

# The Coconino Sun

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## TRAGEDY NEAR GISELA.

Sheepmen Were Shot Down in Camp Without Warning. Zack Booth Arrested For the Deed.

News of a double murder committed in Brush hollow on the trail from Pleasant valley to Gisela, and near the latter place, was brought in this evening by Arthur Clark, driver of the Globe and Tonto stage.

Meager details of the crime have been learned from a letter written by J. O. Hill, justice of the peace at Payson, to District Attorney Geo. R. Hill, which Clark brought in, and also from the story told him by Juan Portillo, stage driver on the northern end of the route.

The victims were Berry, a young man 24, years of age, who was in charge of his father's band of sheep, and a Mexican boy, 17 years old, whose father was employed by Berry as a herder.

The young men were killed in camp, on the morning of December 22, when they were getting ready to go to Gisela to buy supplies.

They were evidently shot without warning and killed instantly. The Mexican was shot in the back and the breast torn away where the bullet left the body. There was evidence that he had fallen into the fire, from which he was afterwards dragged and a gun placed in his arm.

The father of the murdered Mexican boy, who was some distance off herding the sheep, saw two men ride toward the camp and then heard two shots fired. From the description of one of these men given by the Mexican herder, he is supposed to be a goat man who lives in that section, and he has probably been apprehended ere this by Deputy J. C. Chilson and Ben Pysatt, who went from Payson to make the arrest.

Another theory held here is that the murderers are cattlemen, who were provoked to the commission of the crime by the invasion of the range by tens of thousands of sheep.

It will be remembered that in the summer of 1902 Eugene B. Packard, a well known cattleman, was murdered in that section of Tonto basin by a Mexican sheep herder, who is now serving a life sentence at Yuma. The murder of Packard aroused a great deal of ill feeling toward the sheep men by the people of Tonto, and it is thought that the murder of young Berry and the Mexican boy was an act of vengeance.—Globe Silver Belt.

Another report says:

News of the tragedy was sent to Payson, and Deputy Sheriffs Chilson and Pysatt started to find the murderers. The old shepherd's description of one of the men seen riding toward camp tallied with that of Zack Booth. The officers found Zack and John Booth, both goat raisers, at home near Gisela, and arrested and took them to Payson. Zack Booth admitted killing the two and at first denied that his brother had a hand in it, but afterwards unguardedly implicated him.

Charles Long, a reputable cattleman, was asked by Zack Booth several days before the murder, where the sheepmen's camp was.

"Tell us where the camp is," said Booth; "and I will do the rest."

Long refused the information.

The preliminary hearing of the Booths will take place at Payson Monday, as District Attorney Hill and Under Sheriff Pearson left Globe Friday, expecting to reach Payson last night. One brother of Zack is now serving a term in Yuma prison. Zack is an ex-convict and was paroled several years ago. Berry is said to have been a fine young man. The murder is denounced by reputable cattlemen, notwithstanding the friction with the sheep owners by sheep destroying ranges and serious detriment to cattle interests.

Zack Booth says he ordered Berry and the Mexican to leave, and that Berry was "assay." He also claims Berry shot at him first, the bullet striking the pommel of his saddle. Then the Booths shot and killed both men.

## DEAD ALIVE.

A Jerome Miner Says He Met McCarty in the East. Old Story Revived.

About once a year since the tragic death of John McCarty, the story that he is alive is put in circulation by some newspaper reporter. The last one is from a miner at Jerome who says he met McCarty in the east. In all probability the insurance companies who have not yet paid the policies carried by McCarty would willingly pay a handsome reward to the person who would bring McCarty to them alive. The latest story is as follows: John McCarty, the Arizona hunter, mourned as dead for two years, his inheritance divided, his insurance closed and his grave kept as green as his memory, yet lives.

That is the startling story brought to Jerome by an old time miner who has been on many a bear hunt with McCarty in Arizona hills in days of long ago.

"McCarty is alive and well in the east. I saw him and spoke to him many times." Such is the tale the old miner told.

It has been more than two years now since this happened. If the wild tale reached the former game commissioner's widow who resides at Florence, she paid little heed to it, feeling absolutely positive that her husband's remains rest in a grave at Phoenix, and knowing that such fabulous stories are likely to spring ungrounded from many sources and yet be without the first suspicion of a foundation.

Nevertheless, the miner's tale brought to mind afresh the old, yet sensational story of McCarty's lonely demise in the red buttes and pine forest land beyond Flagstaff more than two years ago, as well as the gruesome find of bleached skeleton and rusting gun, the burial of the remains in a Phoenix grave after their identification by T. A. Day and an old trapper, who was McCarty's partner, and who has since died, and the long contest settled at last by compromise of McCarty's insurance, amounting to a total of \$27,000.

The Don C. Hall company have presented a new play each night during the week and have drawn a crowded house each night. The company seems a favorite with our theatre goers.

## FIRE IN CAPITOL.

Furnace Room Reduced to Charcoal. Settling Sooty Smoke But None of the Offices Invaded By Flames.

There was great excitement in this city last night from 9:30 to 11 o'clock occasioned by a fire in the territorial capitol building that proved to be a great deal more spectacular than it was serious. There was ample reason for alarm, however, as a delay of ten minutes in its discovery might have resulted in the gutting of the offices of the superintendent of public instruction and the surveyor general. The fire originated in the furnace room adjoining the superintendent's office and was confined to that apartment, except that the smoke rolled in stifling volume all through the building, blackening the walls and making the early comers gasp for breath. The furnace room was burned to a charcoal but the actual loss is confined to it and to a cleaning of the walls, estimated at from \$1,500 to \$2,500. The building is said to be insured for \$50,000, so the loss is fully covered. The structure itself could not be destroyed to the point of ruination for it is considered a fire proof building, the frame being of steel and the walls of granite and tufa, but the furnishings and finishing, such as doors and transoms, are of wood, and the contents of the offices, like any other, are very inflammable.—Phoenix Republican.

## Can Justice Sentence Boy to Reform School?

There seems to be a difference of opinion on the question of sending boys to the reform school by a justice of the peace. Judge Johnson of Douglas, sent a boy by the name of Wimberly to the school and he was sent back with the word that a justice of the peace had no right to send a child on a sentence to this school. This boy had been convicted of petty larceny and Justice Johnson at once gave him a thirty days' sentence to serve in the county jail at Tombstone. The boy was taken to Tombstone, and the judge there sent him on to Benson, where he belongs.

The question just now is, can a justice sentence a boy to this school? Certain lawyers in this town claim that he can, in any case on which a justice court has jurisdiction. Superintendent O'Brien told Judge Johnson that he did not think that a justice could send children to the territorial reform school, and his reason for this decision was that if the justice courts sent children to this school it would soon be overcrowded.

In the cases that come up where a child will not be controlled by his parents a justice does not have the power to send the child to the school. This must be done through the probate court.—International American.

## Five Cents Causes Loss of \$17,000.

The greatness of little things finds frequent illustration in railroad operation. A case has just been discovered where nine years ago an error of 5 cents was made in the computation of a rate sheet between two given points. It was found upon investigation that, as a result of this error, the two railroads operating between the two points have lost upward of \$17,000 during that time. This shows why

railroads are so strenuously opposed to what are considered inconsequential reductions in rates. The business in question was simply the passenger traffic between Dallas, Tex., and a small town located a few miles away. It is the multiplication of the little things that so seriously affects railway revenues. The loss of a fraction of a cent per 100 pounds on some commodities means thousands, if not millions of dollars to the railroads, and makes the difference between profit and loss. It is only by the most zealous care that railroads are enabled to maintain their revenues on a paying basis, and it is for this reason that the value of little things is so well understood by railway officials generally.—Railway Journal.

## Beaver Creek Water Suit.

A decision in the Beaver creek water suit was handed down Saturday afternoon by Judge Sloan without leaving the bench. After hearing the testimony the honorable judge gave the following decision which met with the hearty approval of the interested parties and of those who have known of the case for several years, says the Herald.

He gave 100 inches of water at all times of the year from Back's ditch, Back being the oldest locator on Beaver creek, and to C. F. Mahan be allowed 3-5 of the water at the head of his ditch, and to Wm. Schroeder the remaining 2-6. The Maxwells got the seepage water and the flow at the head of Schroeder's dam. The junior appropriators above the head of Back's dam were allowed a small amount, probably an inch to the acre, or enough to help them over the dry seasons. The attorneys, Herndon & Norris for Mahan and E. S. Clark for the twelve defendants, are now at work on a decree which will settle this matter which has hung fire for the past year. While it is a decided victory for the defendants it also gives to Back the amount that he has claimed. All the Verde ranchers will be pleased to hear that the case is at last settled and in such a satisfactory and just manner.

## Soldiers' Homes.

According to a report made by Brigadier General George H. Burton, who has just completed a tour of inspection of the various branches of the national soldiers' home, it was shown that during last year 33,157 old soldiers have been cared for. The annual per capita expense of this maintenance was \$141.70, which is an increase of 20 per cent during the last three years, ascribed to the general advance in the cost of food products. Of the inmates 25,168 are drawing pensions of from \$6 to \$12 per month, aggregating a total of \$3,166,734. Eleven members have cash balances of more than \$1,000 each to their credit.

During the past year there were 1,803 deaths and 3,582 first admissions, which makes the deaths 63 per cent of the increase, a decided increase in the death rate.

There are 1,441 acres of land cultivated as farms and 98 acres as vegetable gardens, in connection with the various branches. The value of farm products was \$509,051, while the cost of maintenance, which includes lawns, flower gardens, transportations and teams, was \$92,403.

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