



SECOND SERIES,
Vol. VI., No. 14

NOGALES, ARIZONA, SATURDAY, FEBRUARY 10, 1906.

Whole No. 665.

COMMITTEE'S CASE

PROTEST OF REPUBLICAN COUNTY
COMMITTEE OF SANTA CRUZ
COUNTY, ARIZONA

AGAINST GEO. K. FRENCH

Who is Shown Unworthy by the Re-
cord in Two Separate Courts,
And Affidavits of Well
Known Citizens.

NOGALES, ARIZ., Feb'y. 7, 1906.
To the President,
Washington, D. C.

Sir:
Confirming our telegram of the 2nd inst. protesting against appointment of one George K. French, whom we have been informed aspires to the Collectors-ship of Customs at this port, we present herewith certified copies of court records, and other documentary evidence, which need no comment upon our part. They are

First: Certified copy of complaint filed against George K. French, filed in the District Court of the Second Judicial District, Arizona Territory, June 28, 1905, by Adolf Bail of Tucson, charging said French with misappropriation of the sum of Three Hundred Thirteen & 94-100 Dollars (\$313.94), committed to his keeping as attorney for said Bail, and asking revocation of license of said George K. French to practice law.

Second: Copy of a document, under same certificate, filed in dismissal of said complaint.

Third: Certified copy of complaint filed in the Justice court of Nogales Precinct, Santa Cruz County, filed on the 28th of September, 1905, by Adolf Bail, accusing said George K. French of Felony.

Fourth: Certified copy of warrant for arrest of said George K. French, issued out of the Justice's court for Nogales Precinct, September 28th, 1905, and the Sheriff's return of service—all under same certificate.

Fifth: Certified copy of the paper filed in dismissal of said case in said Justice's Court on the 30th day of September, 1905.

Sixth: Affidavit of John T. Brickwood.

Seventh: Affidavit of Ray Ferguson.

Eighth: Affidavit of J. M. Summey.

All these documents are respectfully submitted with an additional and forcible protest against appointment of said George K. French to the post of Collector of Customs for the District of Arizona, or to any other position of trust and honor within the gift of the government of the United States.

RAY FERGUSON,
Chairman Republican County Central Committee Santa Cruz County, Arizona Territory.

R. D. GEORGE,
Secretary.

IN THE DISTRICT COURT OF THE SECOND
JUDICIAL DISTRICT OF THE TERRITORY
OF ARIZONA, IN AND FOR THE COUNTY
OF SANTA CRUZ.

ADOLF BAIL,
Plaintiff,
vs.
GEORGE K. FRENCH,
Defendant.

To the Honorable, the District Court
and the Judge thereof:

Plaintiff complains and alleges:
I.
That George K. French, a resident of
Nogales, Santa Cruz County, Territory
of Arizona, represents himself to be and
is a practicing Attorney-at-Law before
the above entitled court; that he is a re-
sident of said Nogales, Santa Cruz Coun-
ty, Territory of Arizona.

II.
That Adolf Bail, the plaintiff herein,
is a resident of the city of Tucson, Pima
County, Arizona, and a merchant in
said city.

III.
That on or about the 25th day of Feb-
ruary, 1905, plaintiff did place into the
hands of said defendant herein, a cer-
tain account, being a bill for merchan-
dise against one John Gates also a re-
sident of said Santa Cruz County; that
said bill was for the sum of \$313.94;
that said account was placed in the
hands of said George K. French through
plaintiff's legal attorney at Tucson,
Arizona, S. W. Purcell; that said S. W.
Purcell did draw up papers for the pro-
per action for the recovery of money of
said John Gates and that plaintiff here-
in did hand to said S. W. Purcell the
sum of \$10.00 as advance fee in the case,
as costs in said action, and that said S.
W. Purcell did pay and hand to said
George K. French, as an attorney at
law in his professional capacity, said
\$10.00 as an advance fee for costs, and
also the complaint, for the commence-
ment of the proper action against said
John Gates for the collection of the said
sum of \$313.94, on or about the 25th
day of February, 1905.

IV.
That on or about the 27th day of Feb-
ruary, 1905, the said George K. French,
as an attorney and counsellor at law,
duly authorized to practice before this
honorable court, did present said account
of the said plaintiff herein, to the said
John Gates for collection, and that said
John Gates did pay the same unto the
said George K. French, i. e. the sum of
\$313.94, on said 27th day of February,
1905.

V.
That said George K. French then, on
that day, did have in his possession
then and there, the property of the
plaintiff herein, the sum of \$313.94;
that thereafter the plaintiff herein did
duly demand of said defendant, George
K. French, as an attorney duly entitled
to practice before this honorable court,
the return of said moneys so had and
received by him in his professional
capacity as an attorney, less a reason-
able compensation for his services, to-
wit: the sum of Twenty Dollars (\$20.00);
that said George K. French did then
and there promise to pay over said
moneys and never denying the collection
of the same or having the possession of
the same and did authorize this plaintiff
to draw on him for the amount through
the banks at Tucson, at which place this
plaintiff was and this plaintiff did so
draw on said George K. French for the
said sum; that said draft was returned
unhonored and not paid.

VI.
That the said George K. French did
receive and collect said money herein
above mentioned, as the client of the
plaintiff and did refuse and does now
refuse to pay over the same and that
the same has been duly demanded by
this plaintiff of said attorney, George
K. French.

WHEREFORE, plaintiff prays that this
court take summary action in the mat-
ter, calling before it the said George K.
French, an attorney at law, then and
there to take such proceedings as is
provided by law for the suspension and
revocation of his license as such at-
torney at law, and that judgment be
awarded this plaintiff for the sum of
\$313.94 with legal interest from the 27th
day of February, 1905, together with 20
per cent damages on the principal sum,
and that he be disbarred and forever
prevented from again practicing the
profession of law before this court or
any of the courts of the territory of
Arizona. ADOLF BAIL. [Signed.]

Territory of Arizona, } ss.
County of Pima, }
Adolf Bail, being first duly sworn on
oath deposes and says, that he is the
plaintiff in the above, entitled
action, that he has heard read the
contents thereof and that he knows
the same to be true of his own knowl-
edge. ADOLF BAIL. [Signed.]
Subscribed and sworn to before me
this 26th day of June, 1905.
[Seal.] D. M. PENNY, Notary Public.

[ENDORSEMENT.]
No 364. In Dist. Court, Second Judi-
cial District, Santa Cruz County, Ariz-
ona, Adolf Bail, Plaintiff, vs. George
K. French, Defendant.

COMPLAINT.
Filed June 28th, 1905, at 9 o'clock A.
M. A. H. Noon, Clerk. [Signed.]
S. W. Purcell, Attorney for Plaintiff.

NOGALES, ARIZ., Sep't. 30, 1905.
I am satisfied, after fully understand-
ing George K. French's explanation of
the circumstances under which he de-
clined or failed to turn over to me the
money collected by him from John
Gates, that he did not intend to defraud
me out of or any part of it. I exonerate
him from any intent or purpose of de-
frauding me, and also state that I be-
lieve that at no time has he had any
criminal or fraudulent intent with re-
gard to said money.

Because of the reasons above stated,
and also because said money has been
paid to me, I hereby authorize the dis-
missal, at the defendant's costs, of the
suit in the District Court of Santa Cruz
County entitled "No. 364, Adolf Bail vs.
George K. French."

I execute this instrument without
promise and without conditions of any
kind, and for no consideration whatso-
ever other than because of the facts
herein stated. ADOLF BAIL. [Signed.]
In presence of: S. F. NOON, [Signed.]

Territory of Arizona, } ss.
County of Santa Cruz, }
I, A. H. Noon, Notary Public in and
for the Territory and County aforesaid,
do hereby certify that the above and
foregoing is a true copy of a part of the
original written authorization whereby
Adolf Bail has authorized the dismissal
of the cause therein mentioned; and
also that said original written authoriza-
tion was duly exhibited to me by de-
fendant in said cause on September 30,
1905. A. H. NOON, [Signed.]
[Seal.] Notary Public.
My commission expires May 26th, 1906.

ENDORSEMENTS.
No. 364. Adolf Bail, Plaintiff, vs.
George K. French, Defendant.
Authorization for Dismissal of Cause.
Filed October 6, 1905. A. H. Noon,
Clerk. [Signed.]

Territory of Arizona, } ss.
County of Santa Cruz, }
I, J. H. Stott, Deputy Clerk of the
District Court of the Second Judicial
District of the Territory of Arizona, in
and for the County of Santa Cruz, do
hereby certify that I have compared the
foregoing copy of a paper in Case No.
364 wherein Adolf Bail is plaintiff and
George K. French is defendant, with
the original records of the same remain-
ing in this office, and that the same are
correct transcripts therefrom, and of the
whole of said original records.

Witness my hand and seal of said
Court affixed, this first day of February,
1906. J. H. STOTT, [Signed.]
[Seal.] Deputy Clerk.

IN THE JUSTICE COURT.
Nogales Precinct, County of Santa
Cruz, Territory of Arizona.

THE TERRITORY OF ARIZONA,
Plaintiff,
vs.
GEO. K. FRENCH,
Defendant.

COMPLAINT—CRIMINAL.

Personally appeared before me this
28th day of Sep't., 1905, ADOLF BAIL,
who being first duly sworn, complains
and says: That one GEORGE K.
FRENCH, on or about the 27th day of
February, 1905 at Nogales Precinct,
County and Territory aforesaid, com-
mitted a Felony as follows, to-wit:
That the said Geo. K. French, at the
time and place aforesaid did collect from
one John Gates at Nogales Precinct No.
One, Santa Cruz County, Arizona, the
sum of \$313.94—Three Hundred Thirteen
and 94-100 Dollars—lawful money of the
United States of America, then and
there the property of one Adolf Bail;

That said Geo. K. French was acting as,
and was the attorney of the said Adolf
Bail in collecting the said sum of Three
Hundred Thirteen and 94-100 Dollars
(\$313.94,) United States money, from said
John Gates, and that said Geo. K.
French did, on the 27th day of February,
A. D. 1905, and does now fraudulently
appropriate the said Three Hundred
Thirteen and 94-100 Dollars (\$313.94,)
United States money, to his, the said
Geo. K. French's, own use, or fraud-
ulently appropriated to a use or purpose
not in the due and lawful execution of
the trust imposed upon him, as such at-
torney.

All of which is contrary to the form of
the Statute in such case made and pro-
vided, and against the peace and dignity
of the Territory of Arizona.

[Signed.] ADOLF BAIL.
Subscribed and sworn to before me
this 28th day of Sep't., 1905.
[Signed.] C. A. GILDEA,
Justice of the Peace of said Precinct.

IN THE JUSTICE COURT.
Nogales Precinct, County of Santa
Cruz, Territory of Arizona.

TERRITORY OF ARIZONA,
Plaintiff,
vs.
GEO. K. FRENCH,
Defendant.

WARRANT OF ARREST.

In the name of the Territory Arizona:
To any Sheriff, Constable, Marshal or
Policeman in this Territory.

A complaint upon oath having been
this day laid before me, by Adolf Bail
that the crime of embezzlement has
been committed, and accusing Geo. K.
French thereof, you are therefore com-
manded forth-with to arrest the above-
named Geo. K. French and bring him
before me at Nogales, or in case of my
absence or inability to act, before the
nearest and most accessible magistrate
in this County.

Dated at Nogales this 28th day of
Sep't., 1905. C. A. GILDEA, [Signed.]
Justice of the Peace of said Precinct.

Thereby certify, that I received the
within warrant on the 28th day of Sep't.
1905, and served the same by arresting
the within named defendant, Geo. K.
French, and bringing him into court,
this 28th day of Sep't., 1905.
[Signed.] CHAS. L. FOWLER, Sheriff.
HOMER J. MAPES, Deputy.

The within named Geo. K. French
having been brought before me on this
warrant has been committed for ex-
amination, to the Sheriff of the County
of Santa Cruz, Territory of Arizona.

Dated this 28th day of Sep't., 1905.
[Signed.] C. A. GILDEA,
Justice of the Peace of said Precinct.

NOGALES, ARIZ., Sep't. 30, 1905.

I am satisfied, after fully understand-
ing George K. French's explanation of
the circumstances under which he de-
clined or failed to turn over to me the
money collected by him from John
Gates, that he did not intend to defraud
me out of it or any part of it. I exonerate
him from any intent or purpose of de-
frauding me, and also state that I be-
lieve that at no time has he had any
criminal or fraudulent intent with re-
gard to said money.

Because of the reasons above stated,
and also because said money has been
paid to me, I hereby authorize the dis-
missal, at the defendant's cost, of the
suit in the District Court of Santa Cruz
County entitled "No 364, Adolf Bail vs.
George K. French," and for the same
reasons also authorize and request that
the complaint against said George K.
French, filed by me before Justice Gil-
dea, in the Justice Court of Santa Cruz
County on September 28, 1905, be forth-
with dismissed.

I execute this instrument without
promise and without conditions of any
kind, and for no consideration whatso-
ever other than because of the facts
stated herein.

I take this action with the acquies-

[CONCLUDED ON LAST PAGE.]