

MORRISON IS FREED OF MURDER CHARGE

On Advice of District Attorney, Judge McLane Discharged Slayer Of Edward Zieger.

(From Thursday's Daily.)

The approval of the law was placed upon the right of a man to protect the honor of his family or any of its members when T. J. Morrison who killed Edward Zieger at Octave last Saturday night walked out of the Superior Court room last night a free man, following a motion for the dismissal of the case by no less a personage than District Attorney P. W. O'Sullivan.

The preliminary examination began at seven o'clock and lasted four hours. During that long period there was unfolded a story that resulted in the complete vindication of the act of Morrison in the taking of human life. It was not a pleasant story by any means, many of the details being unfit for publication. In fact spectators were barred from the hearing and the ruling was one of wisdom.

After all the evidence had been heard District Attorney O'Sullivan arose and said: "After listening to testimony given by the witnesses and taking into consideration the facts and circumstances surrounding the case, no other conclusion can be reached but what the defendant was justified in protecting the honor of his daughter and the lives of his family. It is an unfortunate case—unfortunate for Mr. Morrison that he was forced to commit the deed, and unfortunate for the bereaved woman who sat here and listened to the story of how she was made a widow, but the conclusion is forced home that under the circumstances Mr. Morrison was justified and as the representative of the prosecuting office of the county I move that the charge be dismissed and the prisoner discharged from custody."

In accordance with the views expressed by Mr. O'Sullivan, Judge McLane ordered the discharge of Morrison and he was immediately the center of a group of friends offering congratulations upon his acquittal.

Such in brief was the result of the proceedings to determine whether Morrison should be bound over for trial on a charge of murdering Edward Zieger. The dramatic moments of the hearing came when the girl told her story on the stand and when the father related how in fear of his own life and the lives of his family and rendered almost insane by the knowledge that the man who attempted to assault his daughter had the temerity to seek him out at his own home, he turned loose both barrels of a shotgun he had borrowed from a boy and followed them with a bullet from a rifle.

The witnesses for the prosecution gave evidence that established nothing more than the fact of Zieger's death and the nature of the wounds he received, three in number—two gunshot wounds, one in the pit of the stomach, one on the hip and a rifle wound, the ball entering the left breast and emerging at the right shoulder blade. Sheriff Keeler and Lester Ruffner the undertaker, were called for this purpose. Dan B. Genung, who was the foreman of the Coroner's jury threw no light on the tragedy. Mrs. Zieger was asked if she knew the reason her husband went to Octave the day of the killing and she said: "Yes, the reason he went there was because a girl told some lies." Objection by Robert E. Morrison, counsel for the accused stopped the remainder of the answer. Asked the same question again the witness replied in the same vein. A further question as to what happened elicited the response: "I presume he was murdered." The answer was stricken out.

J. A. Britton, who took the place of Morrison as night watchman at the Octave mill, the evening of the tragedy related the circumstances of removing Zieger from the postoffice porch where he was shot to a house across the street and finding a .38-Cal. revolver in Zieger's overcoat pocket.

Robert Zink, who is employed at the store run by Zieger at Congress Junction had no real knowledge of the facts of the case and his ex-

amination was in consequence, very brief.

Katie Morrison, the 17-year-old girl who was the innocent and unwitting cause of the killing bore up bravely for a time when telling of the assault made upon her by the dead man but the strain was too great and she told the remainder of the story between sobs. Her evidence was corroborated by her mother and Mr. and Mrs. Williams with whom she made her home in Congress Junction while employed at the telephone office as central girl.

Morrison told of returning home from Phoenix, hearing the story of the assault upon the girl and the effect it produced upon him and the events of the day that had such a tragic ending.

"Why did you shoot Zieger?" asked Attorney Morrison.

"Because I thought he would shoot me. I knew he was a man without fear and was a desperate man. I was prepared to protect my family as I am the only support they have and the honor of my daughter. I knew Zieger had killed men and had beaten up others who did not agree with him."

"Was there any other reason?"

"Yes, I thought a man who had assaulted my little girl should have known better than to have come around when he must have known the frame of mind I was in after hearing her story, and his coming was evidence that he was looking for trouble."

"That is all" said Attorney Morrison and the Prosecuting Attorney forebore cross-examination.

Mrs. Zieger and Mr. Zink were recalled but their evidence only sub-stantiated details of the testimony the Morrison girl had given. In fact the evidence by the girl was fully and completely corroborated and in not one instance was her story impeached by any of the witnesses.

Mrs. Zieger was excused from the court-room and then came the speech of the District Attorney and the end of the case.

JUDGES TO BE TIMED BY CLOCK

NEW YORK, Feb. 4.—While it has not yet been determined just how much work a judge is expected to do to earn his salary, plans are now under way here to find out just how much work they do accomplish, and for the first time in the history of the courts the members of the judiciary are soon to be confronted with something very like a timeclock. While matters have not yet come to such a point that judges will be expected to punch such a clock like any employe arrangements have been made by which tabs will be kept on their work in a manner just as strict. The clerks of the trial parts of the Supreme Court have been furnished with special charts on which they will keep a record of all the work performed by each judge. Lawyers have openly charged that certain judges "loafed" and that they would hear many more cases if they worked as much as the judges in other counties. The New York judges, however, have always had defenders, who contended that more work is performed by individual judges in New York county than anywhere else in the state. While the keeping of the record is done through an order made by the Supreme Court judges themselves, it is done at the suggestion of the State Bar Association which passed a resolution to that effect at its last session. Among other things the record will show the number of cases heard by each judge, the successful litigant, the number of disagreements, defaults, dismissals, and discontinuances, amount of the verdict and the number of opinions written by the judge.

BAN ON BOXING.
PROVIDENCE, Feb. 6.—Governor Pothier ordered boxing prohibited because bouts are a "disgrace to civilization."

ANOTHER PIONEER IS CALLED BY DEATH

(From Thursday's Daily)

Another one of those Arizona pioneers has answered the summons and the grim reaper claims W. H. Ferguson, his death occurring late on Tuesday night after an illness of many months, due to a general breakdown in health. The passing of this Pilgrim of the Gila, is a sad one, as there is removed to another sphere one of those men who helped to make history for the old territory and through whose diligence and industry the borderland was redeemed that others might enjoy the fruits of the hardships borne by the early Hassayamper who blazed the way and builded after he finished the work that was attended with privations and dangers but few of this generation appreciate.

The deceased was a typical frontiersman, and among his virtues that will be cherished as time wears away was his splendid fellowship and a generosity that made him friends by the score in other days. He was gentle in manners, but as resolute as adamant in his patriotic zeal. Although a soldier of the north during the civil war strife, and a patriot to that cause, he was magnanimous to those on the other side, and this characteristic was always exemplified whenever the occasion arose for the blue and the gray to mingle. In short he was a good man and an exemplary citizen. His death revives an incident in early manhood that few, if any, know in this community, and which was filed with a thrilling experience.

At about the age of twenty-five he left New York city with a party of about thirty for Australia on a gold seeking mission. After a long sea voyage they disembarked at what is now the city of Townville. Later they outfitted and went out to the northern part of the island and established a camp in the Mt. Powell range, where they prospected for the yellow metal. Success followed and the aggregate wealth of the party reached several thousand dollars. Returning to the nearest settlement after supplies, their nationality directed investigation and they were taxed to a "finish," as the deceased stated, on many occasions in later years. After a few years in locating new gold fields of promise, and after exploring the country to ascertain the source of the metal, they were summoned by the governor of the province to swear allegiance to the Crown of England. The civil war began, in the United States, and the motive for the extraordinary exaction was grasped in an instant. Other Americans from remote place were also rounded up, and the total strength was an even sixty. Protests were advanced against this arbitrary action of the ruler, but the iron will of that official prevailed. The handful of aliens banded themselves into a solid front and held a secret meeting. All emphatically and indignantly refused to have the yoke placed around their necks with the exception of only one, and so informed the magistrate. They were ordered to leave the country in three days, but speaking for his party Mr. Ferguson advanced to the front with a demeanor that was firm and yet courteous, and asked for only one day in which the Americans would comply with the order. A sailing vessel was lying in the harbor, when the fifty-nine boarded it, and inside of thirty hours were sailing away. Arriving at Vancouver the loyal Americans went across the line to their home land again. All landed in San Francisco late in 1861, and the majority enlisted in the army to fight for the union. The deceased was assigned to Co. I of the Fourth California Volunteers Infantry, and sent to Drum Barracks, now Wilmington, near Los Angeles, for further orders. The regiment was ordered to the front, and started on foot across the desert to Tucson, via Yuma. Three years passed and the deceased was mustered out at Tucson in 1865. He drifted to this section, and arrived in Prescott in 1866. He was given the position of chief quartermaster clerk at Fort Whipple in recognition of his military record, and which he filled capably. Afterward his valuable services were secured by Hinds & Hooker, the contractors who were supplying the military of Arizona with meat, and the deceased had charge of that important duty. He was compelled to travel from one post to another, and in this line of work had a dangerous duty to perform, the country being infested with the Apache. Leaving the military and the contracting firm above, the deceased followed mining in this field for over forty years, but with varying success. His once vigorous frame gave way to old age and privations of early days, and the end came as

though he was passing into a deep sleep, and without any struggle to resist the inevitable. He was born in Schenectady, New York, on August 4, 1832, reaching the ripe age of nearly 81 years. He was the last of his family, a sister passing away but a short time ago at the old home. He leaves a devoted wife, a daughter, Mrs. W. H. Dunte, and a son, Gibert Ferguson. He will be laid away by his comrades of the Grand Army and as he affectionately requested but a few hours before the end came.

NEW WELL NOW AT DEPTH OF 600 FEET

(From Thursday's Daily.)

Fred C. Evans, manager of the Verde Valley Oil Company, who is in the city for a few days, reports the new well as having reached a depth on Monday night of 570 feet, and as yet not an ounce of water developed.

This condition is regarded as favorable. The formation being passed through generates a strong gas pressure and carries salt and blue shale. It is the belief of Mr. Evans that the conditions for developing oil within the next few hundred feet are decidedly flattering in view of what is being determined, and he states the drilling will be pushed ahead as energetically as possible. The diameter of the well to a depth of 500 feet is fifteen inches, but from that point down has been lessened to thirteen inches.

A slight mishap to the machinery occurred, and after the arrival of repairs drilling will be resumed this week. Mr. Evans is an experienced oil man of the Bakersfield, Cal. field and is very much elated over the outlook at not alone the well he is drilling, but at three other points where rigs are in operation in the Vere Valley.

PULLS THE STRING AND SEES THE BADGER

(From Friday's Daily.)

Lester Cuneo, one of the Selig Polyscope players is a versatile young gentleman, but none of his many friends knew he had a bent toward natural history until last Wednesday evening.

On the occasion named the handsome young actor decided he would abandon all frivolous pursuits, forsake the fleshpots of Egypt and become a student of animal life. Such a laudable ambition was encouraged by a number of congenial spirits and the man who makes the Selig pictures infamous started his studies with the badger—an untamed beast of the wilds whose habits could not be detailed in a good, family newspaper.

His tutors secured the badger and then some one suggested that to make the lesson effective, and one never to be forgotten, that it be pitted against a ferocious dog. No sooner said than done. The scene was arranged and everything was gotten in readiness for the sanguinary conflict. Excitement ran high, bets were made and the rapidity with which money changed hands brought back the days when everything was wide open in Prescott.

The badger was kept in a closed box and Cuneo was permitted to hold the string, the door of the box to be opened when the word was given. And it may be remarked that although he is a man of courage he believes it is better to be safe than sorry and accordingly had on knee-high leather boots so that the fierce quadruped would be disappointed if it got any foolish biting notions in its head.

And Lester pulled the string. What more need be said? The story is as complete as that of the man who went into the cellar with a lighted candle to find the gas leak. He found it.

And Cuneo saw the badger. As intimated before, Cuneo is a man of courage. If you have any doubts on the subject just mention the word "badger" to him and see what happens.

Incidentally if any person residing in Arizona has anything new relating to the fauna of the State, kindly communicate with Lester H. Cuneo, special representative for the Ernest Seton Thompson-Audubon Society.

MINING DEAL

(From Wednesday's Daily.)

Mrs. Lizzie Sprance, of San Francisco, has sold to G. A. Whitney and J. Maxwell Taft, of Oakland, Cal., a one-fourth interest in the Red Rock mine at Providence, on Big Bug Creek, for a nominal sum, the deed being filed for record yesterday. The original owners of the property were Sprance, Stanley & Co., who operated the property extensively many years ago.

Journal-Miner—High class job work

DOCTOR WALLACE RECOMMENDED BY CLUBS

(From Friday's Daily.)

An important action was taken by the several woman's clubs and organizations of Phoenix and vicinity at a mass meeting held at the Woman's club Tuesday, says the Gazette, when they indorsed Dr. Agnes McKee Wallace of Prescott for resident physician at the Industrial school at Fort Grant.

A motion was made to this effect immediately following the day's program, at which Mrs. B. A. Fowler, as president of the entertaining club, introduced Mrs. Virgil Partch.

Mrs. Partch prefaced the offering of the resolution by a short talk, in which she urged the need of a woman's influence among the children at the Industrial school.

The resolution as offered reads as follows:

Resolved, that we, the representatives of the various clubs and woman's organizations of Phoenix and vicinity, petition the honorable legislature that it add to the expenses of the Industrial school a sum sufficient to maintain a resident physician at Fort Grant, and furthermore, we would recommend that that physician be Dr. Agnes McKee Wallace.

The resolution was placed in the form of a motion. It was immediately seconded and placed before the club for approval. It was carried by a majority.

Dr. Wallace then made a few remarks, thanking the club for their interest, and declaring that she would accept the office if it is offered her.

This is a matter which many of the women have been working for some time since it has been recognized that the children at the Industrial school need the care and sympathy of a woman, which privilege they have been denied thus far in Arizona.

SEDUCTIVE WEED IS BARRED TO MINERS

(From Friday's Daily.)

News Bureau of the Journal-Miner, Room 203, N. B. A. Bldg.

PHOENIX, Feb. 5.—Senator Hughes of Pima County is the author of a bill which he has introduced in the Senate, prohibiting the sale of cigarettes, cigarette paper or tobacco to minors under the age of eighteen years, and providing penalties for violation of the provisions of this bill. The proposed law is a big step in advance of any reformatory law now on the law books of the State, but it evidently does not go as far as is desired by the residents of Graham County who have petitioned the Legislature to enact a law similar to the present law of the State of Kansas. That law makes it an offense for a minor to be in possession of narcotics in any form, as well as makes it an offense to sell or distribute the same.

The proposed law of Senator Hughes reads as follows:

"Section 1. No person shall furnish cigarettes or cigarette paper or tobacco in any form, by sale, gift, acting as agent, directly or indirectly, or otherwise, to any minor under the age of eighteen years, and any person so offending may be tried before a police magistrate or official having criminal jurisdiction in any city, borough, town, township, village, or other municipality where such offense was committed and on conviction thereof shall be punished by a fine not exceeding ten dollars (\$10.00) for the first offense and not exceeding twenty-five dollars (\$25.00) for each succeeding offense.

"Section 2. All acts and parts of acts inconsistent herewith are hereby repealed."

BIG DREDGE NOW OUT OF CREEK

(From Thursday's Daily)

Ben Bishop, superintendent of the Lynx Creek Land and Development Company, while in the city yesterday stated that the work of raising the Speck dredge from the bed of the creek and placing it aboard trucks, had been finished. The plan is to be moved down the creek to the old hydraulics, distant about one and one-half miles, and before it is located at least two months will be required. The dredge weighs from 150 to 175 tons, and is to be operated on a testing out of its machinery in handling the auriferous soil of the old placer diggings. The plan is to have it running at a certain point within the next three months. Captain A. W. Farney, president of the company, is also on the ground directing the removal of this gigantic appliance. The reviving of the old hydraulics is occasioning considerable comment in mining circles of this section, from the heavy gold production of the past.

OCTOGENARIAN IS AS ACTIVE AS YOUNG MAN

(From Wednesday's Daily.)

Bearing the burden of his eighty-one years with all of the physical vigor of men one-quarter of that age; reclaiming 160 acres of land and making it productive with his own hands and toil and without the assistance of any one in throwing a single shovel of dirt out of the way; building a home and laying a line of barbed wire fence around that large acreage, and to cap the climax being struck by lightning last summer, were some of the remarkable phases of the long life of Fred R. Stees, of Lonesome Valley that were revived Monday afternoon when he appeared before Commissioner Moore to receive his patent for a homestead from the government.

This octogenarian has been located in the above section for the past six years, and in that time he has fulfilled to the letter all the rigid requirements in land occupation exacted by the authorities. He has "built wisely and well," and the fruits of his labors are reflected in as fine a home and as good piece of land as in other localities where the country is more attractive and where younger people have struggled industriously and fruitlessly. Mr. Stees in short, is a "dandy" for his age. He is imbued with an independence that sets aside any intimation that comes forward from neighbors to "pull him out" of a hole when the work becomes too burdensome. Every inch of the ground that has been tilled has been his own handiwork, and in building the residence, the barn or other structures the same course has been followed out.

In perusing his first patent title document Monday, this venerable citizen seemed to cherish the authority granted him, with that elation of a miner in striking a fat "glory hole" of riches. As he meandered down the street to return home he stated that he will clip off a century, and by that time there will be something for relatives and the lawyers to get busy over.

BIANCHI GUILTY OF STEALING A CALF

(From Friday's Daily.)

Angelo Bianchi was found guilty of grand larceny yesterday in the Superior Court by a jury, the trial occupying two days. A recommendation of clemency accompanied the verdict. The accused stole a calf from Clarence E. Stewart in Williamson Valley several weeks ago, according to the evidence submitted at the trial, which was vigorously fought by both sides.

Three Mexicans named Castello, Escomillo and Cuevas were given their freedom. They were being held for the alleged crime of grand larceny. A companion named Franco plead guilty to stealing the goods recovered and which in value reached to over \$150. Franco receives sentence today.

Many Aliens Naturalized.

The naturalization of aliens occupied the time of the forenoon session and was conducted by Examiner Littleton of San Francisco and Superior Judge Smith. The above federal officer stated the class was an exceptionally intelligent one, and the following passed creditable examinations, receiving their citizenship papers:

- Frank Rust, of Ash Creek, a native of Switzerland.
- Christian G. Sailor, of Jerome, a native of Germany.
- Lorenz Salvaterra, of Jerome, a native of Italy.
- Semon Poquette, of Ash Fork, a native of France.
- Nasib Kalil Maluf, of Fort Whipple, a native of Syria, Europe.
- Otto Pietsch, of Jerome, a native of Germany.
- John Robert Aiken, of Jerome, a native of Ireland.
- William J. Davies, of Jerome, a native of Wales.
- John Boasiger, of Jerome, a native of Switzerland.

The application of Conrad Johnson, was continued until August.

Five dismissals were ordered, the applicants in most cases not being present in person.

Many of the new made citizens enjoyed a repast later in the day, to celebrate their coming under the folds of "Old Glory."

OLD SOLDIER DEAD.

(From Wednesday's Daily)

Advices from Los Angeles yesterday stated that Nathaniel L. Fulmer, had passed away at the Soldiers Home at Sawtelle, on January 30th. He will be remembered as a former commander of the G. A. R. of Arizona, and resided in this city at one time. He was aged 71 years, and had a fine record in the Civil War, enlisting in Co. F. of the 23d Ohio Infantry.