Interview With Hon. A. C. Baker
at Phoenix, Arizona

March 23, 1917.

I came here in February, 1879, under the following circumstances. I was in Judge Heydenfeldt's office in San Francisco; had a desk there and was trying to practice law. Judge Heydenfeldt had been my father's law partner in Alabama, in Russell County. He was in partnership with Senator Lathrop in San Francisco. The latter had studied law in my father's office. Judge Heydenfeldt and Senator Lathrop came around the Horn to San Francisco in the early days.

In 1878 I was in Judge Heydenfeldt's office in San Francisco, as before stated, trying to practice law; occupied a desk in his office, and the old gentleman would aid me along. He had a case involving some mining properties near Tucson, around Patagonia I think it was. I think the case was in some way connected with the old Mowry mine, but my recollection of it is somewhat hazy. He got me to go to Tucson to supervise the taking of some testimony in the matter, and I came down to Yuma, got a buckboard and went on to Tucson over the old line. I was in Tucson a month attending to this business. I started back to San Francisco on the stage. In the meantime there was an old Irishman by the name of Paddy Burke, who owned a bunch of cattle on the Gila, who was looking for me. He had become pretty heavily involved in debt to parties and merchants in San Francisco, and had transferred his cattle to his son, Valentine. I suspect for the purpose of evading his debts in San Francisco. He had been sued in Maricopa County; they had brought an action against him here, and put an attachment on all his property and on the cattle. Paddy had gone to Los Angeles to get an attorney, and he saw Judge Brunson, whom I knew well, and whom I had called upon in Los Angeles when en route to Tucson. Judge Brunson told Paddy that he could not go to Arizona himself, but that there was a young fellow in Tucson by the name of Baker, and for him (Paddy) to hurry back and catch me before I returned to San Francisco. Paddy did so, and was on his way from Yuma to Tucson at the same time that I was on the stage returning from Tucson to San Francisco. The stage stopped at Maricopa Wells for lunch, and I was eating my meal when Paddy
drove up. He asked the driver if he had a passenger by the name of Baker, a lawyer, and the driver told him he had, and that I was inside eating. Paddy came in and stood there for a while glaring at me, and that attracted my attention. After a while I got up from the table; then Paddy spoke to me; asked if my name was Baker and if I was a lawyer. I answered yes to both questions. Old Paddy stood there looking at me for a while, then finally broke out with: "Well, you're a hell of a looking lawyer." I understood the rough western ways, however, and tumbled instantly to the fact that he was a rough kind of fellow, but all right, and then he told me about being in Los Angeles and Judge Brunson telling him about me. What he wanted me to do was to come across and attend to this business of his here in Phoenix. I told him I didn't want to; that I wanted to go home to San Francisco; that I had had enough of the desert. He insisted, however, and finally the talk came around to the money end of it. I told him that I would charge him $500 to come over to Phoenix and attend to the matter for him, and he said: "All right, that is satisfactory to me," and I got on the buckboard with Paddy and came to Phoenix. We came around by way of Hayden's Ferry, and there was but little to Phoenix in those days. It so happened that I knew Judge Porter—DeForrest Porter—who lived at Yuma, and who had come up here to hold court. I went into court the next day and dissolved the injunction; clearing the cattle from the suit, etc., and had it all done in three-quarters of an hour. After this I went out on the street and strolled around. The old courthouse was then where Talbot's Hardware Store now is. I spent an afternoon with George Roberts, A. H. Peeples, King Woolsey and a lot of other fellows I met. They were all around town in the saloons, and I got to talking with them; I recollect we went down the street, and I was looking at the hills and wondering what kind of country this was. Anyhow, I spent the night here, and got up the next morning intending to pull out. Judge Porter was looking for me, and when he found me he said: "Look here, the district attorney of this county has stolen the tax money of the county, I am satisfied, and there is nobody here to prosecute him, and I want you to prosecute him." I told him I didn't want to stay, but he insisted that I should. Naylor was district attorney, and, under the law, he was ex-officio collector of delinquent taxes, and he had collected some fifteen hundred or two thousand dollars, which he had gambled away. He had an office then where the city hall now stands, a little shack, and he said that two men had come down there and held him up and taken the money
away from him, but the truth was that he had gambled it away. Old Tom Brown, a gambler, had a check which the merchant, Peralta, had given Naylor for his taxes, and Naylor had simply endorsed the check and turned it over to Brown one day to pay his losses at faro. Tom hadn't cashed the check so we had pretty good evidence. After some talking, I said to Judge Porter; “I’m a stranger here; I don’t want to get mixed up with this matter.” He said; “That makes no difference; the matter has got to be attended to, and there are only two or three old lawyers here who don’t know enough to attend to the matter.” Judge Porter went over and found that there was some three or four hundred dollars in the county treasury, and he made an order that the county treasurer pay me $400 for services, and also made a minute order that I had been appointed by the court to prosecute the district attorney. I went out and got a grand jury together; assembled them in an old adobe building down here, and inside of half-hour had an indictment against Naylor for embezzling the county's money. Naylor was arrested, and the next morning he plead guilty; was fined a thousand dollars, and removed from office. He then left the country and has never been heard of since. Then the business began to come to me. There were four or five cases in the court here then, and I was employed in each and every one of them as fast as they could get to me. I promised myself that I would stay here six months or a year, make some money, then go back to California. I wrote to Judge Heydenfeldt, telling him the circumstances, and received a very nice letter from him. I stayed one year, and the next year was elect ed to the legislature, and every year I would think that I would leave the next year, but I never did. That is the history of the manner in which I came here.

At that time the courts were not conducted with the strict procedure with which they are now. There was a great deal of practice in the regular western style. It was rough and ready, but there was no corruption at all in the courts; a good deal may have been done on the ground of friendship, but I don’t know of a single instance of money passing, but there was a rough way of doing business, and friendship went a long way, even in court.

One of the first cases I ever had was about a week after I got here. The stage had been held up near Tweed’s Ranch, near where the courthouse now stands. The sheriff went down the next morning and found tracks where the stage had been held up. Hi McDonald and others arrested two boys, young fellows about eighteen or twenty. I don’t remember their names but one of them retained me to defend him. The preliminary examination
was held before old Judge Warfield, the justice of the peace, and he held his court on the open lot on the corner where the Irvine building now stands, under a big cottonwood tree. He had a deal table, and a few chairs. Judge Alsap was prosecuting and all the old timers around here, including King Woolsey, Roberts, Peebles, Pete Holcomb and others crowded around. The question came up as to the identification of this boy’s tracks. Hi McDonald had measured the tracks with a cottonwood twig, and had the twig there in court, but they could not compare it with my client’s foot without my consent, so they were in a hole. After a while the old justice ordered a recess, and everybody but my client and myself went across the street to get a drink. Hi left this twig on the table, and when there was no one around I measured the boy’s foot with it, and found that the twig was about two inches longer than the boy’s foot, and I told the boy that when the court came back I would have them measure his foot with the twig. When court reconvened I said to the court that I was perfectly willing to have the twig measured to the boy’s foot, in fact, I wanted it done, and that I wanted the court himself to do it. I had the boy put his foot up on the table, and the judge measured it himself, and found that the twig was much longer than the boy’s foot, and, of course, that ended the case. But before the boy was discharged I turned around to the crowd and quoted from Pope: ‘Man wants but little here below, but wants that little long.’ The crowd started laughing, and it made old Judge Warfield mad. He said to me: ‘What are you trying to do; make fun of this court?’ I said I was not, but he said: ‘Yes you are; you come from San Francisco and think you can make fun of us here, and are trying to show off at the expense of this court.’ I thought he was in dead earnest, and that he was going to put me in jail, but after a while Judge Alsap got him off to one side and told him that I didn’t mean anything, and at his suggestion to let me alone the old judge closed the matter and discharged my client.

Old Pete Bolin was a justice of the peace here, and there was a lawyer here, too, named Harry Jones, who was a scapegrace, well known among the old timers, a jack-leg lawyer, gambler, pimp and little of everything that was bad. He had a case one day before Judge Bolin, and the latter was loaded with whiskey, as he always was. Jones did not know how to handle the case as the justice was overruling every motion he made. Harry came over to me and handed me a twenty-dollar gold piece, and asked me to come over and help him. I went over, and Harry put a Chinaman on the stand as a witness. Bolin
ruled against him and would not let him introduce the Chinaman's evidence. Harry went out into the street, which they were just paving, got two big cobblestones and came in and hammered them down on the table and said: "Now, you damned old Irish son of a bitch, if you rule against me again I will smash you over the head with these stones." This actually occurred. They settled it between themselves afterwards, and went out and got a drink together. It seemed to me a peculiar way of practicing law.

In the early days—in fact, up to as late as 1883 or 1884—the justices of the peace never made any returns to the county of their fees. They just kept them. I remember one case particularly: Old man Meadows was a justice of the peace here. A fellow owed Jack Gibson ten dollars, and wouldn't pay it. Jack met him one day on the street, and the fellow had ten dollars in his hand. Jack grabbed him by the collar and took the money away from him. The fellow had Jack arrested for robbery; Jack went up and paid a ten-dollar fine to Meadows, and that was the end of that. About six weeks or two months later they had Jack arrested again for the same act. I went in to defend Jack. An examination of the records showed that the old man had never paid the ten dollars fine into the county treasury, so I made up my mind that I would frighten him into discharging Jack by showing that he had collected the fine and never turned it in. We went to trial and the prosecution put in its evidence. Joe Campbell was probate judge then, and had his chambers and court right next to old man Meadows' court. I stepped into Joe's office and asked him to come in and swear Judge Meadows, telling him what I wanted. He did as I requested. "Now," I said to Judge Meadows, "you know this defendant, don't you?" "Yes." "Don't you remember some two months ago that he was before you?" "Yes." Don't you remember that upon that occasion you fined him ten dollars for this same offense, and that he paid into your hands the ten dollars fine, and that you discharged him?" "Yes." I then said: "Your Honor, have you ever paid that ten dollars into the treasury of this county?" The old fellow commenced backing up. I went out and got the county treasurer and had Joe Campbell swear him, and he testified that the justice of the peace had never turned the fine over to him. I then said: "I think Your Honor, ought to discharge Jack Gibson from this charge." He went out and stayed about an hour, then came back and discharged him.

Judge Baker had the earliest water case in the territory, which was a suit to determine whether or not a party was en-
titled to water rights from a spring. The case was that of Mrs. Baxter against David Neahr, Mrs. Baxter claiming that she was entitled to water rights from the springs at Agua Caliente, owned by Neahr, for her agricultural property below the spring. The case was decided in favor of Mrs. Baxter, and never went to the supreme court. Judge Baker made the plea that as she had enjoyed these rights for years she was entitled to them, and Judge Pinney took the same view of the case, deciding in favor of Mrs. Baxter. It was the first suit that established the precedent as to water rights from the flow of a spring. It has settled the question ever since as to the appropriation of water in this state.