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Prescott Arizona Corral of Westerners International

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John Huff Designs prepared the front cover layout.

Cover Photo: High flow crossing of the Salt River at Tempe via Charles Hayden's cable ferry, circa 1900. This type of ferry is referred to as a current or reaction ferry since the river current provides the propulsion. An early railroad bridge across the Salt is visible in the background.

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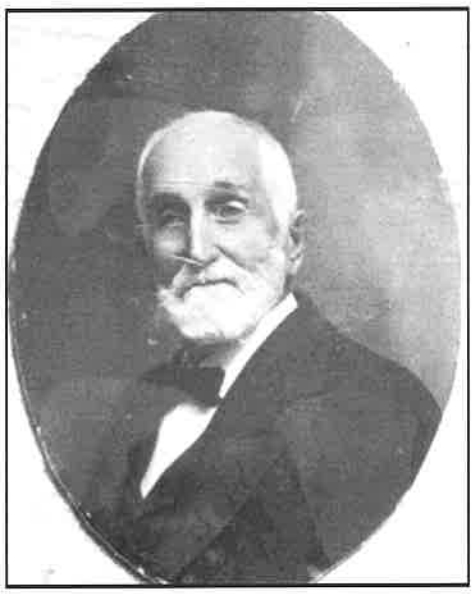
Low flow crossing of the Salt River downstream from Tempe Butte, circa 1870

THE STORY OF CHARLES TRUMBULL HAYDEN

By Ilya Berelov and Thomas Jones

Due primarily to the tireless work ethic, civic consciousness, and visionary qualities of its patriarch, Charles Trumbull Hayden, the Hayden family is inextricably linked with the early settlement and growth of Tempe, Arizona. Charles T. Hayden was among the first to recognize the agricultural potential of the lands surrounding Tempe Butte. He went on to prosper from and greatly contribute to the development of Tempe as a productive agricultural and commercial town.

Arguably, Hayden's passing in 1900 represented the end of not only a great businessman and the founder of Tempe, but an immeasurably committed social activist who often placed his community before his own interests. It was perhaps this attitude that inspired the course of his son, Carl T. Hayden, who served 56 years as a Representative and Senator for the state of Arizona.



Charles T. Hayden in the 1890s

Charles Trumbull Hayden was born April 4, 1825, at Windsor, Hartford County, Connecticut; his family had resided on the same piece of land since the seventeenth century. When Charles was six years old his father, Joseph, died, leaving his mother, Mary, to raise Charles alone from that point onward. Hayden received a good education and at the age of 19 he became a teacher in Caldwell, New Jersey. Later, he studied law in New York City, but had to cut his education short due to illness. He went to Old Fort Comfort in Virginia to rest and receive treatment for "lung fever." Once recovered, Hayden made his way west and resumed teaching, beginning in Kentucky and afterwards, in New Albany, Indiana, and finally, in St. Louis, Missouri.

After finishing his teaching stint in St. Louis, Hayden left teaching and moved to Wayne City, Missouri, where he worked for William G. Moore as a clerk in his store. Missouri was at the height of its boom years due to its advantageous position between the East and the opening West. Steamers and wagon trains provided the transportation to move goods from the East to Missouri and then wagon trains moved the goods to the West to supply the ever-growing demand for goods on the frontier. It was during this time that Hayden traveled to Independence, Missouri, to work for his cousin who had a freighting business buying and transporting goods from the East that were needed out West.

Merchant and Freighter to the West: 1848–1873

Having gained independence from Spanish control in 1821, Mexico sought to attract enterprise and trade from the United States and,

over the next two decades, the Santa Fe Trail developed from the steady flow of traffic from merchants, traders, and freighters between trading centers bordering the Missouri River and the previously isolated settlement of Santa Fe. Hayden saw first hand the wealth that could be earned by freighting supplies and small luxuries to New Mexico. In 1848, before his first freighting trip to Santa Fe, Hayden wrote to his mother back East and included a list of goods that he asked her to purchase and ship to him in Independence for sale in Santa Fe. This event marked the beginning of his freighting and mercantile endeavors, which would continue up until his death in 1900. Hayden left Independence for Santa Fe on July 3, 1848, and would not return until the fall. He returned to Santa Fe in 1849 with a larger train of oxen-pulled wagons full of goods enough to open a mercantile store.

Young Charles T. Hayden
(Date unknown.)

Initially hired as an employee in his cousin's store, Hayden quickly progressed to partner status, and finally, bought his cousin's freighting business and store. He stayed on in Santa Fe for 10 years, running the freighting business and periodically traveling East for additional goods. Hayden's partner, Matthew Jones Flournoy, managed the business in Independence and also traveled to the East Coast to obtain new supplies when needed. Hayden also made annual trips to Chihuahua City, Mexico, from Santa Fe, traveling down the Rio Grande to the Mesilla Valley and onward through El Paso to Chihuahua. He endeavored to learn the Spanish language, which enabled him to conduct business throughout Mexico and the Territory of New Mexico.

In 1856, two years after the ratification of the Gadsden Purchase, Hayden hauled a load of merchandise to Tubac, Arizona. Increased mining activities and an American military presence were both within a few miles of Tubac, making it a strategic location for selling supplies both to the miners and to the Fort Buchanan military post. To take advantage of the new market opportunity, Hayden opened a store about 10 miles south of Tubac. The close proximity of the Mexican border also allowed Hayden access to a customer base in northern Sonora. In Tubac, he formed a partnership with the notorious Palatine Robinson, an avid secessionist.

Hayden soon became aware of plans for a new stage route from Mesilla to California that would bypass Tubac, extending instead through Tucson. He moved his business interests to Tucson, adding his merchandise to Robinson's store there, which had been open since 1857. It would appear however, that Hayden dissolved his association with Robinson by 1859. Between 1858 and 1873 Hayden made various trips between Tucson and Independence via Santa Fe to fill contracts with a variety of frontier clients. Hayden's freighting company expanded, with wagon teams stocking goods in Independence, Port Lavaca, Texas and Fort Smith, Arkansas. He also made purchases in San Francisco, which were brought by boat to Los Angeles, San Diego, Guaymas and Port Isabel, thence by wagon to Tucson.

Hayden closed his Independence store in 1860 when rumors of the impending Civil War became rampant. He returned to Santa Fe with 14 freight wagons filled with the Independence store goods, portions of which were then taken to his store in Tucson. During the Civil War, Hayden's freighting activities led some Union military personnel to question his allegiance; consequently, he restricted his wagon teams to hauling freight for the North.

The Civil War's influence was also felt west of Texas in the New Mexico Territory, including the communities of Tubac and Tucson. Hayden and other merchants left Tucson in 1862 after occupation by Confederate troops, returning only after Federal control had been re-established in Tucson.

Early in 1864 the newly arrived Arizona Territorial Governor, John Nobel Goodwin, appointed Charles Hayden as the first Probate Judge of the First Judicial District, which spanned the southern portion of the new territory. He assumed his responsibilities on May 13, 1864, and thereafter was affectionately known by locals as Judge Hayden (even well after he had relinquished his appointed duties). In the course of his one year tenure as Probate Judge, Hayden helped set the tax rate for the Judicial District, served on the Board of Commissioners for Pima County, served on the planning board for the new court and jail buildings, and occupied the bench to rule on civil and criminal cases. However, given the cultural dynamics of Tucson's population in the 1860s, he presided on only one case. "The 500 Mexicans that constituted nearly all of the population of Tucson, like the American population upon the extreme frontier, settled their own disputes without the aid of courts." Nevertheless, Hayden's service as Probate Judge marked the beginning of what would be a continuing involvement in public service.

Hayden's freighting business continued to grow at a good clip in the late 1860s and early 1870s, and he was able to expand his customer base and government contracts. In 1866 the army moved its Arizona Department headquarters from Tucson to Whipple Barracks, near Prescott. Hayden began to make regular trips from Tucson carrying grains and supplies north, and returning with lumber. On a notable freighting job, Hayden was contracted in 1867 by Governor Richard C. McCormick to haul the government furnishings and records from Prescott to Tucson when the territorial seat of government was moved south. He also expanded his freighting territory, which now included Fort Yuma and the mining areas in northern Arizona, often using the Wickenburg route on his trips north and transporting lumber south to the Salt River and Gila area on his return trips. In the course of a decade between 1860 and 1870, Charles T. Hayden's property value increased dramatically from approximately $10,000 to $25,000, with an additional $20,000 in real estate.

In August 1873, Hayden began selling off his merchandise and property in Tucson. His plans for business on the Salt River, and the tragic passing of his partner in the Tucson store precipitated the decision; by December 1873 Hayden had departed Tucson to set up his merchandise store and headquarters along the south side of the Salt River.

Merchant and Farmer in the Salt River Valley: 1868–1900

Charles T. Hayden first crossed through the Salt River Valley sometime between 1866 and November 1867 on a business venture to Fort Whipple via Wickenburg. He had been told that the most efficient river crossing en route to Prescott was on the Salt River "at a large and small butte near the south bank of the river, opposite some rocky hills on the north side." This crossing was conveniently

located approximately three miles east of the Wickenburg to Fort McDowell Road.

As popular legend states, Hayden was on a freighting trip to Wickenburg, Prescott, and Fort Whipple, when a severe storm and subsequent flooding of the Salt River forced Hayden to wait several days on the south bank near what is now known as Tempe Butte. The delay gave him an opportunity to examine the surrounding land, where he envisioned a thriving agricultural community. He concluded that a gristmill built at the base of the butte would be an ideal location to provide for an agricultural community that could thrive on the surrounding fertile lands.

It is likely, however, that Hayden's intent to settle within the Salt River Valley was influenced by the growing settlement around the Swilling Ditch in what grew to become Phoenix. After reorganizing the Planters Irrigating Company as the Swilling Irrigation and Canal Company in 1867, John W. (Jack) Swilling and associates began construction of the Swilling Ditch on the north side of the Salt River, and in close vicinity to the Wickenburg-Fort McDowell Road. By the end of July 1868, corn and other vegetables were growing well on lands fed by the Swilling Ditch. With the early success of crops in the Salt River Valley, just a few miles from the butte, it is understandable that Hayden's entrepreneurial mind began entertaining the possibility of a gristmill.

Jack Swilling—an Arizona pioneer, entrepreneur, and prospector—was no stranger to Charles Hayden. In 1861, Swilling helped Hayden and his team during an Indian attack on one of his trains. Hayden's freighting contacts in Wickenburg, Prescott, and Fort Whipple must have ensured regular contact with Swilling, who eventually settled down as Phoenix's first citizen, postmaster, and justice of the peace. The two gentlemen also crossed paths in 1864 when Charles Hayden filed suit against William S. Grant, a U.S. Army buying agent, in the First Judicial District court in Tucson, for failure to pay off a line of credit for goods purchased on behalf of the U.S. Army.

Specifically, Hayden was suing to attach and foreclose upon the Tucson Grist Mill that had been constructed around 1860. By this time, however (1864), the mill property was owned by Jack Swilling and James Lee who argued that their property could not be used to settle an old debt. Since no other records uncovered during the research for this project mention anything about Hayden owning the Tucson mill, it seems that Swilling and Lee prevailed in court. Ironically, Swilling and Hayden would later be in partnership with others in the construction of the Tempe Canal.

A letter signed on November 17, 1870, by Hayden and others announced that Judge Hayden and his associates, constituting the Hayden Milling and Farming Company, were "claiming 10,000 inches of the waters of Salt River, and giving notice that the Company has commenced the work of constructing the ditch, etc." Swilling delivered the letter to the Prescott *Arizona Miner* who published it first on November 26, 1870 and again on December 31, 1870. The announcement went on to state that Hayden had promised to have a steam thresher and his new flourmill up and running before the wheat ripened.

However, he abandoned his initial water claim and partnered with Swilling and others in the formation of the Tempe Canal Company, which had been formed by the amalgamation of the Kirkland-McKinney Ditch and the Hardy Irrigation Canal Company. The first half-mile of the Tempe Canal was completed in the spring of 1871. By 1873, the canal had been extended to incorporate the Kirkland-McKinney Ditch as a lateral of the Tempe Canal. This extension, as well as the original Kirkland-McKinney Ditch would become known as the Hayden Ditch, and provided the source of motive power for the flour

mill until 1923 when the property was converted to electrical power. (The Hayden flour mill closed its doors in 1998, after more than 124 years of operation.)

Hayden's original homestead claim was situated along the west slope of Tempe Butte, which surrounded his flourmill and store. Construction of the mill's foundations began soon after 1871, with timber freighted by Hayden from Prescott. As construction neared completion, Hayden traveled to San Francisco to acquire supplies, machinery, and, most importantly, John Sievers, a German miller, to oversee the installation of the milling equipment and mill operations.

La Casa Vieja in the 1880s

Hayden's first adobe house was initially used as a store. Located west of the mill, his new home and store would experience a number of structural modifications and building additions over the next two decades to create a courtyard layout. Water was conveyed to the compound with a ceramic pipe connected to the Hayden Ditch. After 1888, Hayden began to take on boarders and his home soon became a hotel. Currently, Hayden's adobe house is situated on the west side of Mill Avenue and contains a restaurant known as Monti's La Casa Vieja.

Before commencement of mill operations in 1874, Hayden established trading posts at Sacaton and Casa Blanca on the Gila River Indian Reservation to exchange goods for reliable stores of wheat. He also acquired wheat from local farmers who had begun harvesting crops under the Tempe Canal, as well as Pima Indians settled on the north side of the Salt River opposite Tempe. He continued his freighting business, as evidenced by articles appearing in the *Arizona Miner* during these years. Ever the entrepreneur, Hayden installed a ferry while the mill was under construction by stretching a cable across the Salt River from near the western base of the butte. He had the ferry built of heavy lumber sufficiently sturdy to transport a wagon and team of horses across the river. The ferry was needed during times of high water when the river was not crossable by other means and provided yet another line of income for Hayden.

After opening the flourmill, Hayden was soon delivering flour to Camp Lowell, and to the Pima and Globe miners, Florence, Prescott, Mohave County, Wickenburg, and Ehrenberg. New establishments were opened for business in Gillette and Tip Top. The flour produced at Hayden's Tempe mill was feted as a top-quality product. The success of the flourmill encouraged rapid expansion of equipment, as well as the structure itself, and production was doubled in 1880 to keep up with demand.

Hayden's freighting contacts extended across the entire territory. In 1875, Hayden opened a store with Judge Hezekiah Brooks in Prescott, where various milled products and general merchandise were sold. On June 9, 1876, the *Weekly Arizona Miner* reported that 4,000 pounds of flour arrived at the store, and was sold out in 25 minutes; on July 21, 16,000 pounds were sold. By December, Judge Brooks reported an inventory of 20,000 pounds selling for $11 per hundred pounds.

In autumn of 1877, Hayden closed the store, entrusting Judge Brooks to continue selling flour in Prescott as his agent. Other locations in the Arizona Territory where the flour was distributed included Florence, Wickenburg, Ehrenburg, mines and settlements in Mohave County, and military camps and forts in southern Arizona.

But the images of prosperity and happiness masked another side of the Hayden business, which involved the problem of credit. The decade of the 1880s was tumultuous for Charles Hayden and his business holdings. Hayden was in terrible financial trouble due to heavy mortgages, and was in danger of losing his business. The *Arizona Gazette* claimed to have seen a "statement of the business transacted by Peterson, Wormser & Co., the firm which has succeeded to the business of C. T. Hayden of Tempe." It would appear that Hayden finally managed to settle his credit concerns by selling a quantity of his property in the spring of 1885. This was the first of many financial hurdles that would encumber the Hayden's financial life in the future. Despite these hurdles, Hayden's net worth in 1891 was estimated a $150,000, largely on the basis of his water rights in the Tempe Canal. His short-lived financial recovery came to an end with the onset of a national depression that lasted between 1893 and 1897. Hayden was forced to apply for a loan of $10,500 at the end of 1894 to improve his businesses' cash position.

Husband and Family Man: 1876–1900

Hayden's pioneering spirit and enterprising adventures took up most of his young adult life. At the age of 49 years, Hayden owned a successfully operating flourmill and mercantile business in the Salt River Valley at Hayden's Ferry; it was time to settle down. While on a trip to San Francisco in 1874, Hayden visited his friend, Doctor Alford, and met his future bride, Sally Calvert Davis who was then boarding with Dr. Alford and his family. Two years after their initial meeting, on October 4, 1876, the couple were married in Nevada City, California, and afterwards traveled to Hayden's Ferry.

Together they had four children: Carl, Sallie, Mary, and Annie. Carl Trumbull Hayden was named after his father, but with a German variant suggested by Hayden's German miller. Carl Hayden would later serve 56 years as a distinguished congressman and senator, representing the young State of Arizona. Sallie was a long-time member of the teaching faculty at the Normal School (now ASU). Mary (also known as Mapes), like her elder siblings, grew up in Tempe, graduated from the Tempe Normal School, and went on to receive further education at Stanford University. Of his parenting, Bert Fireman speculated that perhaps "late parenthood gave him [a] great capacity for affection." Sadly, the youngest daughter, Annie, died as a small child in 1885.

Hayden's inclusive attitudes meant that he was well loved not only by his family and friends, but also, by his employees. Hayden had become a great benefactor and appeared to be enjoying life as a family man. Trips away, earlier undertaken by Hayden alone now were taken as a family.

Civic Servant and Statesman 1864-1900

Outside of his business activities, Hayden was also heavily involved in the public and civic realms. He was continually involved in furthering the interests of his community and ensuring their well being and ability to flourish. He served a one-year term as the Pima County probate judge in 1864; he carried mail from Maricopa Wells to Phoenix in 1874. He also served as Grand Jury Foreman in two significant court cases. The first was in 1871 in Tucson following the Camp Grant Massacre when citizens responded in a vengeful vigilante action against the Apache and attacked a settlement at Aravaipa Creek. The

second was in 1879 following a double lynching in Phoenix.

He was elected to the Maricopa County Board of Supervisors in 1880. In his tenure as County Supervisor, he was frequently verbally attacked and criticized, despite the fact that he continued to work on roads and contributed to various county building projects, including the courthouse. He resigned his post in May 1882, citing personal business pressures. It seems to have been well known, however, that Hayden felt frustrated with other board members, who impeded his reforms. Hayden was not always successful in politics, however. He failed to win a seat on the Territorial Council representing Gila and Maricopa Counties when he ran in 1874. Likewise, he failed to gain public support for a nomination to the Assembly before the County Democratic Convention in 1882. In 1882 he declined a nomination for Territorial Councilman by a Republican County convention, which was looking for any avenue of success despite Hayden's Democratic allegiances.

Hayden also took part in ensuring a strong educational foundation for local residents. In 1884, he helped establish School District No. 3 and was appointed a trustee; this district would later encompass the Tempe Normal School. In 1885 he generously sold 20 acres of prime land located in the Tempe agricultural heartland and valued at $2000 to the new teacher's college for only $800 despite recent financial setbacks. Shortly afterwards he was elected Chairman of the Tempe Normal School, but resigned in May 1888 after helping form, and later, being installed as President of the Tempe Liberal Union. He also established a public library in one room of his house that was free to anyone who could read.

Hayden headed the committee that challenged James Addison Reavis' fraudulent Peralta Land Grant claims. He was also a prominent voice in lobbying to form Butte County out of the eastern half of Maricopa County in 1887 (although in the end, the attempt was unsuccessful). On two separate occasions in 1893 and 1899, he was appointed delegate to the National Irrigation Congress in Montana. He participated as an Arizona delegate to the Trans-Mississippi Congress on three separate occasions as well in 1894, 1897 and 1899.

Mormon settlement in the Salt River Valley is strongly associated with the generous spirit of Charles Hayden. He sold a half section of his land on credit to new settlers from Utah and provided them temporary employment and store credit. According to Fireman, the town of Mesa, an early Mormon settlement, was once called "Hayden" in honor of his help and encouragement in the development of their town.

At times, Hayden's generosity to others caused himself economic hardship. For example, when natural disasters struck the small community along Salt River, Hayden burned the ledgers of his indebted customers, which later was cited as a major reason he fell on hard times. He judged others based on their behavior, not their race alone, which was a remarkable quality for the time period. Hayden always had good relations with the Pima Indians who supplied his mill with wheat and he frequently defended them against the pervasive racism of some of local Tempe residents.

Conclusion

Charles Hayden passed away on February 5, 1900. All the major and minor papers lamented his loss from Arizona's public sphere and "All the stores in [Tempe] were closed in respect to the deceased."

This article was adapted from a three-volume report prepared by Archaeological Consulting Services, Ltd. for the City of Tempe.

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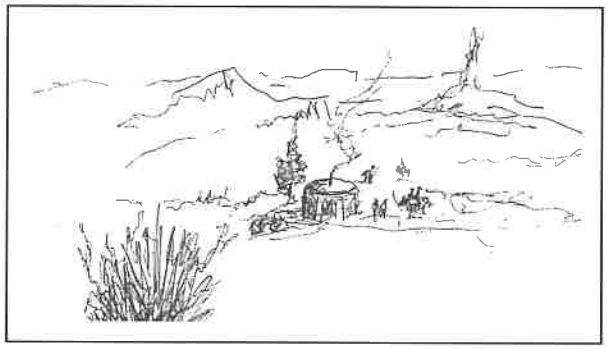

Edmund W. Wells: Arizona Argonaut and Much More

By Paul G. Rosenblatt

When 16-year-old Eddie Wells loaded his father's wagon in Oskaloosa, Iowa, hooked up the oxen and headed for the goldfields of the West, little did he realize that three-quarters of a century later, as he approached the end of his life, he would be recognized as one who contributed greatly to the settlement and development of the Arizona Territory and its rise to statehood.

Over the relatively short history of the Territory and State of Arizona there have been a great number of men and women whose contributions have placed them at the forefront of a roll of distinction. While acknowledging all of these people for their importance to Arizona, it can be said with certainty that Edmund W. Wells earned his place among them. Although few people today readily recognize his name, he was a pioneer miner, cattleman, farmer, lawyer, banker, entrepreneur, political leader, jurist, and author. Blessed with high moral and ethical standards throughout his multifaceted career, he richly deserves to be remembered.

Judge Edmond W. Wells

As a young man, Wells was one of the earliest arrivers, in July 1864, in the newly created territorial capital of Prescott, A.T. The town, to the extent it deserved such a designation, was formally organized a little more than a month before. In truth, it consisted of a few cabins and lean-tos, but fully platted in the wilderness it abounded with hope and promise.

Prescott, A.T., Is Born

On February 24, 1863, in the midst of the Civil War, Congress passed and President Abraham Lincoln signed the bill creating the Arizona Territory. A unique feature of the enactment gave the Governor, John N. Goodwin, the power to locate the territorial capitol wherever he chose. When the territorial party arrived in Santa Fe, New Mexico, on its way to Arizona late in 1863, General James H. Carleton, the commander of the Union forces in the territory, recommended that the governor come to the area in the Bradshaw Mountains near the Hassayampa River where gold recently had been discovered. In search of this precious metal, people were pouring into the mountains.

With this information, even the Governor's party began suffering from gold fever. It was not surprising then, after arriving in early 1864 and traveling around the territory, the governor chose the remote location on the banks of Granite Creek. It was near the gold

fields and inhabited only by gold seekers and their retinue. Prescott was created there. It was named after the noted historian and author, William Hickling Prescott. The location had the added advantage of a military post, Fort Whipple. Established only months before, the fort provided protection for the miners, as well as all federal interests.

Birth of an Argonaut

Edmund William Wells, Jr., was born on February 14, 1846 to Mary Arnold Wells and Edmund W. Wells, Sr. in Licking County, Ohio. The family moved to Oskaloosa, Iowa in 1852, where young Eddie attended public schools. At age 15, his mother died, and within a year, he left with his father to search for gold. His life as an Argonaut began.[1] On April 1, 1862, father and son rendezvoused with other gold fevered explorers and headed west to Colorado. After an adventurous trip through Indian country, the wagon train arrived in Denver in July of 1862. Once there the wagon train dispersed and small groups headed to the various gold fields. The Wells' destination was the Central City area where the boy labored in the mines and lumber camps. He clerked in a store, started an apprenticeship with the Central City Register, a newspaper, and searched for gold. While these were valuable learning experiences, the riches envisioned by the Wellses eluded them.

In early 1864, having heard of the newly discovered gold fields in the mountains of Arizona, and with little money, the Wellses headed south to the new territory. This time, Ed Wells, Sr. was the captain of a wagon train composed of sixty-five members.[2] Their arrival during the formative days of the territorial government afforded them opportunities of an unusual sort.

Shortly after their arrival, Ed Wells, Sr. was appointed Justice of Peace. Wells, Jr., now eighteen years old, was soon appointed the Assistant Clerk of the First Territorial Legislature when it convened on September 26, 1864. It was a position he held in the Second Territorial Legislature in December of 1865 as well. By that time, he had helped to build the stockade at Fort Whipple. In addition, he provided logs for the construction of the fort.

Wells, Jr. wasted no time trying to prosper. He purchased some cattle and placed them with Jake Miller[3] and Ed Shepherd at the Burnt Ranch on Willow Creek to graze and gain. In a famous retold story, Indians attacked the herd and the two men. After a battle that appeared lost, the two men prevailed. However many of the herd were killed or driven off, and the Indians set fire to the cabin; thus, the ranch's name. In spite of the financial loss, the young entrepreneur persevered.

In March of 1866, he served as the civilian clerk for Captain Washburn of the First Arizona Volunteer Infantry at Camp Lincoln on the Verde River. While there, he also engaged in mining, ranching and farming activities. His father, meanwhile, returned to Colorado in 1867.

While successful in the Verde Valley, Wells returned to Prescott to serve as Clerk of the District Court from August 24, 1867, until 1874. The main reason for his return was that he was in love with Rosalind (Rose) Banghart, the eldest daughter of George and Mary Peck Banghart who lived at the Del Rio Ranch near Prescott. Eddie and Rosalind married on October 5, 1869.[4] Chief Justice William F. Turner performed the ceremony. Marriage brought new responsibilities as well as the need for additional income. Thus, in 1871, he also served as Clerk of the Board of Supervisors as well as Recorder of Yavapai County.

His Legal Career Begins

It was during this period when he started to read the law under Chief Justice Turner who saw great promise in the industrious young man. Under exceptional tutelage and with an agile mind, Wells was admitted to the bar in 1875. Shortly thereafter, he was elected the District Attorney of Yavapai County and re-elected to a second term in 1877.

In 1876, he formed a partnership with John A. Rush, an attorney who had moved to Arizona from Sacramento, California, where he engaged in the practice of mining law. Together they established one of the premier law firms in the territory. Their partnership lasted for thirteen years.

In 1879, the breadth of his already wide experience expanded when he represented Yavapai County as a member of the Territorial Council, the upper of the two legislative bodies in the Tenth Legislative Assembly. He again served as Yavapai Councilman for the Twelfth Territorial Legislature that met in Prescott on January 8, 1883. He left the Council when he was appointed United States Attorney for Northern Arizona on May 19, 1883, a position he held until 1885.

With ever-growing means, in 1882 Wells invested in the recently formed Bank of Arizona at Prescott. He purchased a one-quarter interest on April 1 of that year. In 1888, he became the bank vice president and in 1911 he became its president, continuing until he retired in 1928.

Revising the Territory's Legal Code

Wells' next substantial contribution to Arizona requires some background. The Howell Code[5] created shortly after the territorial government arrived in 1864 was showing its age and limitations. That code commissioned by Governor Goodwin had grounded itself on the state codes of New York and California while at the same time incorporating many Spanish and Mexican laws already in use. For example, its water laws were Spanish. Its community property laws were Spanish. Its mining

Bank of Arizona Interior, circa1880. From left, Ed Wells, D. M. Martin, Buckey O'Neil, Moses B. Hazeltine, Hugo Richards.

laws were Mexican. These were in sharp contrast to the common law in those specialized areas, as adopted by a great portion of the English speaking states on the eastern seaboard. As adopted, the amalgamation served its purpose in bringing law and order to a territory that was until then essentially lawless. Regularly amended and expanded by succeeding legislative sessions it became outdated and difficult to use.

To address all of the complaints and difficulties, in 1887, Governor C. Meyer Zulick appointed Wells, Benjamin Goodrich and Cameron King as the members of a commission to revise and codify the laws of Arizona. The three men appointed on January 18, 1887 were given until March 4, 1887 to complete their work. They met their assignment by working 16 hours a day for 46 days, including Sundays. Their compensation was $15 per day apiece.

The finished product was noteworthy in many ways. For the first time the code contained an index, making it easier to use, and the criminal code was separated from the civil code. New laws dealt with the issues of a developing economy and population. The legislature adopted the completed code later in 1887.

Territorial Judge and Attorney General

In February 1891, President Benjamin Harrison appointed Wells as Associate Justice of the Supreme Court of the Territory of Arizona assigned to the newly created Fourth Judicial District. The Enabling Act which formed the Territory in 1863 authorized three judicial districts, each to be presided over by a Justice appointed by the President. These jurists functioned as District Judges, serving as trial judges within their respective districts, and once a year would meet together and serve as the Territorial Supreme Court to hear appeals of trial court decisions they had rendered. This meant each judge participated in any reviews of his own decisions. The obvious result was that almost all trial court decisions were affirmed, an arrangement that did not sit well with the legal community, and certainly not with the citizenry.

The creation of a fourth judicial district was intended to address this problem. Thereafter, a judge generally could no longer sit in review of his own decisions. He was automatically recused and the other three reviewed the cases that he had decided.[6]

As Associate Justice for the Fourth Judicial District, Wells presided over an active civil and criminal caseload for Apache, Coconino, and Yavapai counties.[7] This meant he was able to continue to live in Prescott, traveling to other towns and counties as needed. Further, as a Justice of the Supreme Court, Judge Wells authored several opinions, which are found in *Arizona Reports*. One case authored by Wells was appealed to the Supreme Court of the United States and was affirmed. His term lasted until April 15, 1893, when he resigned to return to the bank and to continue his ranching and mining efforts.

Content as he was with his banking and other interests, the call to civic duty arose again when Governor Alexander O. Brodie, of Rough Rider fame, appointed him as Attorney General of the Territory of Arizona. He served in that capacity for over two years, until November 14, 1904.[8]

Constitutional Convention Delegate

One of the first laws passed by Congress after the ratification of the United States Constitution was the procedure for adding new states to the union. The Northwest Ordinance provided for territories to be created and supervised by Congress. Thereafter, the territory could seek admission to full membership as a

state. The Territory of Arizona sought such admission for thirty years without success, until finally in 1910 Congress authorized the people to draft a constitution.

The process authorized a constitutional convention composed of duly elected delegates who would prepare a constitution for the people to approve. Yavapai County chose Wells and five others, including Morris Goldwater, as its delegates. The convention met on October 10, 1910, to carry out its charge. After taking the oath of office, the delegates elected the President of the convention. The Democrats nominated a delegate from Gila County, G.W.P. Hunt, while the Republicans nominated Wells. Hunt won 41 to 11 with the two candidates voting for each other as a mark of civility.[9]

Laboring until December 8 of that year the convention approved their proposed constitution by a vote of 40 to 12. Judge Wells was the only Republican who voted against it because of a provision for the recall of judges. The voters of Arizona ratified the draft and sent it to Washington for approval by both houses of Congress and the President. However, President William Howard Taft vetoed the legislation because it provided for the recall of judges, taking the same position as Wells. They both thought the people should be able to recall all other publicly elected officers but saw the importance of judicial independence. After Arizona agreed to delete the judicial recall provision Taft signed the revised bill and Arizona became the 48th state.[10]

Candidate for State Governor

After attaining statehood, it was now time for the election of the newly created state officials. For governor the Republicans nominated Wells after his substantial victory in the primary election when he won the primary in every county except Maricopa. The Democrats put forth their standard-bearer, George W. P. Hunt. Hunt won the general election in 1911 by a vote of 11,123 to 9,166. The Socialist candidate polled 1,247 votes. Wells won in Apache, Coconino, Navajo, Pima, and Yavapai counties, a remarkable showing considering the heavily Democratic registration in the Baby State.

The election represented Judge Wells' swan song of political campaigns. He returned to his banking, ranching, and mining enterprises, all of which were extensive. He continued as president of the Bank of Arizona. He was involved in a good number of mines and mining companies, primarily in Yavapai County, but elsewhere, including Alaska. At the same time, his ranching and farming activities ranged from the Del Rio Ranch to the Agua Fria Ranch and to holdings in the Salt River Valley as well.

Public Servant and Author

Despite all of his many commercial and professional undertakings, the judge still had room for more public service. As a member of the Board of Regents from 1918 to 1925 he provided oversight to the University of Arizona in Tucson, the Normal School at Tempe (now Arizona State University), and Arizona State Teachers College at Flagstaff (now Northern Arizona University). During that time, he was also Vice President of the Arizona Pioneers Historical Society.[11]

At this stage of his illustrious career, the judge paused for reflection. He wrote *Argonaut Tales*, a well-received book published in 1927. The book was a compilation of colorful tales many of which recounted his personal adventures as a boy moving west to Colorado then on to Arizona Territory so many years before. The stories are rich in drama with the clear eye of the author and the vivid recall of his youth. In some instances, the book

blended fact with "romantic authenticity." He donated the proceeds to the Boy Scouts of America.

It must not be overlooked that Wells, while embracing a wide range of activities, remained a part of his community as a man of faith. He served on the Board of Trustees of the Presbyterian Church for many years, before turning to and organizing the First Church of Christ Scientist in Prescott on July 15, 1900. Rose Wells engaged as a practitioner there. In addition, he joined the Masonic Lodge in 1868, becoming Master of the Lodge in 1883. As might be expected, newspaper accounts reflect the participation by Ed and Rose Wells in the social events of the times.

Judge Wells sold his interest in the bank in 1928, and retired. A successful self-made man, his many undertakings paid off to the extent that occasionally he was referred to as Arizona's first millionaire.

The judge throughout his illustrious career was regarded as honorable and honest. His integrity, his industry, and his commitment to public service were universally known. As an unidentified contemporary described him: "He came to this state in 1864, and has made Prescott his home ever since. He is the Dean of the Arizona Bar. He has held many public positions with honor and distinction. As an attorney, legislator, district attorney and judge, and member of the Constitutional Convention, he exemplifies the finest type of a lawyer, and as a citizen he is honored, respected, and loved. We can well take pride in claiming him as our first citizen."[12]

Rose Wells, the judge's energetic and industrious wife, died on May 14, 1922. He died on July 4, 1938, his life as an Argonaut fully completed. They are both entombed with family in the mausoleum of Mountain View Cemetery in Prescott.

Acknowledgment: John Wells Heap, a great great grandson of Edmund W. Wells, has compiled extensive research on Judge Wells, which provided substantially to this article.

ENDNOTES

[1] In Greek legend, a term applied to any of the heroes who sailed with Jason on the ship Argo in search of the Golden Fleece. Later applied to those who headed to the American west in search of adventures or riches.
[2] History of Arizona, Farish, Vol. 3, p. 268-278
[3] Jake Miller was a member of the Joseph R. Walker party.
[4] The couple had six children, five of whom survived them. Wells became the brother-in-law of Governor Nathan O. Murphy and John Marion, a noted newspaperman. Each had married a sister of Rose Banghart Wells.
[5] Named for Associate Justice William T. Howell, its primary author.
[6] There were exceptions. A judge could sit on appeal of a case he had decided as a trial court judge under circumstances where another jurist was disqualified for other reasons; e.g., he had acted as counsel for a party to the dispute in that matter.
[7] By 1891, the original four counties had been carved into eleven counties.
[8] While terms of government service often appear to be of short duration, the appointments were at the pleasure of the President so that changes in the administration resulted in new appointees.
[9] The development of the copper mines in Gila and Cochise counties had shifted control of politics in Arizona to the democrats by a substantial margin. The later election results for governor reflected a much narrow result.
[10] In the next general election, the people of the state of Arizona restored the recall provision for judges.
[11] As the assistant clerk to the First Legislative Assembly in 1864, Wells had witnessed the legislation authorizing the Society.
[12] E. W. Wells File, APHS (Cited in Murphy, James M., *Laws, Courts, & Lawyers,* University of Arizona Press, 1970, p.137.)

THE PADRE CANYON INCIDENT

By Bill Dicke

On November 11, 1899, a violent encounter between a Navajo deer hunting party and an Anglo posse posed challenges for Arizona Territory, the City of Flagstaff, and the Navajo way of handling conflict. In time, the incident's repercussions would extend to the Pacific Theater of Operations during World War II.

How the incident was handled would reflect on how ready the territory was to become a state. Could the Territory's judicial system fairly resolve the incident when Navajos were charged with the murder of an Anglo? Would the Navajos keep their 1868 Peace Treaty with their promise to be law-abiding and not to gather in armed revolt? Could the Navajos participate in the Territory's judicial system which was "very foreign" to the Navajos' looser, more pragmatic customs?

Biwoo Adini

In the Navajo way of telling things, the Padre Canyon Incident began in 1884 when William Roden Sr. arrived in the Grand Falls area, northeast of Flagstaff, from Texas with two hundred cattle and took over a local water hole. There was a public domain joint use area south of the Little Colorado River where Roden started to graze cattle and eventually applied to homestead it. While it was not part of the Navajo reservation established by the 1868 Treaty of Bosque Redondo, Navajo families had used this range for generations. Problems between the rancher and the Indians began immediately. Altercations between the Native Americans in the Grand Falls area and the Roden family and employees were fairly common since livestock tended to roam and each side accused the other of rustling.

Biwoo Adini was a Navajo who had been on The Long Walk to Bosque Redondo and the return in 1868. He had become a tribal Leader and Medicine Man. (Martha Blue, an author and lawyer of Navajo heritage, told the author that the Navajo term is naataani and that the term Chief is incorrect but Leader is acceptable.) Biwoo Adini gradually built up a herd of sheep, horses, goats, and cattle to replace what the family had lost while in captivity. In the summer, his herds grazed south of the Little Colorado River where his wife's family had lived for centuries.

The Anglo viewpoint was that land use and livestock trouble would continue until the Navajos were confined to their reservation. The Roden family saw a lot of the Navajos since the trail from the Navajo reservation to Flagstaff passed close to their ranch near Grand Falls, and they "dealt with pilfering Navajos constantly" according to a William Roden granddaughter.

THE LAND USE CONFLICT BEGINS

Ranchers assumed that the public domain land was theirs exclusively to use for grazing cattle. The Rodens wanted to get the Navajos off the joint use land and allegedly plotted a series of harassments to accomplish this. The Rodens took possession of two springs near Biwoo Adini's summer residence and informed him that he needed to move his family and herds and let the Anglo cattle have the range. The Indians were surprised that they could be considered trespassers on ranges that had been theirs for generations. Some of Adini's sons suggested that Roden's cattle be driven from Indian Country with a warning not to return. However, Adini desired to avoid confrontation. He hoped that Roden would find the range poor and move on. Adini tried unsuccessfully to explain to Roden that there was no room north of the Little Colorado River on the reservation since well-entrenched families occupied all the land north of the river with rights established by long occupancy.

Next, some of the cowboys left empty tomato cans next to a spring. A 17-year-old granddaughter of Biwoo Adini used one to take a drink from the spring and was dead within a day. Adini blamed the Rodens for the death and considered revenge. Customary Navajo custom for such a situation was that a relative of the murdered person could kill the murderer if compensation was not paid, but Adini eventually decided to forgive and keep the peace as the Navajos promised in the Bosque Redondo Treaty.

Then, in 1891, William Roden Jr. presented a charge of horse stealing against Biwoo Adini. Dennis Riorden, who was serving as an Indian Agent, looked over the charges and was suspicious. He hired a lawyer who proved that the charges were "trumped up" and Biwoo Adini was acquitted, an unusual result for a horse stealing trial of an Indian in the 1890's. The result of these 1884 -1891 activities was that Adini viewed William Roden Jr. (whom he called "The Leatherpants") as his personal adversary.

THE INCIDENT

In early November 1899, Biwoo Adini led a party of five of his relatives on a deer hunt to Padre Canyon (approximately 35 miles southeast of Flagstaff) where they made camp. Two of their hobbled horses wandered away during the night and some of the Navajos were sent to look for them. They tracked the horses to near the Roden Ranch where they encountered 21-year-old ranch hand, William Montgomery.

What happened next has several versions. Both Montgomery and the Navajos are reported to have drawn guns, but no shots were fired. Montgomery accused the Navajos of "stealing his horses and [administering] physical blows." The Roden ranchers rode to Flagstaff and told Sheriff James Johnson of the charges. The sheriff took a piece of paper from his notebook and wrote out a warrant charging two Navajos with assault with a deadly weapon. He supposedly said, "Go and bring them in." Deputy Sheriff Dan Hogan formed a posse made up of William Roden Jr. and Roden ranch hands Walter Durham and William Montgomery.

When the Navajo horse searchers got back to Padre Canyon (without their lost horses) they thought that the altercation had been resolved peacefully. However, Adini knew that everything was not all right. It took all his leadership abilities to convince the hunting party that they must go home the next day.

The posse tracked the Indians from where they had the confrontation with Montgomery to their hunting camp at the edge of Padre Canyon. On the afternoon of November 11, 1899, the Navajos heard the hoof beats of approaching horses. The posse dismounted and approached the Navajo camp. They left their

two Winchester rifles on their saddles, but were armed with pistols.

The Indians had stacked their guns against a brush fence they had built and sat down close to them (except for one of Adini's sons who was cleaning his rifle). William Montgomery pointed out one of the Indians they wanted to arrest. Hogan told the Indian in English that he had a warrant and was going to arrest him. He then walked into the enclosure and picked up two rifles in an attempt to disarm the Navajos. Biwoo Adini also grabbed the two guns by the stock and tried to pull them away from Hogan. Hogan managed to turn the muzzles toward Adini to avoid being shot. They scrapped over the guns until a shot fired by another Navajo hit Hogan across his back. Walter Durham testified at the inquest that, "It was a general fight from then on with both sides firing many rounds." William Montgomery was killed by a wound near his heart. Two of the Navajos were killed and just about everyone else was wounded. Adini was severely wounded with a bullet through his chest.

The version of the incident held by the surviving three members of the hunting party is that the words spoken by the leader of the Anglos were meaningless to them since none of them understood English. Adini hoped that the Anglos were on a peace visit since his enemy William Roden Jr. did not appear to be the leader of the group. However, when an Anglo grabbed two of their rifles the Navajos thought that the cowboys had come to kill them and steal their horses so they needed to defend themselves.

Many things could have happened differently that might have avoided the conflict. If either the Navajos or the posse had an interpreter, their meeting could have ended peaceably. It is unclear why the posse consisted only of Roden ranch hands. Citizens of Flagstaff had formed a militia called the Flagstaff Blues to keep order in Coconino County and it was usually this group who investigated disturbances. The sheriff appeared to be insensitive or biased toward conflicts between the Navajos and ranchers. The potential for violence was high.

Navajo agent G.W. Hayzlett, in charge of peace and order on the reservation, investigated the incident and summed up his findings in a December 5, 1899, letter to the Commissioner of Indian Affairs in Washington, D C. He called the incident the result of "bad feelings which existed against the Indians and that it involved stolen Indian horses." The Sheriff's posse was characterized as "aggressors who terrorize the Indians."

After the violent conflict, emotions ran high both in Flagstaff and among the Navajos. "Fight with Navajos" headlined the November 18, 1899, edition of the Coconino Sun, which recounted in breathless and inflammatory detail the Anglo side of the shootout. "Officers make a brave stand against odds of two to one," said the account.

The Navajos, fearing reprisals from the whites, entered trading posts and demanded every gun that had been pawned. They felt sure that soldiers or the Flagstaff Blues would be sent to round them up by force.

A MISSIONARY GETS INVOLVED

From here on, things were managed more intelligently, and both sides were fortunate because of some key people involved, starting with a Methodist missionary named William Johnston. Around November 20, 1899, Reverend Johnston, was traveling by horseback from Tuba City to Flagstaff along the Little Colorado River. He came across a large group of armed Navajos who were gathered at Biwoo Adini's hogan. Adini knew Johnston and, with a nephew of Adini as translator, they had discussions about what to do. Johnston offered to act as mediator between authorities in Flagstaff and the Navajos.

Realizing the danger of the situation, Johnson hurried to Flagstaff where the sheriff was considering another posse. He advised the sheriff not to invade Indian country because the Navajos were armed and determined to resist any arrest attempts. Johnston proposed that he go alone to Navajo land to make an appeal to the Indians to surrender voluntarily.

Johnston then met a large group of Navajos in council near Leupp. Johnston was the only one who argued that the three surviving members of the hunting party should give themselves up to the Anglo legal system. Navajos had little understanding of or trust in the Anglo legal system, but did not want to bring on more violence by their acts. Johnston promised to get the best lawyers available and that the Navajos would get a fair trial, pointing out that in 1891 Biwoo Adini had been fairly acquitted of the horse stealing charge. He went over the provision of the 1868 treaty of Bosque Redondo where Navajo leaders had promised to be law abiding and not to gather in armed revolt. Johnston pointed out that one way to keep order was to voluntarily give themselves up. Johnston and the Navajos had heated discussion all though the night and it was not until dawn that the Navajos agreed to Johnston's proposal. Apparently keeping promises from the1868 treaty was a clinching argument.

1904 picture with Biwoo Adini at far right with Rev. William Johnston next to him. Mrs. William Johnston is at far left with son Philip Johnston next to her.

It was unprecedented for Navajos to surrender voluntarily, but two of the members of the hunting party agreed to surrender if indicted, a brave and courageous promise in an effort to prevent more bloodshed. However, it was decided that the severely wounded Biwoo Adini would go to relatives in the isolated Black Mesa area of northeast Arizona because Johnston and the Navajos were afraid he would die in jail. No lawman had ever been able to capture a Navajo suspect in the Black Mesa area, but Biwoo Adini promised that if there was a trial he would appear, if alive.

THE TRIAL

Territorial indictments and trials occurred in the spring and fall when Richard Sloan, the Arizona Territorial Judge for Northern Arizona, held court in Flagstaff. On April 11, 1900 an indictment was handed down by the grand jury for the three surviving Navajos for the murder of Montgomery and the serious wounding of two of the posse members.

U.S. Attorney for Arizona Territory Robert E. Morrison was assigned to defend the Indians.

He was assisted by E. S. Clark, an attorney provided by the Indian Rights Association of Philadelphia. District Attorney James Loy handled the prosecution.

The trial began on September 18, 1900 in Flagstaff at the Coconino County Courthouse. The courtroom was reported to be, "full of men, women, and Indians." William Johnston thought that the trial result hinged on getting a really open minded jury, but he felt that getting one would take an authentic miracle.

Two weeks before the trial date Reverend Johnston sent word to Biwoo Adini in Black Mesa. The 70-year-old started on a 150-mile horseback trip to Flagstaff. However, he was still badly wounded and weak and had to rest often. On the last day of the trial (September 22), Adini was able to make a dramatic entrance into the courtroom. He had been safe from capture, but he felt he had no alternative than to voluntarily give himself up and face possible death, as he had given his word.

Philip Johnston on a WWII Navajo Code Talker recruiting trip.

There was no transcript of the trial. Trial notes signed by Judge Sloan were kept at the Flagstaff Courthouse for many years, but were destroyed due to a recent rule against keeping trial notes over ten years. However, Jerry Snow reviewed the trial notes in 2003 and made notes from the records.

Prosecution arguments and witnesses were heard first. They argued that the Navajos resisted arrest, fired the first shot and were guilty of first-degree murder. Dan Hogan testified that after he was shot he felt that the posse needed to defend themselves.

The two Navajo defendants were the only defense witnesses (through interpreters). Their testimony is unrecorded, but Judge Sloan wrote in his book *Memories of an Arizona Judge*, "The story told by them was so convincing that the jury composed, for the most part, of hard-boiled ranchers and lumbermen, promptly acquitted them." (The jury took three hours to reach a verdict of not guilty.)

The Flagstaff paper said that the defense and arguments by U.S. Attorney Robert Morrison were exceptionally fine.

To many the acquittal seemed unprecedented, opening the possibility for better relations between Indians and ranchers in the Territory.

AFTERMATH

The immediate impact of William Johnston's mediation efforts was an invitation for him to establish a mission at Tolchaco, seven miles downstream from Leupp on the Little Colorado River.

Johnston realized that legal rights to the joint use land (long used by the Navajos) needed to be clarified to prevent future violence. Thus, in 1901, he arranged a meeting with President Theodore Roosevelt. William and his nine-year-old son, Philip, traveled to Washington along with two Navajos. Phillip acted as an interpreter since he had learned the Navajo language playing with Navajo children. Their meeting resulted in Roosevelt issuing an executive order for the disputed public domain land, south of the Little Colorado River, to be set aside for expansion of the Navajo Reservation

Four decades later when America entered World War II after the Japanese attack on Pearl Harbor, many Navajos were eager to enter the fight—as their fathers and uncles had during World War I. As a result, Navajos served with American armed forces in both the European and Pacific theaters of the new war and would have a unique role in the battles of the south and central Pacific.

Secure front line radio communications quickly became an issue since many of the Japanese military were proficient at English and traditional codes were too slow and cumbersome for battlefield use. A faster and more secure voice communication method was sorely needed.

Philip Johnston, by then a Civil Engineer for the City of Los Angeles, California, became aware of the problem and conceived the idea of using the complex Navajo language for military communications. Because of his knowledge of the Navajo and their language he thought the Navajos could devise a way of communicating that Japanese would not be able to understand. He presented and demonstrated the concept to the Marine Corps and helped recruit and train the initial Navajo "Code Talkers," who developed the unbreakable code that saved many American lives and helped to shorten the war in the Pacific.

CREDIT: Jerry Snow provided much of the information used to prepare this paper. His Museum of Northern Arizona Committee researched the available "Padre Canyon Incident" facts and helped prepare a 2003 M.N.A. exhibit titled, "Tolchaco - Violence, Courage, Justice."

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An 1865 Visit to Ammi White's Flour Mill

By Tom Sanders

Editor's Note: Prescott's location, remote from all established trade routes, created regular shortages of essential goods in its early days. Flour for bread making, for example, would go from hard-to-come-by to non-existent. The following article was written by one of Prescott's earliest residents about his experience on an expedition to obtain the precious stuff when he was barely out of his teens.

Going back to my story from where we left me in the employ of the Miller brothers, I continued in their employ until October 1864 and then I quit and entered the employ of Robert Postal who came in and began freighting too.[1] The demand for supplies had become so great that the Miller brothers alone could not begin to take care of the business and Postal was the first one to come to their relief.

About the middle of February 1865 the settlement was threatened with another food famine. This time it was flour. Postal rigged up with a man by the name of Charley Beach and another named Johnson for transporting some flour from the Pima Indian Villages by ox team. There was a man by the name of White who operated a new steam gristmill at the Villages where he bought and ground much of the grain the Indians raised nearby.[2] We had been informed that the mill had been in operation but a short time and that we would be able to get all the flour we would be able to haul away by going down there after it. We rigged up five bull teams with wagons and trailers and I went along to drive one of Postal's teams.

Going out of Prescott over the mountain trails then was a difficult and hard job, but we managed to get to Wickenburg without any mishap. When we arrived there we learned that the waters of the Agua Fria and, further on, the Gila, were up so high we would be unable to cross them. That meant that we would be compelled to lay-over for a few days to give the water a chance to go down. We did not like the idea of being idle, so we all drove out to the Vulture Mine some miles southwest of Wickenburg. We thought we could get to haul a load of ore from the Vulture Mine on up to the treating plant above the town of Wickenburg.

The management at the mine allowed us to load up the rich gold ore, which we shoveled into our wagon boxes from the loose dumps at the mine entrance. Then we strung out along the road for the plant on the Hassayampa and there we shoveled the ore all out again. I remember I was driving six yoke of oxen in my team and I weighed out three and one half tons of the valuable stuff. The rock was so rich in free gold that one could see it very plainly without a glass. The ore was processed by the old Mexican method of arrastering[3] and was afterwards put through the sluicing process. This primitive method of treating the ore gave way afterward to the quartz mill and cyanide plant.

The town of Wickenburg was a very lively place in those days and Peeples' Saloon[4] was a popular gathering resort for people of all classes. There was a big general store and other saloons, blacksmith shops and dance halls and pretty

much the general make up of all other mining camps I had seen. We only made the one trip from the Vulture Mine and, thinking the water would be down in the other rivers, we set out. Crossing the treacherous Hassayampa about seven miles below the town without any particular trouble we came into the desert on the opposite side.

As we gradually left the mountains and came into the rolling country between the Agua Fria and the Hassayampa, the wild grass on the commons waved in the gentle spring wind like a wheat field back east. We went by White Tank and when we got to the Agua Fria, found it still so high from the water coming from melting snow in the mountains, brought about by spring rains, that we were compelled to pitch camp and remain there for a week. Beach and Postal, the two main men of the outfit, went up and down the stream in hopes of finding a place that would be safe to cross. As they were thus occupied they found some men camped about four miles above us who had a boat. It was a rowboat about four feet wide in the bottom and from 18 to 20 feet in length.

Postal and Beach brought it back with them and we all set about to take our wagons apart so we could ferry them across the stream. We took the beds apart and, leaving the wheels on their respective axles, we took out the reach poles and the tongues and, with one man to row the boat and another to stabilize the load, we then began the tiresome labor of transporting our outfit across. The running gears were placed across the boat with a wheel on each side and set in perfect balance before we would start the boat across. It required careful manipulation in the swollen stream to keep the boat righted and safely piloted across, which also afforded some risk of life in the event the boat should capsize with its unwieldy load. It consumed three days' time from the day they brought the boat down for us to get our stuff dismantled and floated across and to swim the oxen over and get set up again and ready to go on.

The boys decided to carry the boat on through to the Gila River for it was bound to be impassable. It was well that they did so for we found the Gila even higher than the Agua Fria. Here we repeated the performance that we gave at the Agua Fria and fortunately got through without mishap. Knowing that there were no more rivers to cross, we left our boat at the last crossing and proceeded on the twenty-mile stretch from the Gila to the Pima Villages. All the way we waded through waving grass and flowers. We trudged into the mill about nightfall and put up for the night. The next morning we looked up Mr. White and found that we could get all the flour we could haul that trip.

After driving our wagons to the mill and warehouse attached, it did not take long to load our teams with the fifteen tons of flour they figured should be their capacity after considering the conditions of the roads and the size of the heavy freight wagons and the motive power of the oxen. All loaded and ready to make the return, we took a general survey of the country and the settlement.

The village was made up of Pima Indians, representatives of a very peaceful and industrious tribe of the south and a few Maricopas of a similar nature. Their village was considerably scattered and composed of a few adobe structures with square holes for windows and doors and I would say fifty or more round wickiups, characteristic of Indian buildings everywhere. These Indians farmed hundreds of acres of fertile soil in the immediate vicinity of the mill, which was located somewhere near the present location of Mari-

copa about 40 miles south of Phoenix. The Indians owned bands of cattle that waxed and grew fat on the sacaton and other thrifty grasses. The men in the settlement were nearly naked except for a breech cloth and the squaws wore some sort of a short skirt and most of the smaller children ran around the camp stark naked. The Indians were very thrifty and each year raised great quantities of corn and wheat. The owners of the mill operated a large general merchandise store in connection with their mill and besides trading with the Indians, furnished the travelers who came that way with provisions. Aside from the store and, as I remember it, a blacksmith shop and the mill, there were no other buildings except for those belonging to the natives.

With a smart report of a bullwhacker's whip and a shout, we were on our way back to where we had left the boat on the banks of the Gila. We necessarily had to travel more slowly, but for the most part the roads from the Hassayampa were solid and mostly level. When we got to the river at the place we crossed, we halted, unloaded the flour, took our wagons apart, ferried them across, swam the oxen over and then ferried the flour over, set the wagons up again and reloaded the flour. After four days occupied in doing so, and with the additional burden of the boat, we left the Gila. Our five six-yoke teams of oxen strung along the level stretch, each hauling three tons of the precious flour. We continued on to the Agua Fria where we repeated the entire performance we had put on at the Gila and lost another four days. When we were all set to hit the road for home again, the boys returned the borrowed boat and going on we crossed the Hassayampa without mishap. Yet, in eight days from the time we left the Agua Fria, we were to witness the result of an Indian raid and realize how close an escape we had from extermination.

At the time of our starting out for the Indian villages to get the flour in February 1865, a number of Prescott merchants had some kind of a foreigner named Manassa engaged to pack exclusively for them. Unknown to us, he was just returning from a trip to La Paz where he had been to load supplies for his people and passed us with a train of 18 mules, all heavily packed with merchandise. Just a short time after his outfit passed us, we pushed on with our heavy loads.

Now, it seems to have reached the ears of the Indians in some manner that we were coming into the settlement of Prescott with a lot of flour and the Indians determined, if possible, to attack our party and get the flour. This of course we did not know, neither did Manassa's outfit know anything about the plan of the Indians. About two and one half miles away was a place we called Willow Springs, which was a very rough place and was a sort of a pass between rocky hills. Great boulders hedged the road close on both sides as it came into the little valley. Brush grew thick around the rocks and afforded an excellent hiding place for an ambuscade. At this point no one will ever know the number of Indians that lay in wait for us, but Manassa was unfortunate enough to go in ahead of us and, without knowing what their cargo consisted of, the Indians swooped down on them as they entered the little valley. They seemed to swarm out of the hills and rocks and brutally killed the boss packer of the outfit and began to appropriate the mules and their packs. In the excitement ensuing two packers escaped and rushed back down the road to tell us the terrible news.[5]

Postal and Beach were riding along on horseback ahead of the train and immedi-

ately rushed on ahead of us to the scene of the attack. Coming upon the redskins so quickly with additional help, the two packers affected a surprise that caused the Indians to drag the packs they had taken from the animals into the brush after them and, driving all of the pack animals with them, they disappeared into the mountain fastness. The country was so rough it would have been suicide for our party to have attempted to follow them as every evidence showed they outnumbered us many to one.

Owing to our heavy loads and the roughness of the roads, we were compelled to travel very slowly from where Manassa had passed us to the spot the Indians jumped the train and we arrived there a little after sundown with the bull teams. We halted the outfit and lingered long enough at the spot to dig a shallow grave and bury the boss packer. The brutes were not satisfied that they had killed him, but had crushed his head in with big rocks. Pulling out from there a short distance and off the road a piece, we camped for the night. We tied the oxen to the wagons and built no fires. We satisfied ourselves with a cold lunch and then a portion of our party stood guard while the remainder got a little sleep. Then those on guard retired and those who had slept took the guard until daylight. In that manner someone was on guard all night long for we did not know but what the redskins would attack us.

The next morning we were all up and stirring about at daylight and, without building a fire, we yoked up the oxen and pulled on toward Prescott. Leaving the scene of the tragedy a mile and a half behind us we came to a place where the road led up onto an open ridge where we stopped and cooked our breakfast. At this point we could keep our weather eye open for signs of attack. We were soon on the road again and, with a slight apprehension regarding another bad place in the road known as Bell's Canyon where a man named Bell was attacked and killed, we were glad to be so close to our destination. It was a very treacherous spot and large boulders flanked the road on each side. We were very fortunate however and the fact that the Indians had made a pretty good haul as it was and did not know how soon a party of whites would be after them, served to keep them from making a second attack and for which we were thankful.

It makes my hair stand up yet to think of what would have been our fate if Manassa's outfit had not preceded us that fatal afternoon. On May the first 1865 we pulled back into Prescott after an absence of two and one half months in getting the flour. Can you guess why flour was so costly?

ENDNOTES

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[1] Sam and Joe Miller, original members of the Walker party. See *Territorial Times Vol. 1, No. 2,* for background on the Walker Party.

[2] Ammi White's Casa Blanca trading post and flour mill at the Pima Villages south of today's Phoenix was a stopping spot on the emigrant trail across southern Arizona and the site of a bloodless incident between Union and Confederate forces during the Civil War.

[3] Arrastering was a crude method of crushing ore by dragging a heavy boulder over the ore in a circular, rock-paved bed. Animals harnessed to an arm extending from a center post provided power.

[4] Abraham Peeples and Henry Wickenburg were organizers of the second prospecting party to reach Central Arizona in 1863.

[5] There are no records of this specific incident; newspaper files of 1865 are incomplete. A similar Indian attack on a wagon team from White's mill was reported earlier that year by Judge Joseph P. Allyn. Two men were killed, the animals were run off and sacks of flour that could not be carried away were destroyed.

THE LEGEND OF KISSIN' JENNY

Dee Strickland Johnson (Buckshot Dot)

When Arizona was made a territory in 1864, its capital was established at Prescott. In 1867 it was moved Tucson and ten years later was returned to Prescott where it remained until 1889 when the 15th Territorial Legislature, meeting at Prescott, enacted legislation to permanently locate the capital in Phoenix. The debate over the bill was spirited but ultimately the Legislature chose the "upstart" Maricopa town over the more established Prescott in Yavapai County. This, so 'tis said, is the reason Phoenix won.

My name is "Kissin' Jenny"--and I've earned it, don't you know.
I'm the foremost Prescott girl of my profession.
The Maricopa County gents all treated me to drinks
on the eve of that big shindig of a session.

The 15th Legislature, Arizona Territory,
from the competition, looked like quite a race!
The delegates from Prescott determined (that's the story)
to put the capital back in it's rightful place.

One of Yavapai's staunch delegates, a regular of mine,
Was meticulous and vain and very proud,
He just wouldn't venture anywhere without his fine glass eye --
much less meet with politicians in a crowd.

First he would avail himself of two or three libations;
Then he'd tap upon my door, and I would heed.
Then with terms of adulation, he would woo me for awhile,
And then the evening's business would proceed.

On the morning when the session was fixing to convene,
He awoke and asked me, "Where is my glass eye?
I put it in a glass of water right here beside the bed!"
I said, "Bill, the best laid plans can go awry:

"In the night I woke up thirsty, and I drank that water down.
I didn't know that your glass eye was in it!"
Well, Yavapai's contingent were soon pounding on my door
Crying, "Hurry, Bill, we cannot spare a minute!"

Well, Bill explained the problem--how I'd swallowed his glass eye,
And had they any reason, then, to doubt it?
The delegates demanded that I cough the darn thing up!
Did they really think that I would up and spout it?

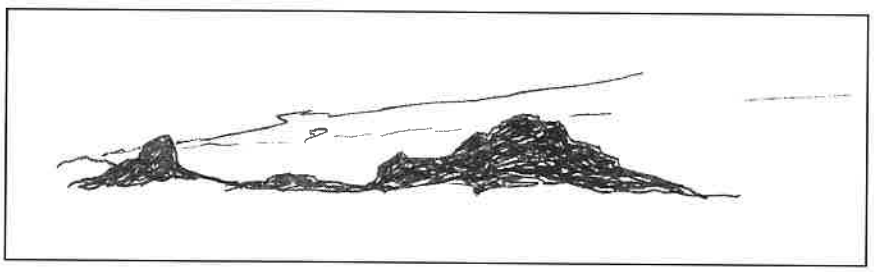
But I couldn't--or I wouldn't--how were they to know which one?
And they knew Bill would refuse to go without it.
And all of you know, surely, how developments transpired--
Prescott lost without Bill's vote. You've heard about it.

Well, Yavapai and Pima both cursed their darn hard luck,
And Phoenix still remains the capital city
and all because some floozy got real thirsty in the night.
(Don't you find that situation kind of witty?)

Do you think that I swallowed old William's glass eye?
Do you think that I was paid to go and hide it?
Is there buried in the back yard a red lace camisole
With a glass eye, wrapped up carefully inside it?

I suppose that I should tell you--or shall I let you guess?
It's been, Oh, so many long long years ago!
Did I really swallow Billy's now famous old glass eye?
Well, now, wouldn't you just really like to know!

***Editor's Note**:* Variations of this story have been told and retold by Arizona storytellers and others, including reputable historians, for many years. The story is a good one; however, the truth be told, it is just that—a story. According to the lore, the Phoenix supporters won by a single vote due to the absence of a vain Yavapai County legislator who refused to attend the critical voting session because his glass eye had turned up missing. The fact is, the vote was not even close. The Council voted 9 to 2 in favor of the bill (Act No. 1) to move the capital to Phoenix and the House vote, also in favor of the bill, was 14 to 10. Further, all of the Yavapai County legislators were present at the session and voted against the bill. The only member whose vote was not recorded was a Councilman from Holbrook (Apache County) who, according to the *Arizona Weekly Miner* had remained at his home to care for a sick child. In any event, his vote would have made no difference since the Council vote was so overwhelmingly in favor of the bill. See *Miner,* January 30, 1889. See also, George H. Kelly, *Legislative History, Arizona, 1864-1912*, Phoenix: Manufacturing Stationers (1926).



ABOUT US

The award-winning Prescott Corral (www.prescottcorral.org) was founded in 1962 as an affiliate of Westerners International (www.westerners-international.org), an organization dedicated to the preservation of the real history of the American West.

The Prescott Corral has a well-earned reputation for excellence in preserving Western history through its monthly dinner meetings, the annual History Symposium it co-sponsors with the Sharlot Hall Museum, and its contributions to area historical preservation groups.

ABOUT OUR CONTRIBUTORS

Dr. Ilya Berelov has over 15 years of supervisory experience in archaeological research. He has managed projects in Israel, Jordan, Turkey and Australia and has published widely. Since 1993 he has participated in numerous research and salvage projects in a variety of geographic settings and on a range of temporal scales.

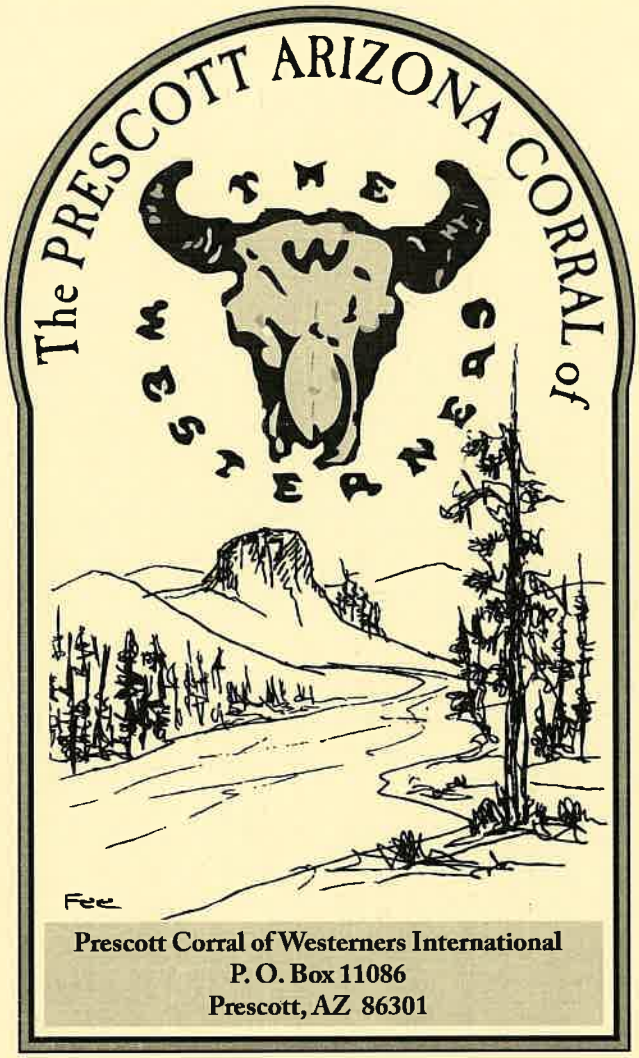
Bill Dicke had a strong motivation for writing about the incident at Padre Canyon. His wife, Lorraine, is a granddaughter of Judge Richard Sloan and they first heard about the incident in extensive conversations about Arizona history with Lorraine's mother, Mary Sloan Wilbur, and her aunt, Eleanor Sloan.

Dee Strickland Johnson, aka "Buckshot Dot," is an award winning cowboy poet and in 2004 was named one of Arizona Historical Foundation's *Arizona Culture Keepers.* An Arizona native, she grew up on the Navajo and Hualapai reservations and at the Petrified Forest National Monument.

Thomas Jones was the Historical Archaeologist, Historian, and Historic Artifact Analyst on the multidisciplinary Hayden Flour Mill project. He assisted in supervision of the archaeological field crew, conducted extensive archival research, and wrote the majority of the historic context for the property. Mr. Jones currently serves on the Phoenix Historic Preservation Commission and the State Historic Preservation Office Advisory Committee for Historic Archaeology.

Judge Paul G. Rosenblatt is a Prescott native who earned his law degree from the University of Arizona was appointed as United States District Judge for the District of Arizona in 1984 where he continues to serve as a senior judge. Paul's sister Dora Virginia Rosenblatt married Joe Heap, Judge Wells' grandson, thus marriage relates that judge and this judge.

Tom Sanders was one of the earliest of Prescott pioneers, arriving in mid-December 1863 at age 19, drawn by the lure of gold. The Prescott Corral of Westerners International published his edited memoirs *My Arizona Adventures, the Recollections of Thomas Dudley Sanders, Miner, Freighter and Rancher in Arizona Territory*, in 2003 (Xlibris.com). His article is extracted from that book.



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