

## TOMBSTONE EPITAPH

PUBLISHED EVERY SUNDAY.

## RECORDS OF COCHISE COUNTY

Instruments Filed With the County Recorder

### THE RECORDS GIVEN IN BRIEF

#### WARRANTY DEED

L Grant Puncan to George Haydon, S & S Simon property 100  
Frederick R Williams et ux to A J Haven, Douglas property 10

#### DEED

John M Johnson et ux to J F Wilmoth, Bisbee property 10  
J F Wilmoth to Catherine Burr, same as above 10

#### SHERIFF'S DEED

Harry C Wheeler, sheriff, to John H Johnson, Bisbee property 184 20

#### CHATEL MORTGAGE

Charles Kling to Chris Yuskovich and John Bogan hogs 125 25

#### LEASE

J C Radovich to Marie Mariette, Bisbee property 10

#### SATISFACTION OF MORTGAGE

Arizona Bank & Trust Co to Francis J Howell et conj 75  
Provident Mutual Building & Loan Association to L McCorkle 75

#### CHATEL MORTGAGE

Citizens Bank & Trust Co to G G Linderstrahl 10  
Ben X Williams to Edna B Boyd 1500

#### CHATEL MORTGAGE

Earl Boyd to Norton Morgan Co., horses, etc 45 33

#### WARRANTY DEED

Frankie J Howell et ux to Caroline Q 100  
Parley P Sabin et ux to Joseph H Sabin, land 300

#### REALTY MORTGAGE

Edna B Boyd to Ben X Williams, land 300  
Caroline Quenier to Arizona Bank & Trust Co., Douglas property 1700

#### PATENT

U S to Francis H Parker, land 1078

#### TRUST DEED

Caroline M Farrell et conj to Title Insurance & Trust Co., Douglas property 1078

#### SATISFACTION OF MORTGAGE

Provident Mutual Building & Loan Association to Caroline H Farrell et conj 66 10

#### ATTACHMENT

Issued out of the justice of the peace court at Douglas. Seaman & Perry vs W A Hensley. To levy on Douglas property. Demand 66 10

#### Q C DEED

H L Christiansen et ux to Nicholas Guirk, Bisbee property 10

#### REALTY MORTGAGE

Maria de Jesus Nolasco de Secundino Montanez to Joe Kline, Douglas property 254  
George L Murphy et ux to Arizona Bank & Trust Co, Douglas property 500

#### CONTRACT OF SALE

Bertie J Seay agrees to sell to Central Sulphur Spring Valley Fair Association 40 acres to be secured on in section 3, township 18, range 37.. 400

#### Q C DEED

Rugh J Brophy to D H Smith, Bisbee property 525

#### WARRANTY DEED

Charles Perry to Douglas Lumb & Co., Courtland property 480

#### PATENT

U S to Benjamin F Bedford, land 10

#### DECLARATION OF HOMESTEAD

D D Williams claims as homestead land in section 4, township 18, range 21 10

#### R E MORTGAGE

Orient Realty & Trading Co to Miners' & Merchants Bank, Bisbee property 5,000

#### CHATEL MORTGAGE

Benjamin F Bedford et ux to P H Hargan, land 250  
R L Scott to The Borderland Auto Co., one automobile 110

#### CHATEL MORTGAGE

The Borderland Automobile Co. to the Arizona Bank & Trust Co., automobiles, etc 2040

#### CHATEL MORTGAGE

N S Zogg to The Borderland Auto Co., automobile 285

#### SATISFACTION OF MORTGAGE

Mary M Costello executrix to Orient Realty and Trading Co 184 20  
Mary M Costello executrix to Orient Realty and Trading Co 125 25

#### DEED

C A Sherr to G L Sherr, Douglas prop 75  
M Melendez to C Holguin, Douglas prop 75

#### WARRANTY DEED

Douglas Inv Co to R W Byrns, Douglas prop 1250  
T A Roeling to A J Haven, Douglas prop 10

#### CHATEL MORTGAGE

M Y Roberts to W A Shepard, land 1500

#### QUIT CLAIM DEED

J I Nicholson to J T Nordan Douglas prop 10  
J Herron to J I Ross, min prop 1000

#### PATENT

U S to Mascot Cop Co, min prop 100

#### REALTY MORTGAGE

G L Sherr to C A Sherr, Douglas prop 1500  
W A Shepard to T J Jordan land 1000

#### CHATEL MORTGAGE

F S Douglas to State Mut B & L Assn, Douglas prop 2400  
R W Byrns to State Mut B & L Assn, Douglas prop 750

#### CHATEL MORTGAGE

R D Nicotte to Oliver Typ Co, typewriter 100  
G Bowers to Oliver Typ Co, typewriter 100

#### CHATEL MORTGAGE

J N Wallace to Bisbee Feed & Fuel Co, buggy 68 4  
O McEwen to Bank Lowell, min prop 100

#### SATISFACTION OF MORTGAGE

Hammack & Williams to Nat Cash Reg Co, register 50  
O Olson to E Charbonneau 10

#### WARRANTY DEED

L D Miller et ux to A J Havens, Douglas property 450  
C H Melcher et ux to Emil Cedarlund, Douglas property 10

#### R E MORTGAGE

The Orpheum Company the Bank of Bisbee 8500

#### SATISFACTION OF MORTGAGE

E W Simpson to S C Moody and husband 400  
The Bank of Bisbee to the Orpheum Company 400

#### CONTRACT OF SALE

Mrs C C Boorman to Manuel Y Roberts et ux 400  
State Mutual Building & Loan Association to H B Reed et ux 400

#### DECLARATION OF TRUST

E J Flanagan declares that he is trustee for the Bisbee-Naco Water Co. 525

### From Monday's Daily.

Constable Bright of Courtland and Constable Cates of Gleason are in the city today on official business.

George Hughes is recovering slowly from his recent injury to his right eye caused by a loose wire striking the pupil, an account of which was noted in these columns. The accident proved a narrow escape from losing his eyesight, but the hope is entertained for a recovery from the injury if no complications set in.

Melvin Swain was able to be about town today after being confined to his room for the past week with a bad case of grippe bordering on pneumonia.

One of the heaviest rains had in this section for many seasons occurred yesterday afternoon and evening. Dense clouds brought on a downpour for an hour or more and in the valley and also along the river as far as Benson at times appeared to be a cloudburst. A peculiarity of the rain was the fact that just preceding same, a heavy hail fell for a few moments.

Mrs Mary Daley and daughter, returned to their home at Eureka, Cal. after an enjoyable visit with her parents, Mr and Mrs James McHugh and Tombstone friends.

Twenty jurors subpoenaed under special venire arrive today for duty. The Cunningham Costello case occupied the attention of the court today and the special venire was excused until tomorrow 9 a.m.

Paul Smith left yesterday for Phoenix to attend the Democratic State Committee meeting, Paul being one of the Cochise delegates.

Judge D W McFarland returned home today, much improved from another operation on his eye, which is pleasing news to his numerous Tombstone friends.

Rev Father Marx of the Catholic church left yesterday for Buffalo, N. Y., on a three week's visit.

Wm. Neel, the popular Sulphur Spring valley cattleman is in the city on court business.

### Cochise Misses for Queen of Arizona

Not to be outdone by the other counties of Arizona which already have a number of contestants entered in the race for Queen of Arizona, Cochise county yesterday sent to the office of Secretary Wood of the Fair Commission the nominations of six young ladies.

Those nominated from Cochise and having an initial vote of 1,000 as a starter are Miss Josephine McPherson Tombstone; Miss Helen Smith, Douglas; Miss Nellie Bedlow, Warren; Miss Neva Downey, Lowell; Miss Olive Krigbaum, Bisbee, and Miss Mary Kehoe, Bisbee.

### Chink Makes a Record-Breaking Walk

A Chinese who was brought before James Dunsenath, United States commissioner at Tucson Friday, said that he had walked from Los Angeles to Fairbank in 15 days. It was too big a story for Mr Dunsenath to swallow all at once and he ordered the alien deported at the first opportunity.

The Chinese was captured at Fairbank several days ago by Inspector Senner and was brought to Tucson recently. He said that he had registered at Los Angeles about 30 years ago, but that he had lost his certificate on his record breaking walk. He gave incidents of the journey, but said that he arrived in Fairbank in fine condition and did not even have sore feet.

### Indian Heavyweight Returns to Arizona

Jumbo Middleley, the 385-pound Yuma Indian wonder and heavyweight has returned to Yuma.

He left Yuma two years ago to wrestle with the strong men of the East and the old world, and has never met defeat, although he has not always defeated the other fellow.

While in the east, Jumbo's headquarters were in New York, where he received considerable newspaper notoriety. Across the water his headquarters were in London, where the newspapers gave him considerable space.

### From Wednesday's Daily

Mrs Chas P. Dexter and daughter have returned from Los Angeles.

A R English and son Bryan, returned yesterday from Bisbee where they have been for the past ten days.

Mr. Ramon Abril arrived yesterday from Bisbee on a few days visit with relatives and friends.

It is stated that two hoboes, who were riding the freight when the S. P. wreck occurred at Kim a few days ago were buried under the wreckage of sugar, salt and oil.

Mrs. M. Doyle of Bisbee, a sister of Mrs J. F. Williams, Jr. of Nacozari, is in a precarious condition as a result of an operation which she underwent last week at the Copper Queen hospital in Bisbee. Mrs. Doyle has many friends in Tombstone, who hope for her early recovery.

D B. Hutchins, deputy county school superintendent, returned to his headquarters in Tombstone yesterday afternoon, following a short stay at Douglas. His sister who is en route to her home in Mississippi, arrived in the county seat to spend a day or two before proceeding.

Judge Catell of Courtland is in the city on court business.

J N Gaines, E R Faeh, A Wentworth and A C Karger returned this morning from a trip to Bisbee, which was made via Flag's auto.

Nearly all the witnesses and court attendants in the Cunningham-Costello case have returned to their respective homes.

Sheriff Wheeler and Under-Sheriff Welch returned today from Douglas, where they were on official business connected with the office.

### More Laborers for Huachuca Water Line

Twenty five more laborers were sent out Wednesday from Tucson to Garden Canyon, near Fort Huachuca by V. S. Griffith, who has the \$50,000 contract for the construction of a pipe line eight miles down the canyon for the purpose of furnishing the army post with water.

The eight months' task is now expected to be completed in about thirty days.

### Maricopa County Has a Rakeoff

Maricopa county's share of the proceeds of the Barnum & Bailey show at Phoenix was \$200, so that the receipts of the show must have been about \$4,000 for the two performances, exclusive of the receipts for the concessions.

In which the county has no look-in. The afternoon attendance, the management said, was the heaviest the show has had for the season, with the exception of that at one afternoon performance at Los Angeles.

### Former Cochise Meets Untimely Death

William E Swan, better known throughout Arizona as "Billy" a former resident of Cochise county, was shot and fatally wounded on the night of Tuesday September 24, by Charles W Frickey in a Denver saloon. According to a printed statement Swan had done nothing to merit his death, save to refuse to sell the already intoxicated man anything more to drink. Swan died at noon on the following day.

Billy Swan was known to practically every old-timer in Arizona, having been employed as bartender in most of the older towns during his long residence in the territory.

### Shipment of Arms And Ammunition

A shipment of fifty cases of Winchester rifles of the model of 1896 and 100 cases of "thirty thirty" high power cartridges was received by Wells Fargo & Co express at Douglas Sunday afternoon, and delivered Monday afternoon to Mexican Consul Cueta. The arms are presumably for use in equipping more volunteers for the service of the state of Sonora.

### From Tuesday's Daily

Tombstone was a dry town today during the city primary election, nothing but soft drinks being available to the thirsty.

H K S rect, general manager of the Bequillas Co, was a Tombstone visitor today on court business.

Miss Katherine Goodbody returned to Los Angeles today to resume her studies at St Mary's Academy.

Beginning tonight the regular curfew will ring at 8 p.m. instead of 9 o'clock as heretofore, being the autumn change as per city ordinance. The Tombstone youth will take heed accordingly.

Mr A W McLaurine of Tucson was in our town on Saturday, making a tour through the southern counties, boosting the Second Annual Fair to be held at Tucson on the 17, 18, and 19 of October. The Fair is intended for all southern counties. The Fair is very anxious for any and all entries of stock or exhibits. Information desired will be gladly furnished by Mr John F. Meyers, Secretary of Fair, Tucson, Arizona. Great preparations have been made to accommodate visitors. There will be many big amusements, attractions etc. Mr McLaurine guarantees that the Fair will be a genuine, good, clean, up-to-date Fair in every way. Railroads are giving special rates, so don't miss this opportunity for a good time.

Deputy Assessor H S Ross and Deputy Treasurer Frank Demarest returned from a week's trip to various points in the northern part of the county on a tax collecting tour. A number of personal property tax seizures were levied and collections made. Some \$7.0 in taxes were collected on the trip.

### Court Cases Filed

SUPERIOR COURT  
Suit No. 190. James M Daniel vs Elsie G S Daniel, for Divorce.

Suit No. 6598. C L Cummings and L E Woolery, Drs. Frank Payala, executor, Cr. Judgment for costs, \$3 75.

SUPERIOR COURT  
Judgment in suit No. 57. John P Johnson Dr. Bar Boot Cattle Co Cr. Title quieted in Johnson to land, fence and cabin and costs \$27.90.

Judgment in suit No. 118. Thos Saunders et ux Dr. Edward Branch executor Cr. Judgment for costs, \$3 75.

Suit No. 191 filed. State ex rel Hicks, tax collector, vs John Lopez and Bertha and Lepori. Suit to recover back taxes amounting to \$110 36 on lot 17, block 55, lot 32 block 82, and lot 28 block 71, Douglas.

Notice of constable's sale. Tom Gorgevich vs Wm Penn and Arizona Development Co. Sale October 8, 1912, in front of office of M. C. High, justice of the peace, Bisbee, of two horses, spring wagon and set of double harness.

Suit 192. Ida Kline vs Wm Kline action for divorce and division of property.

Est A D de Hansen; order letters adrm to P Hansen.

Est Lila Kirkpatrick; M G Kirkpatrick appointed guardian.

### Arizona's Exhibit For Canada

Five tons of exhibits from Yavapai, two tons from Cochise, and about one ton from Navajo have started on the long journey to Lethbridge, Alberta, Canada, there to show at the Seventh International Dry Farming Congress what Arizona can do upon her alleged desert lands in the way of agriculture. The labor of getting the exhibits together was great. Secretary Fraser has been as busy as a prairie dog on a dry farm for the past two weeks, getting the exhibits together and packing same. Many exhibits of a perishable nature were forwarded by express, to be held in cold storage.

The counties of Cochise, Navajo and Yavapai subscribed money toward defraying the expense account of the enterprise, and the Southern Pacific and Santa Fe railroads graciously volunteered to pull the car over their lines without charge, the Canadian Pacific being the only road exacting any toll. Wells Fargo company also made very liberal rates. The exhibits will be returned the entire distance free of charge.

## Grind of Justice in The Superior Court

### MONDAY

In court this morning the special venire of 20 trial jurors appeared and answered roll call. The jurors were excused until 9 a.m. tomorrow as the Cunningham-Costello case was yet before the court.

The following is the jury list:

#### SPECIAL VENUE

A C Butler C E Johnlin  
O G Lang Jacob Scheerer  
Otto C Fleck W A Goldina  
W H Richey W J Hicks  
Frank Block Milton Fairlee  
Henry Eitz James Deck  
Chas Allen Y T Yomack  
Jas Hopkins E E Powels  
Frank Starr C A Johnson  
W P Calvert Frank Hunter

The Cunningham Costello case brought out a large attendance in court today to hear the arguments in the case.

The morning session was taken up in the opening arguments of Attorney George Neale for the plaintiff and Attorney Ben Goodrich for the defendant. Both were able presentations of their sides, each showing at once a full familiarity with the record and made logical appeals to the jury. This afternoon Attorneys Ross and Scott will address the jury for the defendants and Attorney Ives will close for the plaintiff. It is expected a night session will be necessary to close the case, otherwise will be concluded tomorrow morning.

### TUESDAY

This morning a verdict was reached by the jury in the famous case of Cunningham vs Costello, bringing in a verdict favoring the Cunningham contentions. The verdict was an advisory one, embracing twenty-two questions, and each answer was signed by all jurors, but four answers being signed by eleven of the jurors.

Immediately after the verdict Attorney Ives for the plaintiff filed a motion for judgment of the court in accordance with the verdict. Attorney J. M. Ross for the defendants filed a motion for judgment for the defendants on legal points. Judge Smith decided that the plaintiff have until November 1st to file brief on the motion, the defendants to have until December 1st to file answer and the plaintiffs until January 1st for final answer, whereupon Judge Smith will set a time for rendering this decision and hearing further arguments, presumably early in January.

The details of the complaint are familiar to our readers, the same involving \$565,000. The case was stubbornly contested, eleven noted attorneys appearing on both sides, over forty witnesses examined and eight days consumed in the trial. Attorneys George Neale, E. S. Ives and Roy Morfoot handled the case for the plaintiffs and made an able fight for their clients.

The following is THE VERDICT:

Questions by plaintiff's attorneys.

1—Did Patrick Cunningham at the time of his death own a half interest in the Irish Mag; George Washington, Old Republic and Angel claims? Yes.

2—Did Patrick Cunningham at the time of his death own a half interest in the Beldower and Smuggler claims? Yes.

3—Did Patrick Cunningham at the time of his death own a half interest in the Roy and Leo claims? Yes.

4—Did Patrick Cunningham at the time of his death own a half interest in the Supplement claim? Yes.

5—Did Patrick Cunningham at the time of his death own a half interest in the Buckeye claim? Yes.

6—Did Patrick Cunningham at the time of his death own a half interest in the Hattie Manchester? Yes.

7—Did Martin Costello make representations which were false as alleged in the reply to Julia Cunningham with respect to Patrick Cunningham's title to the Irish Mag, George Washington, Old Republic, Angel, Beldower, Smuggler, Roy, Leo, Supplement, Buckeye and Hattie Manchester? Yes.

8—If you find that Martin Costello did make such false representations, did Julia Cunningham believe and rely upon such false representations when she signed the receipts? Yes.

9—Did Martin Costello exercise any undue influence upon Julia Cunningham to induce her to sign the receipts, exhibits 23 and 24, and in signing the same was Julia Cunningham unduly influenced by Martin Costello? Yes.

10—Did Martin Costello agree to pay to James Reilly 30 per cent of the eleven claims mentioned in the complaint and named Wagner, Hope, Pride, Senator, Senator No. 2, Gibraltar, Buckeye, Irish Mag, George Washington, Old Republic and Angel? Yes.

11—Did Martin Costello make any agreement with James Reilly for his services with respect to any of the claims mentioned in the complaint? Yes.

12—Did Martin Costello during his lifetime repudiate or deny that Patrick Cunningham or his heirs owned a half interest in the claims mentioned on the complaint or the proceeds of the sale thereof? No.

QUESTIONS BY DEFENDANT'S ATTORNEYS

1—Did Cunningham pay any part of the purchase price of the Angel, Old Republic, or Irish Mag or George Washington mining claims? No.

2—Did Cunningham pay any part of the purchase price of the Beldower and Smuggler claims? Yes.

3—Did Cunningham deed the Hattie Manchester to Costello under an agreement that he should have a one half interest? Yes.

4—Did Cunningham deed the Hattie Manchester to Costello under an agreement that he should have a half interest in the proceeds of the sale thereof? Yes.

5—When Cunningham conveyed to Costello one half interest in the Senator, Senator No. 2, Hope, Wagner, Pride and Gibraltar, was it by reason of an agreement between him and Costello that Costello should patent and sell the claims, and account to Cunningham for one half of the net proceeds? Yes.

6—Did Julia Cunningham have an opportunity to read the statement of account furnished by Judge Reilly, and designated as Defendant's exhibit No 38 before she signed the two receipts designated as Defendant's exhibit No 23 and 24? Yes.

7—When Julia Cunningham, in May 1902, received final payment from Martin Costello of the amounts specified in the two receipts admitted in evidence as Defendant's exhibit No 23 and 24, did she know that Martin Costello had before that time received the sum of \$500,000, being the purchase price of the Irish Mag, Old Republic, George Washington, Angel, Pride, Hope Wagner, Senator, Senator No. 2, Buckeye and Gibraltar? Yes.

8—When Julia Cunningham individually and as administratrix and guardian, signed the receipts mentioned on the foregoing interrogatory No 7, did she know Martin Costello had, before that time, received 80 per cent of the sale price of the mining claims mentioned in the said interrogatory? No.

9—Was the sum of \$36,396 agreed to be paid by Martin Costello to Judge Reilly, out of the Cunningham share of the proceeds of the sale of the Hope, Wagner, Pride, Senator, Senator No 2 and Gibraltar mining claims, with the knowledge of Mrs Cunningham? No.

10—Did Martin Costello agree to pay Judge Reilly 30 per cent of the net proceeds of the sale of the Buckeye, Irish Mag, Old Republic, George Washington, Angel, Hope, Pride, Wagner, Senator, Senator No. 2 and Gibraltar mining claims? Yes.

### Influenced by Martin Costello? Yes.

10—Did Martin Costello agree to pay to James Reilly 30 per cent of the eleven claims mentioned in the complaint and named Wagner, Hope, Pride, Senator, Senator No. 2, Gibraltar, Buckeye, Irish Mag, George Washington, Old Republic and Angel? Yes.

11—Did Martin Costello make any agreement with James Reilly for his services with respect to any of the claims mentioned in the complaint? Yes.

12—Did Martin Costello during his lifetime repudiate or deny that Patrick Cunningham or his heirs owned a half interest in the claims mentioned on the complaint or the proceeds of the sale thereof? No.

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6—Did Julia Cunningham have an opportunity to read the statement of account furnished by Judge Reilly, and designated as Defendant's exhibit No 38 before she signed the two receipts designated as Defendant's exhibit No 23 and 24? Yes.

7—When Julia Cunningham, in May 1902, received final payment from Martin Costello of the amounts specified in the two receipts admitted in evidence as Defendant's exhibit No 23 and 24, did she know that Martin Costello had before that time received the sum of \$500,000, being the purchase price of the Irish Mag, Old Republic, George Washington, Angel, Pride, Hope Wagner, Senator, Senator No. 2, Buckeye and Gibraltar? Yes.