

FIRST TERM DISTRICT COURT HELD IN GRAHAM COUNTY

(By GEO. H. KELLY, State Historian)

On the 5th day of November, 1883, the first term of the district court ever held in Graham County was called to order by Honorable A. W. Sheldon, associate justice, presiding. The county had been created by the Legislature in the early part of 1881, more than two years before the first term of Court was held. When the county was created, Judge W. H. Stillwell, now deceased, was on the bench and he made a trip to the county and installed E. D. Tuttle, of Safford, as clerk of the district court, but Judge Stillwell never held a term of court there. The members of the Grand Jury who served the first term were E. B. Frink, Anthony Wright, W. B. McCormick, Peter Moore, Wm. Finley, Edward Merry, T. J. Neese, C. E. Stevens, D. H. Bass, H. C. Hooker, J. H. Norton, F. A. Kleinsteuber, Benton Jones, M. L. Wood, W. A. Bonnell, G. M. Bonnell, Robert Hutchinson, Albert Frye, E. A. Jones, J. M. McCormick, Cornelius Keleher, John Collins, D. L. Sayer.

H. C. Hooker was made foreman of the grand jury. Mr. Hooker was the founder of the Sierra Bonita cattle ranch in the southern part of Graham County, twenty-two miles north of Willcox. This ranch was one of the best known in Southern Arizona at that time, where Colonel Hooker took great pride in raising the best breed of cattle and horses. He moved with his family to Los Angeles in the latter 90's, and built him a splendid home on West Adams street in the coast city, where he died some seventeen years ago. Strange to say, and for no known reason, Colonel Hooker never visited Solomonville after the term of court during which he served as foreman of the grand jury, although he continued to be one of the heaviest tax payers in the county and his original ranch holdings yet constitute an important property interest in that county, his sons, Edward and Joe Hooker, having continued in the cattle business.

Colonel James A. Zabriskie of Tucson was appointed by the court as counsel for the Mexican prisoners who were without counsel, of which there were many.

Honorable Ben H. Hereford, of Tucson, had the honor of making the first motion before the District Court of Graham County. He moved that Mr. Wm. Finley, of Clifton, be admitted to practice, on affidavit that he had been admitted to

practice in the Supreme Court of Illinois. Ben Hereford was a Tucson pioneer and one of the prominent Arizona attorneys of that day. He was the father of the late Honorable Frank H. Hereford, for many years a prominent Tucson citizen and widely known as an attorney.

Edward D. Tuttle was clerk of the court.

Pedro Michelena was sworn as Spanish interpreter for the term and allowed \$5 per day.

The grand jury returned 35 indictments and ignored 44 cases. The indictments found were for murder 10; burglary 1; assault to do harm 2; assault and battery 1; negligently allowing prisoner to escape 2; robbery 1; assault with intent to commit murder 3; robbery by force and intimidation 1; grand larceny 11; voluntary escape of prisoners 2; assault with deadly weapon 1.

The grand jury examined the various county offices, finding them all well kept. They found that the debt of the county had already grown to the sum of \$23,978. For the previous year \$17,276 was collected from property tax.

The grand jury did not mince matters, and things they found which were detrimental to the county were made public and remedy suggested, as will be seen by the following extracts from their reports:

"The attention of this grand jury has been very forcibly called to the negligence of our present District Attorney, A. M. Patterson, through his failure to perform his official duties in a proper manner, thereby increasing to a considerable extent the expense of this term of court, impeding thereby the due course of justice and the prosecution of crime. We further desire to condemn in the strongest terms the employment by A. M. Patterson during his recent absence from the county of an unreliable and unworthy assistant district attorney in the person of R. F. Hughson. We suggest the propriety of Mr. Patterson tendering his resignation as District Attorney in this county.

"It is the opinion of the grand jury that crimes have been committed, in which witnesses summoned before this body have failed to give proper testimony, but whether through fear or on account of being accomplices is to this grand jury unknown. We also find that several highway robberies have been committed upon the Clifton & Lordsburg stage road, and that in but one instance has the property of the stage company been molested, although the coaches have been several times stopped, an unusual occurrence, and unaccounted for by this grand jury.

"It is the opinion of the grand jury that in and about the Coronado ranch, also the ranches of Sixto Garcia and Jas. Hoxie, there has been and now is a resort of outlaws of every grade, where stolen property of every kind is concealed from its rightful owners, and where supplies are furnished to these outlaws by parties to this grand jury unknown."

Of the members of this first grand jury in Graham County only one or two are yet living. These are Charles E. Stevens who was one of the early pioneer prospectors in the Clifton district. He was a brother of the late I. N. Stevens who died last year. They were in the first party of white men that visited that district and located claims, coming there from Silver City, New Mexico.

M. L. Wood is now a resident of Los Angeles. He was a pioneer in the vicinity of Fort Grant, where he resided for more than forty years. In the early days Wood was a prominent government contractor and supplied hay, grain and beef to the Fort Grant military post. He served as justice of the peace at Fort Grant for many years.

D. L. Sayer, who was editor of the Clifton Clarion when the first grand jury met, is believed to be still living and publishing a paper somewhere in California.

The county officers of Graham County, at the time of the first court term, had been elected in 1882 at the first election ever held in Graham County, were as follows:

Councilman, P. J. Bolan; Assemblyman, Adolph Solomon; Probate Judge, G. H. Hyatt; Clerk, T. E. Reymert; Sheriff, Geo. H. Stevens; Recorder, Pablo Salcido; Deputy Recorder, P. J. Bolan; Treasurer, I. E. Solomon; Deputy Treasurer, W. S. Martin; District Attorney, A. M. Patterson; Public Administrator and Coroner, Dan Ming; County Surveyor, J. D. Holladay; Board of Supervisors, S. W. Pomeroy, I. N. Stevens and A. M. Franklin; Clerk of the Board, J. T. Fitzgerald.

P. J. Bolan died in California several years ago, where he had gone with his wife and purchased a rooming house at Redondo Beach. His death was a tragic one and brought on by his falling down the back stairs of the lodging house and breaking his neck. Bolan was one of the best known attorneys and politicians in Arizona during the 80's. He originally was a resident of Phoenix where he practiced law. In 1880 he was a member of the legislature from Maricopa County and was one of the men that stood sponsor for the creation of Graham County by the Legislature in 1881. He immediately took up his residence in the new county where he afterwards served in

many positions, including deputyships in various offices. He later represented Graham and Cochise as a joint councilman in the Legislature in 1885.

Adolph Solomon was a brother of I. E. Solomon, the county treasurer, and was also a member of the firm Solomon & Wickersham, wholesale merchants and government contractors at Bowie. Adolph died some seventeen years ago in San Francisco where he had resided several years previous. I. E. Solomon, who was the first county treasurer of Graham County, now retired, is now residing in Los Angeles, California. He was for many years the most prominent merchant and business man in Graham County, but never held any office after the one term as county treasurer.

Geo. H. Stevens, who was the first elected sheriff of Graham County, had been a member of the territorial council in 1881, serving from Pima County which formerly included all of Graham County south of the Gila River. Stevens was prominent in politics and probably was as well known in Arizona as any other man in the territory. He represented Graham County several times in the council and was finally appointed on the territorial prison board, of which he was made treasurer. He left the territory without bidding goodbye to his fellow commissioners on the prison board and afterwards it was discovered that he had taken away with him several thousand dollars of the territory's money. He went into the Yukon country where he remained for many years, finally returning to San Diego, California, where he died four years ago. Stevens was known to intimate friends throughout the territory as "Little Steve" and during the governorship of C. Meyer Zulick there was no man who was closer to the executive or had more influence in the governor's office than Stevens.

Pablo Salcido was killed by Augustin Chacon, a Mexican outlaw and desperado. Salcido was assisting the officers who desired to arrest Chacon. Chacon had taken a post on the mountainside above Morenci, behind some rocks. Salcido believed that his past friendship for Chacon would shield him from harm and started up the mountain to have a talk with Chacon. Chacon allowed Salcido to advance to within about fifty feet of him when he deliberately raised from behind a rock and shot Salcido dead. Chacon afterwards was hung for the murder of Salcido.

Dan Ming, who was public administrator and coroner of Graham County in 1883, had been a government scout previous to that time. After that he located a cattle ranch in the Aravaipa

canyon where he resided and was prosperous until the Spanish American War when he went with the government in charge of a pack train to the Philippine Islands. He had served under Captain Lawton, who was prominent in the capture of Geronimo and he accompanied Captain Lawton to the Philippine Islands. Lawton was killed in the Philippines and Ming remained there for several years thereafter. He returned to Arizona during the World War and had charge of the pack trains at Fort Huachuca, from whence he went with the Pershing Expedition into Mexico after Pancho Villa had made the raid on Columbus, New Mexico. Ming died some two years ago at Presidio, California, where he was still in service in the military arm of the government.

A. M. Franklin, who was a member of the first board of supervisors in Graham County, is now a resident of Tucson and is engaged in the real estate and insurance business.

E. D. Tuttle, who was clerk of the court of Graham County in 1883, died recently in Los Angeles where he had resided for the past twenty years. Judge Tuttle, as he was always known, was a member of the first Arizona territorial legislature, having been elected as a member of that body from Mohave County. He was at that time a lieutenant in the United States Army, stationed at Fort Mohave. After his election to the Legislature he secured a leave of absence during the forty-four days of the session. Judge Tuttle was one of the first settlers in Safford, the present county seat of Graham County, he converting a homestead entry into the original Safford townsite. During his long residence in Graham County he filled many positions of public trust and was ever regarded as one of the most efficient public officers who ever did serve in the state of Arizona.