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NEW COCHISE COURT RULES ADOPTED TODAY

FOR DIVISION OF SUPERIOR COURT INTO TWO DEPARTMENTS DUE TO APPOINTMENT OF SECOND JUDGE, BAR ASSOCIATION AND JUDGES AMEND THE COURT RULES; WILL SPEED UP HEARING OF CASES AND GREATLY CONVENIENCE LITIGANTS.

Amendments to the rules of the Superior Court, following a conference yesterday of a committee of the Cochise County Bar Association and Judges A. C. Lockwood and A. M. Sames, were adopted in the Superior Court this afternoon by Judges Lockwood and Sames, sitting in banc.

Yesterday the committee composed of Judge Fred Sutter, Alexander Murray and J. D. Taylor met with Judges Sames and Lockwood and discussed with the judges the proposed amendments to the court rules, which had been drawn up to fit the necessity due to the court being divided into two departments. Following considerable discussion the rules were drawn up and this afternoon adopted in open court.

As soon as publication is complete, the rules will be in force and all attorneys practicing in the local court will abide by the amended rules, very few changes having been made, and these mostly covering the change necessary to fit both departments of the court.

The principal bone of contention between the members of the Bar committee and the court was Rule C, which reads:

"All motions, demurrers, and other dilatory pleas in any case shall be determined prior to the setting for trial of any action."

"No oral argument shall be allowed on motions, demurrers, or similar matters preliminary to trial, unless written request shall be made therefor, and the same set by the Court for a day certain."

"When any demurrer, motion, or other similar pleading shall be filed, the party so presenting it shall, at the same time, file a statement of the point or points he relies upon, and a brief in support thereof, a copy of which statement and brief must be served on opposing counsel, and an acknowledgment of service endorsed on the original. Opposite counsel shall have ten (10) days from the date of filing original to file an answering brief, which must be served and acknowledged in the same manner as the original, and a reply may be filed in like manner in five days after time for filing answer has expired. A failure to file the said statement and brief will be considered by the Court as a formal waiver of the demurrer, motion, or other objection raised, and an order to that effect will be entered in the minutes. The statement filed will be deemed to raise all points covered by the pleadings to which it refers, and all matters not contained therein will be considered waived."

Members of the committee claim this binds them to a rule which is unjust since it leaves them "without an ace in the hole" in case of appeal from judgments to the Supreme Court. On the other hand the Court claims that this is just the reason the rule is instituted. In order to keep a case from being appealed to the higher Court on grounds other than the merits, or facts, to the benefit of litigants.

(Continued on Page Four)

War On Chinese Eggs to Arizona In Senate Bill

PHOENIX, Feb. 4.—Senator Larson has declared war on Chinese eggs. He has introduced a bill in the senate which if made a law will forever bar the use of Oriental eggs in Arizona, it is believed. Not that the senator considers the product of the Chinese fowl of inferior grade to that of the American Plymouth Rock or White Leghorn. They may be all right, he says, if they are fresh, but the "if" in this case seems to be a pretty large one. At any rate Larson is content to see Chinese eggs sold in Arizona provided the eggs are stamped with the date on which they were shipped from China.

The age of an egg is not supposed to make much difference to a Chinaman. In fact they are supposed to like 'em when they are about 1000 years old. But to an Arizonan, he believes that the age of an egg is a matter of deep interest. Hence the bill.

ANOTHER "MOVIE" TRAGEDY ENACTED IN ARIZONA TOWN

PHOENIX, Feb. 5.—A few days ago a woman approached a special officer of the Santa Fe at Williams, complaining that she had been robbed by a woman who was stopping at the Harvey house. She told the officer in reply to questions by the officer that the money, two silver dollars, had been taken from her bag. The officer could hardly believe such a robbery had taken place, especially by a woman, but he said that if a formal complaint were made, he would be obliged to make an investigation. The woman said that she would sign the complaint, and she did so.

The officer went with her to the hotel, and the alleged thief was pointed out to him. She was a young woman, fashionably dressed. Again the officer balked. He said to the complainant: "You're surely mistaken such a woman as that could not be guilty of such a crime." But the complainant was insistent; she had no doubt that the girl was the thief.

The officer called the young woman aside, apologetically for the ridiculous thing he was about to say. He told her of the charge that had been lodged against her. She rose in indignation which the officer perceived was at least partially assumed. The girl said that she was the daughter of Major So-and-So, naming a well-known officer of the regular army stationed at Washington. An uncle, she said, was a general in the army.

The officer was not inclined to doubt these connections, for the girl evidently was cultured. But that had nothing to do with the matter in the complaint. Then she began to weaken.

"I suppose you will search me," she said. The officer had had no thought of such a futile search because of the impossibility of identifying two silver dollars. Then the girl broke down utterly and admitted that she had stolen the money.

HUBBY OFFERED HER MONEY TO LEAVE, IS WIFE'S CHARGE

TUCSON, Feb. 5.—Julia Rousseau, in a divorce suit filed in superior court Thursday, charged that Wm. E. Rousseau was so anxious for her to leave him that he offered her money to go. She alleges that he was cruel and oftentimes struck her.

PROBLEM OF CATTLE TYPES DIFFICULT; IMPORTANT TO STOCKMEN OF ARIZONA

A spirit of friendly rivalry among the cattle raisers of the Santa Rita range reserve has been inaugurated through the efforts of the forest service, according to Robert H. Hill, in charge of the reserve. This reserve is really an experiment station, at which different problems connected with raising stock on the ranges of the southwest are studied under field conditions.

One of the big problems confronting stockmen is the question of how to increase their incomes to correspond with greatly increased expenses, without increasing their herds.

Many, in fact, Mr. Hill states, must dispose of part of their stock to make room for new settlers. It thus becomes obviously necessary to raise a grade of stock that will command a higher market price.

The difficulties involved may be appreciated when it is realized that most of the Arizona cattle have been graded up from Mexican stock, which is considered an inferior beef type, compared with the standard recognized beef breeds; and furthermore, Mr. Hill points out, if herds of pure bred beef cattle from the eastern states were transplanted to an average Arizona range, 50 per cent would probably die of starvation within a year.

Must Be Breeders.

The problems involved in the development of a type of cattle of the highest beef quality which will be hardy enough to thrive under the adverse range conditions of the southwest.

In order to meet the requirements according to the qualifications set forth by Mr. Hill, the animal should be a prolific breeder, for the southwest, with its mild climate, is essentially a breeding country.

"It should also be a first-class rustler," Mr. Hill says, "for there

are seasons when it is necessary for stock to go long distances between feed and water; it should be hardy and able to keep up on coarse feed at times; it should be as large as possible, and yet able to get along on short rations, and to travel over rough, rocky country; it should be able to put on growth and flesh rapidly in order to take advantage of the seasons of abundant feed; it should be capable of maturing early, in order that it may be placed on the market as quickly as possible; and having all these characteristics, it should have character and quality in order to insure the highest percentage of choice cuts of meat."

None of the recognized beef breeds combine all of the qualities prescribed by Mr. Hill.

Conditions Differ.

"The beef breeds have been developed in the east under favorable conditions," he says. "Plenty of feed close to good water has been available, and during periods when pasture feed was short they have been given hay and grain to keep them in good growing condition; generally speaking their pasture has been quite free from rocks and rough hills, and shelter against storms has been furnished them."

"In contrast with these conditions the livestock business in the southwest has been founded and built up on quite a different basis; cattle run on the ranges the year round without artificial shelter, generally on rough, rocky slopes, and in most cases with no feed except what grows uncultivated on the range."

"When one considers that only about 2 per cent of the land in Arizona is under cultivation and that this area represents a large share of the lands which are suitable for growing crops, it is apparent that stock raising is a range enterprise."

and that the stock must be adapted to the conditions which prevail on the range.

Stockmen at Variance

"Stockmen are rapidly awakening to the necessity of raising better cattle rather than more cattle. But having grown up at a time when a 'steer was a steer' even though he was built for speed and self-protection, rather than for putting on the most valuable flesh in the shortest possible time, their notions of what constitutes the best type of beef animal for southwestern range conditions are naturally at variance."

"All are agreed, however, that in developing their herds it is desirable and economically necessary to use the cows that are on the range, although they be inferior, in order to be certain that the breeding stock and their offspring shall be adapted to the peculiar range conditions; that bulls should be obtained which will conform as closely as possible to the best beef type, and which will at the same time be serviceable and will best calves of the type desired."

"The comparative results obtained in different herds naturally depend upon the stockman's ability to select the best type of cows from his herd for breeding; his willingness to cull out the undesirable; his capacity to get the right type of bulls, and last, but not least in importance, his ability to handle his herds and his range so as to get the best results."

Is No Standard

"In its demonstration work at the Santa Rita range reserve, the forest service is interested in encouraging those breeding practices and methods of handling cattle and the range which will produce the best results, measured in numbers of stock of the highest marketable quality."

"The co-operators on the reserve (Continued on Page Eight)

State Hunters Kill Many Lions Says Inspector

PHOENIX, Feb. 5.—A number of mountain lions have been destroyed recently by state hunters, according to reports to the office of M. E. Musgrave, predatory animal inspector in charge of this work. State Hunter J. R. Patterson of Prescott has in the last few days caught and killed five lions, two old females and three cubs about a month old. One of the females had killed 22 head of cattle belonging to Mr. Ainsworth of Prescott the night before it was killed.

Cleve Miller, of Chilton, another state hunter, has caught six mountain lions recently. The beasts had been slaughtering cattle literally right and left, and the contents of the stomach of one of them showed it had been feeding on beef only a short time before its death.

Hunters report mountain lions can pull down any cow or steer on the ranges, and their widespread slaying of stock makes their destruction a work of importance.

MISS TOLES URGES CENTRALIZATION OF SCHOOL CONTROL

DOUGLAS, Feb. 4.—"The state school administration must be reorganized and centralized," said Miss Elsie Toles, state superintendent of public instruction in an address delivered at the chamber of commerce luncheon club luncheon at the Gadsden hotel yesterday.

Miss Toles was introduced by Col. H. H. Stout, chairman of the Luncheon club and without preliminary bantering, delivered a convincing discourse concerning the welfare of the state schools.

In explaining her desire to see the schools and educational system centralized, Miss Toles declared that the state superintendent's position should be appointive and the county superintendent's should not be elective as present but should be made appointive by a centralized school board. She asserted that the county position does not entail sufficient salary to attract capable applicants and that it was merely a position which when election time came, was aspired to only by politicians seeking positions, and not attracting experienced and qualified instructors seeking the betterment of the state and county educational system, and equipped with the qualifications of a public instructor.

Miss Toles said that she had spent four years in the public school service of this county and was competent to understand the situation. She cited the fact that a bill was pending in the state legislature for an additional appropriation to the state's educational system and its centralization and reorganization. The bill includes the positions of state and county superintendents as appointive. The bill would reorganize the state board of education which is composed of the governor, a president, a state and county superintendent and board of trustees. She said that the board of trustees should be made elective and the representatives nominated either from districts or the county at large.

Miss Toles laid particular stress upon the fact that numerous teachers who had been granted state certificates were incompetent in the present positions they are holding in

DEMAND FOR OVER HALF MILLION TAX CLOSES MINE

CONSOLIDATED SMELTER COMPANY AT JEROME GOES INTO HANDS OF RECEIVER BY RULING OF INCOME TAX OFFICIAL THAT OVER \$600,000 TAX DUE TO PROPERTY - OF BANKRUPT PROPERTY: CASE APPEALED TO WASHINGTON AUTHORITIES.

JEROME, Feb. 5.—When the Consolidated Arizona Smelting Company was thrown into the hands of a receiver something over a month ago, it was generally supposed that the sluggish copper market was responsible. Now it develops that the blame rests upon the income tax department of the United States government.

The amazing spectacle is presented of a going concern, in the best financial condition of its history, shut down and in a receiver's hands because of the arbitrary ruling of a bureau clerk.

Late in 1920 a clerk was sent to Humboldt to look into a claim which the Consolidated Arizona company had made for a rebate on the income tax it had paid for 1919. In the course of his investigations this clerk learned that when the present company bought in the smelter and other property of the old bankrupt concern, at sheriff's sale, the price paid was \$191,000.

Thereupon the clerk announced that \$191,000 was the invested capital of the Consolidated Arizona company and that it must pay income tax, surtax, and so on, based upon that figure.

In vain it was pointed out to him that the \$191,000 was merely the first investment of the company, that over a half million dollars had been paid for mining claims and that other purchases had raised the invested capital up around \$1,000,000. By some mysterious process of his own he arrived at the conclusion that the subsequent investments were not allowable.

When the clerk got through figuring he announced that the Consolidated Arizona company owed the United States government some \$652,000.

As soon as the companies from which the Consolidated Arizona people had been buying their supplies learned of this, they demanded cash for everything they furnished. In this they were quite justified, for an income tax claim takes precedence over all other indebtedness.

Under the circumstances it was impossible to continue operations; receivership naturally followed.

At the time of the shutdown the company was making splendid progress. It had paid off seventy per cent of its bonds and had improved the Humboldt plant until it was the most modern and efficient of its size in the southwest. Directors of the concern had every right to expect that with the revival of the demand for copper the Consolidated Arizona would go on a regular dividend basis.

Attorneys for the company are taking the matter up with the revenue department and hope to secure a reversal of the ruling which started all the trouble.

She said that all teachers should not be permitted to teach unless they had graduated from high school. At the conclusion of her address, which was direct and to the point, Miss Toles was given a round of applause.

ARIZONA MESSENGER RETURNS DELIVERED ELECTORAL VOTE

PHOENIX, Feb. 5.—Frank R. Stewart returned Wednesday night from Washington, where he went as the bearer of Arizona's vote to the electoral college. He spent two hours and a half with President-elect Harding and as a result of his interview he came away convinced that Arizona would get more out of the incoming administration that it has ever received from a previous one.

He found a very hopeful feeling throughout the East in spite of the vast volume of unemployment in consequence of the closing down of mills and factories, something that is in part seasonal. But he said it was generally predicted that the restoration of business to normal would begin about April 1.

There will be no emergency tariff legislation this session, Mr. Stewart said; that had been abandoned before he left, but assurance was given that the subject would be taken up early in the new congress, and it is predicted that the emergency tariff bill will be in operation not later than June 1.

DECIDE MAN DIED OF HEART TROUBLE

PHOENIX, Feb. 5.—That George W. James, of Shoshone, Idaho, who dropped dead Wednesday night in the Star corral at Second ave. and Madison St. died as a result of heart trouble was the verdict of the coroner's jury at the inquest held yesterday by Coroner Nat. T. McKee.

U. S. GOVERNMENT TO BUILD CANAL SYSTEM FOR FLORENCE DAM

PHOENIX, Feb. 5.—In addition to constructing the Florence diversion dam for irrigation of approximately 63,000 acres of land between Florence and Sacaton, Ariz., the government will build the necessary canal system, according to word received by the chamber of commerce here today from Representative Carl Hayden.

The Arizona congressman said he had been so informed by Cato Sells, commissioner of the bureau of Indian affairs. Many thousands of acres of Indian reservation lands in the vicinity of Sacaton are to receive water from the dam.

It was not believed the works could be installed in time to be of any assistance to the farmers this year, however, the message said.

MISSING WOMEN ARE BACK HERE AFTER TRIP TO PHOENIX

TUCSON, Feb. 5.—Gratification that so great interest had been taken in them by their Tucson friends, who had feared for their safety, was expressed by Miss Marguerite Fell and her niece, Miss Tom Brockmeyer, on their return to Tucson Friday. The two women, for whom a search was urged by Sheriff Ben Daniels, when it was learned that nothing had been heard of them for more than a week, after driving off in Miss Fell's car, stated that they had visited Florence and Phoenix on their trip.

JACKRABBITS TURN UP NOSES AT TRAPS OF POISONED FOOD

TUCSON, Feb. 5.—A war on rabbits has been started in the farming districts surrounding Tucson by County Agricultural Agent C. B. Brown, and L. G. Metcalf, assistant rodent inspector for the U. S. biological survey for Arizona.

Metcalf has recently done much work fighting rabbits in the Casa Grande valley. He has conducted enough experiments to prove that the jackrabbit has too much caution and common sense to eat poisoned bait. A recent drive in that district netted 300 rabbits, but drives are not effective in the long run, he has discovered.

They eliminate the rabbits for a time, but more soon come in.

The only effective way, according to the county agent, to prevent losses from jackrabbits is to fence them out.

In trying to find a poison that the rabbits would eat, Mr. Metcalf, who came to this district from Phoenix, penned a number of them and fed them tempting rabbit relishes. They ate everything in sight. Then he poisoned the different foods, starved the rabbits a day, and offered them another bait. They took a nibble and turned up their noses in disgust.

NEW SCHOOL BUILDING FOR TUCSON ADVOCATED

TUCSON, Feb. 5.—A high school building adequate to house 1500 pupils and containing 40 or 50 classrooms probably will be erected by 1922.