney came out from Prescott, but not liking the "looks" of thing[s] about St. Johns, he pulled his freight.

159. Sidney Willis Carpenter was originally known as William Henry McDonough. His name was changed by act of the territorial legislature in 1873. *Acts and Resolutions*, p. 55. He was Recorder for Pima county in 1876. Hodge, *Arizona*, p. ix. And served as Sergeant-at-arms in the 10th Legislative Assembly, listed as G. W. Carpenter. The difference in the first initial is probably a clerical error. 10th Legislative Assembly, *Acts and Resolutions*.

160. The famous John C. Fremont, explorer, soldier and politician.

The Board of Supervisors appointed me the District Attorney—and I resigned the J. P. office for Springerville. At the special election held in June, I was elected District Attorney to hold office until the next general election which came off in November, 1880.

At this time, the law made the District Attorneys the collectors of all delinquent taxes. Before the delinquent tax roll had been turned over to me for collection, I told the Board that it was necessary that I give an additional bond as Collector. The Chairman said for his part no bond was necessary, and the other two said the same. However, I said it was the law, and placed the bond before them for approval; it was approved and laid on the table. The Board held their meetings in my office, there being no county buildings at the time. The Board having adjourned and left for their respective homes, I swept out the office all the papers and trash lying on the floor. A day or two afterwards I noticed a paper which had a familiar look, the wind was blowing about, and picking it up I found it was my "bond." Charley Kinnear was the clerk of the Board and he left all the books and papers in my office; I carried my bond in the office and put [it] with the other papers of the Board.

Thomas L. Greer,¹⁶¹ perhaps the largest cattleman in the county, was our Treasurer. At the following meeting of the Board, I turned over to the Treasurer nearly two thousand dollars of delinquent taxes collected. The county had no safe, no buildings, no nothing, and after the Board adjourned, Greer came to my office and requested that I keep all the county monies for him, saying he had no place to keep it, that if he took it to the ranch he must stick it in a crack somewhere, and if held up the county would lose the money; that if I kept the money no one would know that I had it. I agreed—without responsibility—as I too had no place except a trunk in which to keep the "dough." The old man says, "All right, I am responsible, and that is why I wish to leave it in your care." At the next tri-monthly meeting I turned over about \$1,500 more, and the same was done again after adjournment.

161. Thomas L. Greer is mentioned as Treasurer of Apache county, 1880, in Fish, *Manuscript*, 3:646.

The election in November, 1880, I was elected Probate Judge.¹⁶² The law provided at the time that Judges of Probate take office on the first Monday in December following their election; this was done that the Probate Judges should swear into office all other county officers. At this election Sol Barth was elected to the Council, and Jerome B. Barton¹⁶³ and — York¹⁶⁴ to the House. I accompanied Sol to Prescott, and was appointed Door Keeper¹⁶⁵ to the Council for the session. Sol and I roomed together at old man Ehle's house.

At this session Frank M. Murphy¹⁶⁶ was a member of the "Third House." The Sherman Bill¹⁶⁷ was introduced. This bill was to attach a salary to the office of Territorial Superintendent of Public Schools, which at this time was an appointive office of the Governor. The salary was to be \$1,000 per year; Mose Sherman, then teaching the public

162. A. F. Banta, who then went by the name of C. A. Franklin, was elected Probate Judge by "illegal proceedings" in 1880, Apache county. Fish, *Manuscript*, 3:646.

Relative to the election of 1882, Fish writes as follows: "Another very odd incident occurred at this election. A. F. Banta was on the ticket for the legislature, and he sent his brother Henry over to Pueblo Colorado (the place that had polled some eighty odd votes at the election before), to work for his interest. Henry was on the ground promptly, but like the election two years before, it did not come off so Banta did not even get a chance to put in his own vote. He returned to St. Johns and reported that there was no election held at Pueblo Colorado. In a few days, in came the returns from Pueblo Colorado with 86 votes polled there, all against Banta. These votes were all counted in as they had been at the election before." *Ibid.*, 3:647.

Fish also states that two Supervisors of Apache county in 1880 allowed themselves \$10 pay per diem. "The Probate Judge, A. F. Banta made some objections to this but there was never a cent returned." *Ibid.*, 3:646.

Banta is also mentioned as Superintendent of Public Schools, Apache county, in 1881. *Arizona Sentinel*, November 26, 1881.

163. J. Barton is listed as representative from Apache county in the 11th Legislative Assembly, *Acts and Resolutions* (Prescott, 1881).

164. G. R. York is listed as a representative in the 11th Legislative Assembly from Apache county. *Ibid.*

165. He is listed as C. J. Franklin, Doorkeeper for the Council in *Acts and Resolutions* for the session of that year. The initial J is no doubt a clerical error. The legislature of 1881 passed an act granting Charles A. Franklin, Probate Judge, Apache county, a leave of absence to go out of the county. This was probably to enable him to accept the position as doorkeeper. *Acts and Resolutions*, p. 3. See Note 162.

166. Frank M. Murphy settled in Santa Rosa, California, in 1875, and moved to Prescott, Arizona, two years later. He served as Lieut. Col. in the Territorial Militia and as aid to the Governor. Elliott, *Arizona*, p. 289. He was President of the Prescott National Bank when it was organized in 1883. Fish, *Manuscript*, 3:750. Fish gives the date of arrival in Arizona as 1878.

167. H. M. Sherman is mentioned as Superintendent of Public Instruction for the fiscal year ending January 10, 1883. 12th Legislative Assembly, *Acts and Resolutions*, p. 212.

school at Prescott, was Governor Safford's appointee. The Bill hung fire for some time; the Democrats refusing to approve it on political grounds.

One evening late in the session, Frank Murphy called me out and said I want to talk to [you] about certain matters. We went to the court house plaza then surrounded with a board fence. Frank then says, "You have heard of the Sherman Bill." I replied that I had and that it would not pass the Legislature. "I know it will not," says Frank, "I have tried in vain, and dare not allow the thing to come to a vote, but have been told by friends here that if I could secure your co-operation the Bill could be put through." He then went into the merits of the measure, giving many good reasons why the measure had ought to pass, etc. etc. I agreed to help him out in the matter.

Barth was and is now a redhot Democrat; that night I said to Sol, "I want you to vote for the Sherman Bill." He replied that he would not and that he would see that the Bill did not pass. I says all right, I'll bet you a box of the best cigars in town that the Sherman Bill does pass both Houses and is signed by the Governor. He took the bet and thence forward worked harder than ever against its passage.

Murat Masterson—Democrat—was President of the Council. Meeting Murat on the street I said, "Murat, I want you to vote for the Sherman Bill." "Can't do it, am pledged to Sol against it." "I don't care a snap how much you are pledged to Sol or anyone else, I want your vote on that Bill." Murat says are you interested in that Bill. I said very emphatically that I was and it must be passed nilly willy. "All-right, I cannot refuse you Charly, I will vote for the Bill."

As doorkeeper of the Council my place was outside the railing facing the President, to whom I announced all persons having business before that body. The Bill came up and the voting began, Barth being first on the roll call voted first; I stood up facing the President who voted last on roll call. When the Secretary of the Council called, "Mr. President," I caught Murat's eye and he said, "Aye." "You are a d—m liar," says Sol and jumping up from his seat said,

"Your d—m Capitol can go to h—l, I am going home," and he left the chamber; as he passed me he said, "Come on, I'm going home." I laughed and replied, "Don't be silly Sol, I told you the Bill would pass." As Sol went out Louis B. St. James and two other men in the lobby¹⁶⁸ instantly sprung to their feet and left the House. I stepped to the door to see the fun, as I knew Sol was mad clear thru, and saw St. James on one side of Sol and the others on the opposite side and all were talking in an excited manner. They finally mollified Sol, but he did not show up for roll call for three days afterwards. In those days the Capitol "was on wheels," and was used as a "club" to force the Yavapai members to vote measures against their better judgment. And as a consequence, many doubtful measures were passed and became laws.

At this session of '81, John W. Dorrington¹⁶⁹ of Yuma—Sam Purdy being "shelved"—introduced a bill, or rather an amendment to change the time for Probate Judges to take office, making them go in at the same time all others did—on the first of January following their election. This gave me two years and a month in the office of Probate Judge of Apache county. Our county was in the 3rd judicial district, Chief Justice C. G. W. French¹⁷⁰ the judge. Judge French appointed me his Court Commissioner for Apache county. During my term of Probate Judge, Thos. L. Greer¹⁷¹ died intestate, with an estate amounting to about \$40,000. Of course the jackleg lawyers tried to get in their work, but I would not stand for it and settled up the estate at a total cost of \$80. The records of the court will show this to be true.

168. Banta apparently uses the word Lobby here to mean influencing legislators rather than the hallway of the building. There is no mention of Louis B. St. James as a member of the legislature in either the 10th or 11th Assembly, *Acts and Resolutions*; nor in Kelly, *Arizona*, a legislative reference book. He came to Arizona at the time of the gold strike of 1863. Fish, *Manuscript*, 2:341. He served as Sergeant-at-arms for the Council in the 19th Legislative Assembly, 1897. *Journals* (1897).

169. J. W. Dorrington arrived in Arizona in 1869. He was head of the Sentinel company which established the *Arizona Sentinel* at Yuma in 1872. Fish, *Manuscript*, 3:748; owner and editor of the paper from 1881 to 1911. Kelly, *Arizona*, p. 363; and served in the 9th, 11th, 12th and 13th Legislative Assembly. Kelly, *Arizona. Acts and Resolutions* for the several legislatures.

170. Charles Grafton Wilberton French "who has, for two successive terms, filled the position of Chief Justice of the Supreme Court of Arizona . . ." was appointed to that position, December 16, 1875. Elliott, *Arizona*, pp. 286-88.

171. See Note 161.

The general election of 1882 I was elected to the 12th Legislative Assembly for Apache county; Henry E. Lacy¹⁷² to the Council. We went to Prescott and had rooms with Price Behan that winter; the weather was fearfully cold a good part of the time. Tritle¹⁷³ was then Governor. Before the organization of the House, we held a caucus to agree upon our Speaker, and decided upon W. A. Rowe¹⁷⁴ of Yavapai county. When we met Rowe's name was placed in nomination; E. B. Gifford,¹⁷⁵ of Pima county, nominated C. A. Franklin¹⁷⁶ for the Speakership, which was seconded by several members—I had already seconded the nomination of Rowe. I declined the nomination, stating that I had pledged myself to Rowe. However they insisted on it, saying I was sure of election; Charly Taylor,¹⁷⁷ a Yavapai member, urged me [to] take the Speakership, several speeches were made in my favor, in which one of the speakers said it would be a feather in my cap. To all I positively declined to accept, and asked that my name be withdrawn. Rowe was elected.

Of course, having made Rowe Speaker, he appointed me chairman of several important committees, the principal one being Chairman of the Appropriation Committee. During the whole session Rowe always called me to take the Chair when in Committee of the Whole—with one or two exceptions, when circumstances prevented me. I will relate one

172. H. E. Lacy was a member of the Council from Apache county in the 12th Legislative Assembly. *Acts and Resolutions*.

173. Frederick A. Tritle was born in Pennsylvania, August 7, 1833. He resided in Nevada from 1860 to 1880 then moved to Arizona for reasons of health. He was appointed Governor, February 6, 1882, and served until October, 1885. *Portrait and Biographical Record*. He served as Governor until May 5, 1886, according to Fish, *Manuscript*, 2:366, 3:635; but Wylls, *Arizona*, gives the date as October. It may be that Fish means active service, because he gives the date of October 14, 1885, for the appointment of Tritle's successor, Governor Zulick. 3:636.

174. W. A. Rowe served in the 10th Legislative Assembly from Yavapai county. He was Speaker of the House in the 12th Legislative Assembly, served in the 22nd territorial legislature (1903), and was President of the constitutional convention of 1891. Kelly, *Arizona*.

175. E. B. Gifford represented Pima county in the 11th and 12th Legislative Assembly. Kelly, *Arizona*. He donated land for the University of Arizona. *Ibid.*, p. 124.

176. This, of course, is Albert Franklin Banta, author of these memoirs. See Note 40.

177. Charles Taylor represented Yavapai county in the 12th Legislative Assembly. Banta served in this session under the name of C. A. Franklin and W. A. Rowe was Speaker. Kelly, *Arizona*.

little incident of the session in which I held the "whip hand" and used [it] too.

Pat Hamilton¹⁷⁸ had been appointed Immigration Commissioner, but there was no salary to the office. I introduced a bill, or offered a concurrent resolution—I do not remember which—attaching a sal[a]ry of \$2,000 to the office of Commissioner of Immigration. To my surprise it was voted down. Pat was present when vote was taken and looked very glum at the result of the vote. A recess was then taken and as I passed Pat on my way out of the Chamber, he said, "It's all off with me." I said, "Keep a stiff upper lip, I have a card up my sleeve that will surprise 'em plenty." Of course he wanted to know what that "card" was, but I refused to tell him and said, "I'll tell you in time to be present when the thing comes off."

To the Appropriation Bill I attached a "rider" making an appropriation of \$2,000 to the Commissioner of Immigration. The "rider" was not attached by me until the Bill had been completed. Several times some member would get the figgits and call for the appropriation bill. I always had some excuse for not presenting the Bill, as I desired to hold it back to the last three days of the session, so as to force its passage without any amendments. In the meantime I had it whispered among the many attaches of the House, that if the appropriation Bill did not pass they would not get a cent until the meeting of the next legislature two years hence. This put the bunch on the anxious seat. At the proper time I announced to the House that the appropriation bill was ready to be acted upon and sent it to the clerk's desk. Immediately the House went into Committee of the Whole—myself in the Chair. All went smoothly until that "rider" was struck, and then the fun began. All the attaches were present, also my friend Pat Hamilton. Roars and kicks were

178. Pat. (Patrick?) Hamilton served in the 10th Legislative Assembly representing Yavapai county. *Acts and Resolutions*. The 11th Legislative Assembly commissioned him to prepare and distribute reports on the resources of Arizona in order to attract capital to the Territory. *Ibid.*, p. 90-91. He did a good job and published *The Resources of Arizona* . . . (Prescott, Arizona, 1881); a 2nd edition in 1883 (A. L. Bancroft & Co., San Francisco); and *Arizona: For Home, for health, for investment* (Phoenix Arizona, 1886)

made in plenty; finally Judge John Anderson,¹⁷⁹ member from Pinal arose and said, "Gentlemen (a smile on his face), you sometime ago voted down the resolution on this subject, introduced by the Chairman of the Appropriation Committee, and he has simply turned a trick you were not expecting; it is now too late in the session for amendments; all these clerks here present are anxious for their pay; we had better pass the bill at once without any further ado." The House having finished the consideration of the Bill, the Committee arose. The Bill then had a 1st reading in full and read second time by title, went over until the next day. It came up for passage and passed without a dissenting vote. To be sure it was sharp practice on my part, but I resolved not to allow spite to interfere with a right or public duty. Hamilton was the best qualified man in the Territory for the work in hand; he was obliged to go over the whole Territory and did so, and with the data acquired he got out *The Resources of Arizona*.

One other little incident of the session and I'll have done with the 12th. A resolution was passed appropriating \$250 out of any available funds in the Territorial Treasury—not a dollar in the Treasury at the time—for the purchase of postage stamps for the use of the members, including the Chief Clerk of the House, twenty-five in all—ten dollars each. By direction of the House the Speaker appointed me to confer with the Postmaster on the subject; T. W. Otis¹⁸⁰ being Postmaster. Mr. Otis informed me that he could not accept a Territorial Warrant in payment for stamps; that the cash must be paid. Returning to the House I reported the result of my mission. Then a talkfest began lasting some minutes. To solve the difficulty I offered to buy the stamps, pay the Postmaster the \$250; the House to allow by resolution in the Appropriation Bill that sum to me in Territorial

179. J. W. Anderson represented Pinal county in the 5th, 11th and 12th Legislative Assembly. *Acts and Resolutions*. Kelly, *Arizona*. When Hodge last visited the Silver King mine, Judge Anderson was secretary of the company. Hodge, *Arizona*, p. 121. A short biographical sketch is in Farish, *Arizona*, 6:53. I assume that J. W. is the John Anderson that Banta mentions; he was an attorney, but I find no mention of a judgeship.

180. Theodore W. Otis was appointed postmaster, September 7, 1875. *Weekly Arizona Miner*, September 17, 1875.

warrant, with the usual discount then prevailing in the market on such warrants, such discount to be added to the original sum paid out for the stamps. My proposition was unanimously accepted by the House, and I bought the stamps.

Sometime in the latter part of the session, Judge John Anderson of Pinal offered a resolution covering the aforementioned proposition. To his amazement the resolution was opposed by a number of the members. The Judge used some pretty strong language, and said if they had no regard for their word then let each member pay the gentleman his \$10, "I am ready to pay mine." And the Judge started towards my desk with a ten dollar bill in his hand. The resolution passed without a dissenting vote.¹⁸¹ This little incident proved that even in legislative bodies are found men of doubtful principles.

Some of the principal measures I had passed were: an Act authorizing the county of Apache to issue bonds for the erection of Court House and Jail; an Act regulating freight and fares on railroads—killed in the Council; an Act amending the Fee bill of all county officers, a scaling down of from five to twenty per cent, and several other minor measures.

(To be continued)

181. Banta advanced the sum of \$370 for postage and received in exchange Territorial Warrants plus 17%. The story is told in the 12th Legislative Assembly, *Journals*, pp. 104, 146, 156.

He introduced a bill for the incorporation of St. Johns. It was approved by the legislature but does not appear in the *Session Laws 1883*. Presumably Governor Tritle vetoed it. *Journals*, pp. 144, 167, 293, 309.

The bill dealing with "fees of officers" became a law. *Sessions Laws 1883*, pp. 223-231.

Banta also sponsored a bill to tax the net proceeds of mines, but it did not pass. *Journals*, pp. 335, 406, 564.

The act authorizing bonds for a courthouse and jail was passed by the 11th Legislative Assembly. *Acts and Resolutions*; and bonds for a jail were authorized by the 12th Legislative Assembly according to Kelly, *Arizona*.