WEEKLY CITIZEN.

SUNDAY, - - NOVEMBER 26, 1882

Local Intelligence.

Benson is enjoying a building boom.

Mrs. W. L. Vail is stopping at the Porter.

Mr. S. H. Davis, of Phenix, is at the Russ.

Mr. Thos. Gates is visiting in Los Angeles.

The rainy season seems to have set in in earnest.

For this month the police have made fifty-three arrests.

Born, in Tucson, Nov. 24, to the wife of Herman Welisch, a son.

John Ewing Jr. is at the Cosmopolitan from the Empire district.

Hon. S. R. De Long has returned from his month's visit to Sonora.

The Mexican lady reported lost a few days since, has not as yet been found.

The present rain storm has caught a number of our buildings out in the wet.

Mr. James Shorter, wife and family are registered at the Russ from Casa Grande.

The south bound departures this morning were Messrs. Brown and Drerer for Calabasas.

Tom Steele says that his boy, although only eight months old, can talk, walk, lasso and brand cattle.

Mr. John Campbell has bought out the Postoffice saloon, of late so successfully run by Mr. Phil Drachman.

Mr. W. P. Bayer, merchant at Gunsight and Gila Bend, passed through Tucson this morning en route East.

Mr. George E. Ames, general agent of Prescott, Scott & Co., is in the city en route to his home in San Francisco.

Mr. Miguel Latz, the popular Magdalena merchant, is visiting in Tucson for the first time in the past several months.

According to the San Diego Sun work will be commenced on the "Bee Line," between San Diego and Calabasas, on the tenth of December.

The Brotherhood of Locomotive Engineers are making preparations for the giving of a grand ball in the new Opera House on the 29th of December next.

The Alta Arizona, published in Mineral Park, Mojave county, Arizona Territory, reached the CITIZEN this morning after a laborious journey of twelve days.

Wealth and bad whisky seldom travel the same road, but a drunk and down, arrested this morning, proved in his bank account of $27.75 an exception to the rule.

Messrs. L. Meyer & Co. are extensively enlarging their store on the corner of Meyer and Mesilla streets. Carpenters and masons have been busy on it for the past week.

There is no longer any excuse for anyone to wear artificial teeth that do not fit their mouths, when they can have a perfect fit made by Dr. Gladwin, dentist, 316 Congress street.

Judge C. H. Hayden arrived from Tempe this morning. He stated that he supplies to this southern country from his mill on Salt river from one and a half million to two million pounds of flour annually.

The following bullion was shipped from Contention for the two weeks ending Nov. 21: Head Center mill, 4 bars; Boston mill, 6 bars; Contention mill, 22 bars; Grand Central mill, 11 bars. Total, 43 bars.

Sam B. Clark, for many years connected with the First National Bank at Fort Scott, Kan., has come out to Arizona to spend the winter and try and regain his health. He will make his home with S. A. Manlove.

The fair which the ladies of the Episcopal church had proposed shortly to give, has been postponed till the 22d of February next. Most of the talent needed to make it a success are too busy rehearsing for Pinafore, which is soon to be given.

The coming bull and bear fight which is to take place at the park on the first Sunday in December, is exciting much interest and will no doubt be witnessed by the major part of our population, for whom the necessary provisions for seating has been made.

Mr. Thos. Steele and family expect to leave for their home in Willcox in the morning. After remaining there a few days it is their intention to remove to and permanently locate at Fort Huachuca, where Mr. Steele is largely interested in merchandising.

We had a pleasant call from J. D. Hamilton, of the Quick Train Rockford Watch Company, of Rockford, Ill., who was on his return from his annual trip to the coast. He is a genial gentleman and will receive a warm welcome when he next visits this city again.

Mr. Jos. Sresovich, the well known fruit and produce dealer, returned from Guaymas last evening to which place he had been for the purpose of making arrangements for daily shipments of fresh fruits, fish and oysters from that place. He reports his mission as being entirely satisfactory and successful.

Don Carlos Velasco, editor and proprietor of the Fronterizo, is suffering from an attack of rheumatism contracted during his late residence in the City of Mexico. He was on the street to-day for the first time since his return home, feeling somewhat improved. It is hoped that he will soon be entirely well again.

The trade at the Capital oyster parlors has already demonstrated that the place is too small to accommodate all who wished to be served with the Guaymas bivalves. A change being necessary the proprietor, Mark Lully, put carpenters to work and by reducing the size of the bar room is enabled to add four additional private rooms to the place.

M. W. Hunt, who is largely interested in the Burro Burro mine, Myers district, arrived from the East last evening. Mr. Hunt has great faith in this famous property, which he believes will be the first bullion producer of the district. The mine is not on the stock boards and will be worked simply for what it is worth.

The CITIZEN has, through the kindness of Mr. Samuel Brannan, of Guaymas, been made the recipient of two lots of fine fresh fish. They came by express and reached here in excellent condition. He will please except our thanks for same. The water in the Santa Cruz river needs irrigating, consequently the fish therein are rather dry, otherwise we would be glad to reciprocate.

The many friends of Don Carlos Velasco will be pleased to learn that on his recovery from his present rheumatic affliction he will deliver an address in Levin's Park on his observations in Mexico. To every inquiring mind it will be an interesting topic, and as Mr. Velasco is not only a learned man, but a shrewd and practical observer, who has traveled extensively and knows well of what he proposes to speak, the subject will receive full and merited justice. A large audience will undoubtedly greet his appearance.

Mrs. Warren and Miss Royce are building a neat one story adobe dwelling house on Council street, between Stone Avenue and Church streets. It will cost completed, about $1,300. In size it is 41x50 feet and contains five rooms some of which are 12x12 and others 12x14 feet. There is also a ramada of the latter size. Messrs. Evans & Walker have entire charge of building and are doing the work in first class style. When finished it will be one of the handsomest on that street.

The attention of the proper authorities is called to the old cemetery wall in the north end of town, which, as a harbor of filth, has become so great a nuisance as to endanger the health of those living in that vicinity. It has long been used as a screen for the committing of nuisances which poison the whole atmosphere for many blocks around it. Of an evening, when the wind from that direction is laden with the disease breeding stench, it becomes especially disagreeable. If the wall was destroyed it would no longer afford shelter for the purpose for which it is now used, and a nuisance would be abated that is a disgrace and a menace to the city.

Mining Melange.

Specimens of gold and silver bearing rock are everywhere to be seen in Prescott.

Assessment work is being done on the Engineer, Emma, Silver Plume and Princes mines, Silver district.

The Ingersoll Mining Company, of Tombstone, shipped on the 23d, per Wells, Fargo & Co., four bars of bullion valued at $9,129.34.

Mr. Saulsbury has bought out his partner, in the Benson smelter and their two mines—the Flux, near La Noria, and the Black Jacket, near Seymour, Maricopa county.

The Oro Bonito mine in the Tiger region, is again to be opened up. The owners contemplate, so one of them states, the erection of a mill for the reduction of the ore. Work will soon be begun and carried forward rapidly.

Mr. R. H. Cavill has been appointed superintendent of Messrs. Hearst & Haggin's property in Winchester, and departs hence to-morrow morning. This is a good appointment, and reports of efficient work may be looked for from those mines in the future.

Mr. C. C. Collier has left Prescott for Agua Fria, where he will be joined by two or three other gentlemen, and together they will then proceed to locate a road up Castle creek into the new copper mining region, in which two or three able companies are quietly but efficiently working.

The Clip mine, in Yuma county, is the property of Mr. Geo. W. Bowers, of Prescott, and Mr. Shipman. It is opening up finely. Mr. Hubbard, who is in charge, expresses great confidence in it. He thinks he has now uncovered ore worth over $100,000. It is the intention of the owners to erect a mill.

The Eclipse and Conger mines, the property of Mr. Juinger, the locator of the famous lead mine near Seymour, are being opened, and the ore is found to be of high grade. For the past four years but little or nothing has been done with that group of mines. The litigation trumped up against some of the leading developments in that section drove capital out of that part of Yavapai county, and only now are the interests, so thoroughly throttled at that time, once more beginning to move.

Anecdotes of General Crook.

The other day, when General Crook and escort started from San Carlos for Camp Apache the troops arrived at a forks in the road, and the General being some distance behind, they left a soldier at that point to tell him which road to take. After a while a plain man in plain clothes came along, and seeing the soldier there the following conversation took place:

"Well my man," said the seeming prospector, "what are you doing here?"

"Waiting to tell that old ——— Crook, which road to take," said the soldier.

"Join your command," said the General, for he it was, "and I will tell the old ——— myself."

While General Crook was at Fort Lowell recently he took a look around where some packers were getting ready for an expedition. A boss packer seeing him said: "I say, old fellow do you want a job?"

Crook asked him at what employment. The packer replied, "At packing," saying he would pay $40 per month and board. The General said he couldn't accept without throwing up his present job.

The packer asked him what he was working at.

Crook replied "I am at work commanding this department just at present."

The packer soon after called at the Quartermaster's for his time, expecting to be be discharged, but was told to return to his duties—Graham Co. News.

Mr. John Campbell having secured a three years' lease on the Postoffice saloon, corner Church and Congress streets, of late occupied by Mr. Phil Drachman, has turned the place over to Messrs. Evans & Walker, contract builders, with instructions that they spare neither labor nor expense in making it the finest place of the kind in Tucson. Work was begun this morning, by truncating the corner at the intersection of the two streets, for the purpose of giving the building a more classic form. The front facing the corner will be almost solid glass, the windows on either side of the door being each 48x72 inches. A second story, frame, for club rooms, is also to be added, while the rooms adjoining on Congress street are to be converted into oyster parlors. When completed it will be the finest place of its kind in the burg.

Mr. J. W. Doherty, "contractor and builder," announces through his card to-day that he has opened a place of business on Church street, between Camp and Congress streets. Mr. Doherty is well known in Tucson as a capable and skilled artisan who will concientiously perform all work entrusted to his management, of whatever kind it may be. To any one employing him he guarantees satisfaction. Those contemplating the building of houses or if already built making changes therein, will do well to consult Mr. Doherty, whose terms are very moderate. Repairing of all kinds are also strictly attended to.

Doctor's Bills.

Any person whose blood and liver is in good condition is all right even in the midst of epidemics. This can be noticed in the life of every one. If all would avail themselves of the advantages of restoring and maintaining the health of the body there would be fewer doctor's bills and much less sorrow. The one thing needful and the one recommended above all others is found in Simmons Liver Regulator. The testimonials are counted by thousands and its merits are undoubted.

Mr. H. M. De Hart, late Chief Clerk in the Surveyor General's office, but now traveling agent for the "Farwell Dry Concentrator," will give a public exhibition of the merits of the machine on Monday next, in the store of Nichols, Patterson & Co., on the corner of Mesilla street and Church Plaza. The machine, it is said, will revolutionize the concentrating of ores.

The official count in Maricopa county was finished this afternoon. Agua Caliente was objected to on the ground that no polling list or Great Register accompanied the returns. However, as in the case of Gila Bend, it was counted. The result has heretofore been indicated by us, except as to Recorder, where Osborn is elected by four votes over Kirkland, and Webb, Democrat for the Assembly, beats Stinson five votes.

The Putnam brothers have taken up a cattle ranch at the mouth of the Aravaipa, and Mr. James Rogers and son have taken charge of it. Mr. H. Putnam and son have also located a ranch a little further up the stream, and have 150 head of fine cattle grazing there. They have dug a well and struck an abundance of water not more than 12 feet below the surface.

Mr. Geo. Bumgardner, of Osceola, Iowa, arrived in Tucson last evening. Mr. Bumgardner is interested with West Virginia capitalists in a group of mines in Temporal Gulch, and will leave for that part of the country.

The lobbyists that daily congregate under the portico of Congress Hall, upheld the pillars of that popular institution all day, and gazed meditatively at the mud.

Judge Cousins reports business at the land office to be more active during the past week than at any time since the establishment of the office at this place.

There will be a theatrical play in Spanish at the Cervantes theater tomorrow night. All lovers of the Spanish drama should not fail to be present.

Dr. Gladwin, dentist, 316 Congress street, has the best dental rooms and laboratory in Arizona and is doing nothing but first class work.

There were three births and two deaths registered at the Catholic church in Tucson during the past week.

Born in Yuma, on Wednesday, Nov. 22d, 1882, to the wife of George Martin, a son.

Territorial Cribbings.

Flour is $20 a barrel in Mohave county.

And still ye defeated candidate refuses to be comforted.

Mr. Nicholas Gunther, of Castle Dome, is in Yuma on the sick list.

Gen. Crook is on his way from San Carlos to headquarters at Prescott.

The approaching boom at Silent will take thousands of dollars to Yuma.

J. Y. T. Smith has purchased another Salt River farm, 160 acres, for $600.

The big sawmill at Flagstaff is running out large quantities of lumber.

Dr. Blanc, physician and surgeon, publishes his card in the CITIZEN to-day.

Mrs. Calloway, of San Francisco, is in Yuma visiting her brother, Sheriff Tyner.

General Crook has arrived home after several weeks absence reading the riot act to bad Apaches.

Mexico has abolished the law laying export duty on money. It went into effect about two weeks ago.

Stock cattle appear to be in active demand. The latest transactions are reported at $20 per head.

The Mohave Miner says the entire Republican ticket in that county, except one supervisor is elected.

Judge Noyes of Prescott, having tied his opponent for Probate Judge, will remain in possession of the office.

Ye gentle knights of the road, get your wagons and fixings ready. Lots of hauling at Silver district in a few weeks.

Ah Chung, a Tombstone Celestial, has been convicted of burglary, and sentenced to sixyears in the penitentiary.

It is said that Jay Gould and C. P. Huntington are going to construct a railroad from El Paso to the New Mexico coal fields.

Yavapai county, elects five Democrats and three Republicans to House, and two Republicans and two Democrats to the next Council.

'Tis rumored that the Girard mill on Contention hill in Tombstone is about to change hands, the Contention mining company being the purchaser.

Mr. Wing, of the Land Department in Prescott, has made a good officer thus far, and is well liked by people who transact business with him.

Gov. Tritle, Col. C. P. Head, Hon. Hugo Richards and Mr. John Howell have returned to Prescott from the Tiger mine, of which they speak in high terms.

The grand jury of Cochise county is most assiduous in its labors. There is nothing like making a newspaper man foreman of a grand jury; they can raise the "devil" if anybody can.

H. R. Brown arrived in Tombstone from his ranch in Sulphur Spring Valley yesterday. He reports a large number of Papagos in the valley and along the base of the Swisshelm, antelope hunting.

Professor James Douglass, Jr., of Phenixville, Pa., who came to Arizona to examine the Omega copper mine in the Santa Rita mountains, was at Russellville on Monday last paying the Peabody mine a visit.

The Prescott press is busily engaged in selecting a speaker for the Territorial House of Representatives. These same knights of the quill were two years ago engaged in precisely the same way, and got away with it, too.

"Uncle" Ike Bradshaw, of Prescott, has a comfortable bank account, the proceeds of a recent sale of copper property. The old gentleman has done many a hard day's work in Arizona, taken lots of chances with Indians, and has richly earned his pile.

The Prescott Courier man says he would like to bond a turkey or two for thanksgiving purposes. The Sentinel man in response says: We would not give much for the pay streak after an Arizona editor gets even what he would call assessment work done on the claim.

The Alta Arizona, of Mineral Park, Mohave county, after perching on the fence during the late campaign, has finally decided to leap down, and in doing so lit on the Democratic side. There is nothing like the old maxim "look before you leap."

On Sunday last, a North American soldier, under the influence of too much tangle-leg discharged his gun on the bridge at Yuma over the heads of some people on the track, scaring them more or less. No damage was done to the people, but the soldier was gathered in out of the wind.

At Ash fork quite a little place will undoubtedly spring up, as that point will necessarily be the Prescott junction, on account of its closer proximity to Prescott than any other point on the whole line. Goods should be landed in Prescott from Chicago in ten days or less.

Prescott papers seem to think the capital of very little financial benefit to the place. The glory of the thing must have great attraction, for they seem wonderfully afraid that a move will be made to take it away from them during the coming winter. They seem to have more to say on the subject than any of the other papers of the territory.

The following is the vote of Prescott precinct. For Justice of the Peace, H. W. Fleury, 494; W. H. McGrew, 460; F. G. Parker, 392. Constables, G. W. Walker, 360; A. Prather, 345; J. M. Murphy, 322. School Trustees, B. H. Weaver, 384; R. H. Burmister, 397; J. N. McCandless, 405; S. P. Behan, 299; G. W. Curtis 202; N. Ellis, 276.

The vote of Mohave county, with Hackberry, Willows, Sandy Cedar, Frazier's and Signal to hear from, stands in aggregate as follows: Oury 203, Por- 119, Horton 142, Davis 184, Welton 240, Southwick 84, Lassell 273, Stevens 40, Dey 22, Potts 86, Steen 150, Cox 151, Burdick 161, Krider 158, McKenzie 255, Ewing 74, Blakely 196, Careton 129.

Several proposed hunting parties from Prescott and Whipple to the mountains north of town are being planted. In this connection it might be well to state that Lieutenant Chase's late hunting excursion to the Agua Fria, a couple of weeks ago, was not entirely devoid of success, a large rabbit, of the male persuasion having been secured and taken home as a trophy.

The case of Sublette et al. against the Yuma Mill and Mining Company is on trial before Judge Lawler in Department No. 8 of the Superior Court in San Francisco. The plaintiffs seek to recover $1 40 royalty a ton on ore extracted from the Yuma mine, amounting to $2300. The defendant refuses to pay this sum on the ground that he has expended $1700 for improvements on the property.

A letter from Fort Huachuca, in the Huachuca mountains, south of Tombstone, states that quarters for the men will be ready for occupancy about the middle of December next. Officers' quarters will be completed later. Until they are officers will have to live in tents. Mrs. Mason, wife of Huachuca's gallant commander, Major J. W. Mason, Third Cavalry, arrived at the post a short time ago from Philadelphia.

The Needles has a woman who is able to take care of herself. A great big brute of a man came around where this woman was busily engaged, and began to use language unbecoming to any one. Her husband quietly knocked the brute down a couple of times without stopping his vile tongue, when the little woman took the contract, using a hatchet with such effect that she sent him rolling into the ditch twice before he would desist. That woman will do to tie to.

For the first time in the memory of the oldest citizen Yuma, on Friday evening last, was treated to a beautiful display of the Aurora Borealis. It was first seen about six o'clock in the northern heavens, and for about two hours the display of the Northern Lights was perfectly grand. The effect would have been much more striking had not the night been a moon-lit one. The Indians, as well as some other unsophisticated individuals here, were much startled by the curious and unexpected sight.

The prospect for the junction of the Atlantic and Pacific railway with the Southern Pacific at the Needles at the time agreed upon, May 1st or even sooner, is very encouraging. Work is being rapidly pushed on the Arizona end. From the Los Angeles Herald it is learned that on Wednesday last a thousand Chinamen came down from San Francisco to assist in extending the Mohave branch of the Southern Pacific railway to a junction with the Atlantic and Pacific at Needles.

There seems to be a universal sentiment throughout the Territory in favor of the Legislature passing a law at the coming session making an appropriation or an insane asylum, to be located at some central point. The amount disbursed every year for the care of the insane of this Territory has grown to be quite large, and if there was an asylum in the Territory quite a saving could be effected to each county, beside keeping the money that is now sent to California in circulation in our midst. Sooner or later such a law will have to be passed, and the coming session might as well grapple with it as not.

The San Carlos Reservation contains some of the finest land in Arizona, capable of affording pleasant homes to hundreds of families. Let the Apaches be removed to the Indian Territory where they properly belong, and let this land be thrown open to the industrious settler. This is the true solution of the Indian question and one that will meet the approval of every citizen of the Territory.

Work of clearing the ground for the Republican's new office on Allen street Tombstone has commenced. The building is to be completed for occupancy on the first of January next. It will be a large two-story building, with editorial rooms and business office on the first floor, in front, and the job office and press-room in the rear. The composition room will be on the second floor.

It is sincerely to be hoped that the Arizona Central railroad will be speedily built. Let it start either at Tucson and run via Florence, Phenix, Wickenburg and Prescott to some point on the Atlantic and Pacific, and it will open up a rich agricultural, grazing and mineral country and prove a paying proposition.

The Graham County News says that a frog fell into a bucket of milk recently at a ranch on the Upper Gila and in the morning was found sitting on a roll of fresh butter. The explanation is that, in trying to extricate itself it had by diligent and continuous strokes of its long legs churned the milk into butter.

It is doubtful if there exists a Territory or State in the Union with as poor mail facilities as Arizona has at present. Fourteen days have elapsed since election and no returns from either Apache or Mohave counties. Here is work for our Delegate to perform.

Officer James Coyle, of Tombstone, is lying dangerously ill, and his friends entertain grave doubts of his recovery. A faithful friend, an efficient, fearless officer, an upright and useful citizen, his loss at this time would prove a public bereavement. His convalesence is earnestly hoped for.

Ash Fork, the new terminus of the A. and P. road, is 29½ miles west from Williams. The boarding train is at Picacho, 29½ miles still further west, or 59 miles from Williams, bringing the tracklayers within 134 miles of the Colorado river.

Mr. Arthur Kinsey has returned to Prescott from his trip to Walnut creek. He reports times as quite lively on the creek, the ranchers having been very successful with their crops this year, which they disposed of to good advantage.

Mr. Arthur Laing has returned from Russellville to Tombstone. While there he saw James Douglass Jr., the celebrated copper metallurgist and mining expert, who was on his way east from a visit to the Santa Rita copper field.

W. H. Hardy is now carrying the mails regularly between Mineral Park and the railroad, so that the people of that section once more have communication with the outside world.

The family of Mr. J. W. Campbell, formerly of New River, but more recently of Phenix, have left that place for the East, and will be followed in a month or two by Mr. Campbell himself.

Truly the resources of the Salt River Valley are yet but a dream. With abundant and cheap flour, meats, vegetables, fuel, water and a climate equal to any in the world, of which none but chronics will complain.

A test survey has been made from Tempe, on the Salt River, to the Southern Pacific Railroad. The route is considered excellent for a railroad bed. Another is in contemplation to East Verde.

A teamster died about noon Thursday at a house near the Bluestone works, northern part of Tombstone, of dropsy of the heart. His name was not learned.

Official Records.

LOCATION NOTICES.

Agua Escondida mill site, Greaterville district, Nov 18, Daniel Johnson.

Portland, Boston, Bethel and Emerald mines, district unknown, Oct 4, Solon Mason, F A Adams, Aaron Mason, A Weldon.

Telfare, district unknown, Sept 22, Chas Wilson, Louis Blomberg, H H Wilson.

Boston mill site, Pima county, Oct 4, Solon Mason, Aaron Mason, F A Adams, A Weldon.

Bob Young, Montana, North Idaho, Idaho, Dakota, North Dakota, Nevada and Utah mines, Ajo district, Oct 16th, Wilson Beach, Robt A Young, Martin Meyers.

Nebraska, Silver Bar, Main Stay and Bob Stay mines, Ajo district, Oct 19th, Wilson Beach, Robert A Young, Martin Meyers.

Milne, Tyndall district, Oct 1, James Milne, N H Smith, James M Warner.

Valley View, Helvetia district October 17, W B McClary.

Dandy Pat, Old Hat district, Nov 20, W A Wall, W N Moro.

Golconda, Helvetia district, Oct 16, W B McClary.

DEEDS.

James Finley to Thos M Harwood et al., all his right title and interest in the Alta mine, Harshaw district, $1.

Robert Pothoff and Jacoba Elias de Pothoff his wife, to Henry Burns, lot 5 in block 131, Tucson, $60.

Santiago Ainsa to Chas Silent, five acres of land, upon which is situated the quartz mill and reduction works known as the Arivaca grant, $1.

Santiago Ainsa and C D Poston to the Arivaca Land and Cattle Company, that piece of land known as the Arivaca Grant, embracing about four leagues of land or about 17,300 acres, in Pima county, $1.

C D Poston and Santiago Ainsa to Thomas Fitch, five acres of land upon which is situated the quartz mill and reduction works known as the Arivaca mill, $1.

Paul Moroney to Samuel W Rea, a half interest in the Red Cloud mine, Empire district, $6,500.

R M and Nettie Wilkins to Richard Starr, lot 6 in block 193, Tucson, $500.

G H Oury to Jesus Cocio, lot 7 in block 221, Tucson, $10.

Robert Robertson to Margaret J Robertson, his wife, lot 8 in block 93, Tucson, $1 and the natural love and affection he bears to said wife.

Loreto Higuera and Serefina, his wife, to Juan Valdez, lot 5 in block 68, Tucson; $24.

Richard Woffenden to Loreto Higuera, lot 5 in block 68, Tucson; $10.

Corporation of Tucson to R. Woffenden, lot 5 in block 68, Tucson; $4.

M. R. Platt to Samuel Hughes, lot 2 in block 189, Tucson, $450.

MISCELLANEOUS.

Redemption notice of the Alta mine recently sold at Sheriff's sale for $351.

Statement of C D Poston agreeing to confirm Camille Roullier in his right to certain lands in the Arivaca Ranch in case the Courts confirm the claim of C D Poston to same.

Transfer of certain lean by Philip Drachman to John H. Camsbell, given by Alex. Levin to said Drachman on Dec 5, $1000.

Territorial Superintendent of Public Schools, M. H. Sherman, has just sold a ranch and about 400 head of cattle to Messrs. Bennett and Christie, of Albuquerque, for the sum of $20,000. The property sold is on the north side of the mountain back of old Camp Hualapai, about 35 miles from Prescott, and 23 or 24 miles from the Atlantic and Pacific Railroad. It is known as the "Cienega ranch." On it are large springs of good water, some farming land, abundance of good grasses and timber. Mr. Henry Mehrens was also largely interested in the place.

At the Peck mine all the lodes that are being worked, including the Prince, Occident and Warrior, are showing up better and better day by day. The Occident belongs to the Peck company, runs parallel with the Peck lode and seems to be as good a mine.

LEGAL LORE.

Opinions Rendered by Hon. W. W. Hoover Judge of the First Judicial District of Arizona.

James Carrol, plaintiff vs. J. W. Chipman, defendant.

In this case the facts are defendant hired a team from plaintiff, who is a liveryman, making a bargain for a three days' trip with an employee of plaintiff who was in charge of the stables. It is in proof and I must consider the contents of the deposition as true in this regard upon the settled principle that where a party has it in his power to prove a fact, and fails to do so, that it shall be taken against him. In this case the plaintiff neither places his employee on the stand or explains his absense, and therefor the statement of defendant establishes the fact that he stated to plaintiff that he was going over a desert country poorly watered, and asked for some buckets to carry water in, that being the custom of the country in making such trips. That plaintiff failed to supply him therewith. In so far as any sickness of the horse was occasioned by thirst, the plaintiff contributed thereto.

Defendant returned to plaintiff one horse within the appointed time, and accounting for his failure and consequent refusal to return the remaining animal, stated that it, the other animal, was dead. This statement, so far as it was against his interest to make it, was conclusive, and as the law never requires that which is idle to be done, a formal demand and a formal refusal for the return of a dead horse would have been an empty form and a vain thing. I think in this case a demand and refusal was excused by the statement volunteered by defendant.

This action is brought in assumpsit, and if it is a case where the tort may be waived, then all the incidents of an action in assumpsit flow from its adoption; one of these is an implied promise to pay the money upon demand, and the bringing of suit is a good demand, though, as above stated, the tort is an unlawful conversion, and on that issue of conversion from the evidence in this case depends not only the form of action, but its merits as well. I think that the reason of the case, as well as weight of authority supports assumpsit where defendant has destroyed the property. Leaving then this point, the proofs show that the defendant drove a reasonable distance, and if the team was not sufficiently watered the plaintiff certainly contributed to the negligence of defendant in that regard if negligence is to be presumed. This brings us to a consideration of the proper course of action of defendant when he discovered the horse to be sick, and here I will cite the rule heretofore stated that when a party has it in his power to produce evidence and fails to so produce it the presumptions are adverse to him. Defendant testifies that one James Miller was his companion on this trip and he neither produces this witness nor excuses the fact of his not doing so, and his testimony regarding the following events are to be viewed with suspicion. It is in evidence that the horse was a free traveler, defendant admits that after getting it up, subsequent to its laying down and showing signs of distress, it traveled reluctantly and did no work, except to hold up its neck yoke. It is an evidence in this connection that there were habitations within a few miles of Tucson, and that he drove to within 8 or 9 miles and there the horse would not drink, and he yet forced it on toward town till within 2 or 3 miles of Tucson where it died. No authority is produced to sustain the proposition that bleeding was an ordinary or a proper method of treatment and the Court cannot indulge in any presumptions in defendant's favor in that regard. Consideration of the fact that defendant was out on a desert in an arid and uninhabited region would justify him both as a matter of self-preservation and for that of the horse, to get the horse to some habitation or to food and water rather than to abandon it there which would be the same as killing it. But when he reached the inhabited country the law regarding a bailee requiring him to treat this animal as a prudent man would his own property, would have compelled him to have taken the horse where it could get food and rest. The necessity on his own part was gone for continuing his journey with the horse for he was charged with the duty of procuring a well animal. That rest was essential, was evidenced by the horses own action, and where prudence would dictate rest and care, and such was not given to it, the death will be presumed to result from the act of defendant. Refusal to eat or drink are mere symptoms of sickness, for in his normal condition a horse will eat and drink. The fact of the horse being in an unfit condition was here otherwise evidenced by his refusal to travel, this is admitted.

It was negligence to pass any habitation and continue the journey.

It is urged that it was prudent to bring the horse in. I cannot so hold. It was evidenced by its actions that its greatest need was rest, a cessation of physical exertion, and the death but confirms this view. If he had left the horse by the side of the road without care it would have been negligence, but he should have procured it care and attention at the first habitation or have tried so to do and have demonstrated his inability by special circumstance so to do.

Now as to the question of the paying of the $18 constituting a settlement of all demands, defendant made a contract of hiring upon it a certain sum was due plaintiff. This loss of the horse was a tort, it was for plaintiff to waive his claim as damages and treat it as a debt not defendant, the buggy hire and the claim for the value of the horse were two separate causes of action and unless the minds of the two parties agreed upon the proposition that plaintiff by naming $18 intended to waive his right of action for the value of the horse, I cannot hold him to have done it.

It is apparent on the face of the evidence that plaintiff did not have it in his mind so to do and as defendant did not specially mention the claim for the horse either as to its payment or its waive and I am left to construe the words "I asked what my bill was and he said eighteen dollars." I must do so with reference to the further proof that $6 per day was the ordinary hiring charge and that the sense in which plaintiff understood him was the indebtedness accrued for use of horse and buggy. To constitute this payment a settlement in full of all demands it must have been so paid and so received, or the defendant instead by willful acts or representation of plaintiff, this he was not, for he does not even testify that he himself so understood the effect of the payment.

Under this view of the case the plaintiff is entitled to recover the amount prayed for and his costs, let judgment be entered accordingly.

WILSON W. HOOVER,
Associate Justice.

Dated October 13, 1882.

Train Wreckers on the S. P. R. R.

The San Bernardino Times of recent issue says, of the attempt to wreck the passenger train due east, between Banning and Cabezone station about two weeks since, "Circumstances pointed to a woman named Toutine, who lived near the track with several young sons. The detectives followed up the clew they had gained, and U. S. Deputy Marshal Dunlap and Deputy Sheriff F. M. Wood were called into requistion and, on Saturday, arrested Mrs. Toutine and her two sons. The younger was the first arrested, and, supposing that all was known, admitted the whole circumstances of placing obstructions on the track, assisted by his brother, under direction of his mother. About a year ago a train was wrecked in the same vicinity, and it is supposed that the last attempt was intended to wreck a freight train for fresh plunder, and that the passenger train was caught by mistake." It is not yet settled whether the trial of the prisoners will be had in San Diego or in San Benardino county.

Mr. John Goodwin, one of the oldest and best citizens of Yavapai county, has been made happy by the arrival in Prescott of his son John's wife and four boys, who have come from California to grow up with this country. The grandfather, father, mother and children will in due time start for Verde valley, where Grandpa Goodwin has a comfortable home for them all, which home will soon ring with the merry voices of the four young Californians.

Brevities.

R. B. Syek, a missing stock and grain broker of Harrisburg, Pa., is said to be an embezzler to the amount of $25,000.

Malignant diptheria has appeared in Milton, N. Y. The schools are closed and families are leaving.

The trial of Willian Dickson for attempting to influence the jury in the Star Route has been set for next Tuesday.

From indications the strike of the Pennsylvania coal miners have proved a failure. Of fifty-nine pits in this district only four remained closed, and the majority of the others have resumed.

The annual report of the treasury department shows the receipts of the government, exclusive of the public debt, during the fiscal year ending June 30, 1882, were $403,525,250, and the expenditures, exclusive of the redemption of the public debt, was $258,681,439; that 17,124,196 legal tender notes, representing $78,077,301 were counted and sent to the bureau for destruction and others issued in their places. The number of vessels built was 1,371, whose tonage was 282,270 tons.

The Chicago, Minneapolis and St. Paul and Omaha Company to-day announces a reduction in their freight rates between Chicago, Milwaukee and Sioux City to 15 cents per 100 pounds, regardless of classifications, the consignments to be made via Chicago, Rock Island and Pacific. The freight rate between Sioux City and Sioux Falls is reduced to 10 cents per hundred, and fare reduced to $1.

The Gray case opened at Redwood City, California, Thursday morning by the rebuttal of the testmony given at the former trial by Mr. Jennings. Some trouble ensued regarding the payment of witnesses from Santa Barbara. The judge decided that some of them should not have been subpoenaed, and refused to order their warrants drawn. Mr. Thomas has commenced the argument for the prosecution, and will be followed by Mr. Canfield for the defense. Mr. Thornton will make the closing argument for the defense and Mr. Jones for the prosecution.

The Chicago Tribune says that Judge Thurman has sold his house in Washington, and will probably make his winter residence in New York with his son-in-law, Richard McCormick. The latter has just risen from a sick bed, where he has been confined for many months with a terrible disease—gout in the stomach. Ex-Governor McCormick is among the most kindly remembered of Arizona's citizens. His many friends now living in this Territory will rejoice to hear of his recent recovery.

Mr. C. T. Kresham, leading jobber in the hay, grain and produce trade, announces his readiness to supply at rates, too low for successful competition, grain in quantities to suit; hay by bale or car load; cabbage, potatoes, beets, onions and all other classes of marketable produce. He is also at present making a specialty of turkeys for thanksgiving.

Among the latest arrivals in Tucson may be noted that of the son and heir of one of Charleston's most popular merchants, Mr. Herman Welisch. In company with his mamma he is a guest at his grandparents, Mr. and Mrs. H. J. Brown, of this city. The happy father and mother are to be congratulated on his safe arrival.

Burnside Post No. 36, G. A. R. in Tombstone, have issued invitations to a grand thanksgiving ball, to be given by them in Scheiffin hall on the night of November 30th. The committee of arrangements and invitation are W. H. Seamans, A. H. Stebbins, Frank S. Earle, H. M. Mathews and J. H. Campbell.

Preparations says the Tombstone Republican are being made for the base ball match between the Tucson nine and the Tombstone club. A big time is expected. The game will be played at the race track. Our boys feel confident of victory. They will give the Tucson nine a hearty reception, all the same.

The Masons evidently believe in being comfortable. They have put a very handsome stove in their lodge room, and another in the public hall, whereat the Episcopal Congregation, who worship in the latter place, greatly rejoice.

Dr. Burgess, lately reported seriously injured at Albuquerque, is at present in Globe City, blasting out old stumps and enjoying the best of health in both life and limb.

Major John Todman, who has been in search of an iron mine for flux for the Benson smelter, recently returned to Tombstone, eminently successful in his mission.

Duck and quail hunters peddle their birds about town, and could find ready sale for them but for the high prices they demand.

The Graves of Great Men.

Philadelphia American.

Of those who have adorned the literature of our language, Chaucer, Spencer, Beaumont, Drayton, Cowley, Denham, Dryden, Addison, Prior, Congreve, Guy, Johnson, Sheridan and Campbell lie in Westminster Abbey. Milton was buried in the churchyard of St. Giles, Cripplegate; Pope, in the church at Twickenham; Swift, in St. Patrick's, Dublin; Thomson, in the churchyard at Richmond, in Surrey; Gray, in the churchyard at Stoke-pogis, the scene of the "Elegy"; Goldsmith, in the churchyard of the Temple Church; Cowper, in the church at Dereham; Burns, in St. Michael's churchyard, Dumfries; Byron, in the church of Hucknall, near Newstead Abbey; Coleridge, in the church at Highgate; Sir Walter Scott, in Dryburg Abbey; Southey, in Cresthwaite Church, near Keewick.

In this country there is no one National cemetery of preeminence. Webster is buried in an "ancient burying ground" overlooking the sea, near Marshfield, where he lived; and in like manner Clay's grave is near his home at "Ashland," in the cemetery at Lexington. Bayard Taylor lies at Longwood, a little cemetery within sight of his birthplace at Kennet. Seward is buried in Auburn. Franklin's grave and the tombstone covering his and his wife's remains, may be seen from the sidewalk through an iron fence panel in the wall of the graveyard of Christ Church, in Philadelphia. John Dickinson, "the Pennsylvania farmer," has an almost unmarked grave in the Friends' burying ground of Wilmington, Del. Gen. Wayne's remains, exhumed at Erie, in the old fort, and brought by his son over the mountains in a box seventy-five years ago, are in the old church at Radnor. Alexander Hamilton lies in the Trinity churchyard, New York, with a monument above him. Joseph Rodman Drake's remains lie in a private graveyard of the Hunt family, on Long Island Sound, near New York. Joseph Jefferson, the elder, lies buried in the Harrisburg cemetery, with an epitaph by Chief Justice Gibson. Francis Scott Key, is buried in Mount Olivet cemetery, at Frederick, Md. James Gates Percival is buried at Hazel Green, Wis. The tomb of Wilson, the ornithologist, is in the churchyard of the old Wicaco Sweden Church at Philadelphia.

The drill of the Broom Brigade next Wednesday evening, at Schieffelin Hall in Tombstone, will be one of the events of the season. The brigade is composed of a dozen of the fairest damsels of Tombstone, who have perfected themselves in the drill and manuel.

Mr. T. W. Moore, late superintendent of Blue Monday, returned to Tombstone on Tuesday last from Bloomington, Ill., where he has been visiting his parents.

Ere long another election is to take place in Tucson. This time it will be for City Fathers, Marshal, etc. Prepare your banners, gentlemen.

Col. E. E. Hewitt, superintendent of the Los Angeles division of the S. P. R. R., passed through Tucson this morning en route Eastward.

Mrs. Jessie Tuttle, of Tombstone, is about to become a rancheress, she having taken up 160 acres of land in Sulphur Spring valley.

Mr. Mr. M. R. C. Pulliam, a prominent mining man and capitalist, is visiting Tombstone.

A PROPHESY FULFILLED.

What a Singular Far-Seeing Young Man Foretold Concerning Ben Butler Some Years Ago.

F. H. U. in Boston Sunday Evening Gazette.

Some years ago, while R. H. Dana was running for Congress against General Butler, there was a dinner at Parker's (in the large room, No. 6, fragrant with the memory of many a symposium), and a young gentleman was seated between Judge E. R. Hoar and Mr. Dana. There was a general discussion upon the merits of the candidate which reached backward and forward. The young gentleman—younger then than now—listened and gradually grew merry with the thought of perturbation which the planetary orb of Butler was producing in the political system. He was not a friend of Butler—then or now—but the gravity of his companions at the table, instead of impressing him, seemed to create a mirthful disposition. The character of Butler he did not greatly admire, and he no more rejoiced in the "widow's" candidacy than did his friends at the table, but their melancholy amused him.

Said the young gentleman: "This contest is perpetually renewed. Annually General Butler is to be a candidate. He is beaten to-day. He will come again, and by and by, for mere weariness, the State will accept him. Some dozen years hence, when he has worried everybody to death, he will be found to have a majority."

"Then," said he, "I see in vision the Board of Overseers of Harvard college assembled at 50 State street, and there, after the election, the Board is convened. The gentleman at my right is in the chair. The gentleman at my left rises with his accustomed dignity. He says: 'Mr. Chairman, it is with no common emotion that I rise on this occasion. You are all aware of the trial we have passed through; and, as custom requires, we are about to honor the chief magistrate designated at the recent election. I rise, therefore, to propose that the degree of LL. D. be conferred upon the soldier, statesman, lawyer and publicist, General Benjamin F. Butler.'"

With a mischievous, but not ill-tempered, manner, the young gentleman continued:—

"Upon this motion the gentleman in the chair (Judge Hoar) will rise and say: It gives me uncommon pleasure to listen to the remarks and motion of my friend on my left. The State, the colleges, the community, owe him a debt of gratitude. It gives me pleasure to listen to the motion and remarks, and I trust the proposition will meet with general approval."

Then said the young gentleman: "Gen. Butler will bestride his wonderful horse and will canter over Cambridge bridge. You will have given him the knightly accolade, and the college will have a new honor in this last and most glorious doctor of laws."

This bandinage went on for some time. Judge Hoar laughed. Mr. Dana looked grave, and at last said: "This is well for a jest, but don't say it aloud! Don't! A loud word in the Alps sometimes starts the avalanche!"

Many persons may imagine this is a story manufactured for the occasion; but it is wholly true and has been known to many friends of the narrator for years.

Miscellaneous.

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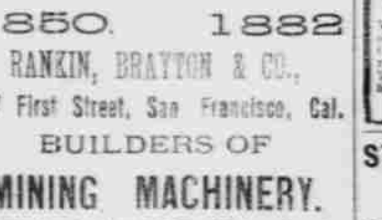

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