

TERRITORY OF ARIZONA
COUNTY OF APACHE

Springerville, A.T.
December 26, 1911.

In the Coroner's Court in Springerville Precinct
Apache County, Arizona Territory
IN THE MATTER OF THE INQUEST INQUIRING INTO THE DEATH OF
ELOY SALAZAR

Proceedings had before -----
J. S. Gibbons, Justice of
the Peace, in and for Apache County,
Arizona Territory, Acting as
Coroner.

At the Coroner's Inquest held before J.S.Gibbons, Acting Coroner, at
Springerville, County of Apache, Territory of Arizona, over the body
of one, Eloy Salazar, the following proceedings were had and
testimony taken as follows:

At 7.30 P.M. the Jury was called and the following answered
to their names:

J.J.Baca
Edmond Nelson
Connor Trammell
Jesus Sanchez
Stansell Greer
Santiago Vigil
J.L.Pritchard
Tranquelino Candelaria
P.P.Rencher
J.F.Thompson
Cesario Ortega
Juan Candelaria
Hyrum Nelson
(Absent) Joe Averitt

The Jury was then challenged and the following excused for
various reasons:

Santiago Vigil
Cesario Ortega
Jesus Sanchez
Tranquelino Candelaria

Coroner swears in Jury.

Coroner now sends Jury to examine body of deceased and make
inquiries of the Physician in charge as to the cause of the
death of the deceased.

After making its examination of the body the Jury returned to
the Court room and were excused until 8.30 A.M. December 27, 1911.

Court was called at 9.30 A.M. December 27, 1911.

Coroner instructed Jury to proceed to place of alleged killing
and make an examination thereof. After the examination the Jury

returned to the School house where court was being held, Springerville Precinct. The roll of the Jury was then called and the following Jurors answered to their names:

P.P.Rencher
J.J.Baca
J.F.Thompson
Edmond Nelson
Hyrum Nelson
Conner Trammell
Juan Candelaria
Stansell Greer
J.L.Pritchard
Joe Averitt

Coroner inquired of Joe Averitt why he was not present at the empanelling of the Jury on December 26, 1911. Joe Averitt replied that he had not been summoned. It being found that he had not been summoned he was excused by the Coroner. Coroner then instructed witnesses to go into adjoining room, and all persons not summoned were excused from the court room. The interpreter, N.Gonzales, was sworn and the court proceeded. There was then some discussion as to whether the Jury or the Acting District Attorney should proceed with the questioning of the witnesses. It was decided that the Acting District Attorney would ask the main questions of the witnesses and that the Jury would ask any other questions that they might desire.

The first witness was then sworn in.

Acting District Attorney: What is your name?

Witness: A.S.Roberts.

Q. Where is your residence?

A. St.Johns, Arizona.

Q. What is your occupation?

A. Physician and Surgeon.

Q. Will you please state your qualifications to act in this case?

A. I am a graduate of the Indiana School of Medicine, class of 1900, and I hold a certificate to practice medicine and surgery in the Territory of Arizona.

Q. Will you please state if you made an examination of the body of Eloy Salazar?

A. Yes Sir.

Q. Will you please state the result of your examination?

A. The body shows no evidence of external violence except a bruise over the left eye, which is of no consequence, and a bullet hole about an inch above the rim of the right ear, which I should judge to have been made by a bullet not larger than a 38 and not smaller than a 32 caliber. The external wound was smaller than the one in the skull. The wound in the skull being of a size to admit my fore finger to the first joint. I passed a probe into the hole and found that the course of the bullet was practically straight into the head. I found no other evidence of external injury.

Q. What would be the natural result of a missile taking such a course in a man's head?

A. Death.

Q. Would it have caused instantaneous death?

A. It could have caused instantaneous death, but it would be considered a fatal wound. However, instances might prove an exception to the rule, but in 99 cases out of a hundred such cases would be fatal.

J.Q. What would be the nature of the internal injury causing the death?

A. It might have been caused by hemorrhage, or by shock which would produce paralysis of some of the vital functions. The bullet in going through could have struck some of the larger vessels and the man might of died of hemorrhage of the brain.

Witness is excused -----Second witness is sworn in.

Acting District Attorney: What is your name?

A. Jose Silva.

Q. Where do you live?

A. In Springerville, Arizona.

Q. Will you please state where you were on Sunday evening, December 24, about 10:00 o'clock?

A. I was in the Saloon.

Q. Will you please state to the Jury where you were after 10:00 o'clock?

A. I was in the Saloon.

Q. What Saloon were you in?

A. Mr. Saffell's Saloon.

Q. Will you please state what transpired after 10:00 o'clock, if anything unusual happened?

A. The first trouble that commenced there was with Thomas Baca.

Q. What was that?

A. Mr. Stamps pushed Tom and Tom struck at him, and then Eloy jumped in and also struck Stamps.

Q. What then happened?

A. Then another man came up who said he had a six-shooter in his waist, but I did not see it. Then Eloy raised his six-shooter and said, "I have a six-shooter too." Then Mr. Saffell came out from behind the bar and put his six-shooter to Eloy 's breast and kept pushing him back toward the woodbox in the corner. Then as soon as Mr. Saffell had Eloy away from where the other people were a shot was fired.

Q. Are you sure that Mr. Saffell had a pistol, or is it possible that it might have been a stick?

A. It was a pistol.

Q. Did Mr. Saffell catch hold of Eloy Salazar?

A. I did not see him catch hold of . Eloy

Q. What would you say were Mr. Saffell's intentions when he stepped from behind the bar?

A. I do not know.

Q. Did you see a pistol in Mr. Saffell's hand before he stepped from behind the bar?

A. No Sir.

Q. Could it be possible that you could have mistaken seeing the pistol in Mr. Saffell's hand, he having grabbed the hand of Eloy Salazar, which held a pistol?

A. No Sir, he passed right by me.

Q. When Mr. Saffell pushed Eloy back, as you stated, what then happened?

A. Then the other man shot at him.

Q. What man shot?

A. The man who has been with Mr. Duran around town. The man who is in Henry Thompson's charge at present.

J.Q. Did Eloy Salazar shoot off his pistol in the Saloon?

A. No.

J.Q. How many times did the man you described shoot his pistol?

A. Once.

Q. Then what happened, if anything?

A. I could not tell what happened after that because everyone was going out of the room.

Q. How do you know that this man shot towards Eloy Salazar?

A. There was a table there and E. Masquerena was on top of the table. There were some people sitting down around the table and I was toward this end of the table.

Q. Will you please describe the location of the room where Eloy was, where the other man was and where the table was located?

A. (Witness preferred not to use diagram as he did not understand it, but indicated in room so that his description could be put on diagram) Sam was just as if he was there, and I was standing right where Mr. Gonzales is and Eloy was standing just where that man is sitting now facing that way. The man who shot at him was about in that direction.

Q. Will you state what happened after the first shot by Mr. Brock?

A. The people all commenced to go out.

Q. What did you do?

A. I stayed there until almost everybody else was out.

Q. Were there any more shots fired?

A. I did not hear any more.

Q. Did you hear any after you left the house?

A. No, I did not.

Q. You only heard one shot fired?

A. Yes Sir.

Q. Did you then leave the house?

A. Yes Sir.

Q. Did you go back?

A. No Sir.

Q. Did you see Eloy fall before you left the house?

A. Yes Sir.

Q. Did you notice what Mr. Saffell did when Eloy fell?

A. He had his back turned toward me.

Q. Well, could you not see his back, could you not tell which way he went?

A. When I went out he had not moved, he stayed there.

J.Q. Can you say whether Mr. Saffell discharged his revolver?

A. No Sir, I did not see him.

J.Q. Did you see any person in the room have a pistol in his hand at the time Brock fired?

A. Only Eloy and Saffell.

Q. What became of Eloy 's pistol ?

A. He did not drop his pistol but had it in his hand hanging down.

J.Q. Eloy 's pistol was still in his hand when you last saw him?

A. Yes Sir.

J.Q. Did Eloy say anything after you saw him fall?

A. No, not anything.

J.Q. Did Mr. Saffell hit Eloy with a pistol or anything?

A. I did not see him hit him, he only pushed him with his pistol.

J.Q. Do you know what caused the wound on Eloy'S forehead?

A. No Sir.

J.Q. Are you certain that the shot which Brock fired hit Eloy in the head?

A. Yes Sir

J.Q. Do you know what caliber six-shooter Mr. Brock had?

A. No Sir, I do not, but it did not sound very loud.

J.Q. Do you know whether or not any man standing in the corner of the room, that is, the northwest corner, shot with a pistol?

A. No, there was no one there.

J.Q. What kind of a gun did Mr. Saffell have when he was pushing Eloy?

A. It was a long gun, but I do not know what it was.

J.Q. Could this have been anything but a gun that Mr. Saffell had?

A. No Sir.

J.Q. Was Mr. Brock standing all alone?

A. Yes Sir.

J.Q. There was nobody in that end of the room except him?

A. No Sir.

J.Q. How far was he from any man?

A. About 14 feet.

Q. Will you please state where Lee Turner was at this time, if in the room?

A. I could not say, if he was there he was behind other men and I could not see him.

Q. Will you please examine this gun and state whether or not it appears to be the gun held in the hand of Eloy Salazar?

A. I can not tell for certain whether it is the same pistol, but it looks like it.

(Pistol handed to Jury who identified it as being the gun found beside the body in the Saloon)

J.Q. Who all were in the Saloon when Eloy Salazar was killed?

A. When they fired the shot at him I could not say who all was there.

J.Q. Give the names of all those there after the shot was fired?

A. For certain I could not tell only one man.

J.Q. Who was that?

A. E. Masquerena was lying on top of the table drunk.

(Jury decides that witness understands the question to include only Mexicans)

J.Q. Was Mr. Saffell there?

A. Yes.

J.Q. Was Mr. Brock there?

A. Yes.

J.Q. Was Mr. Stamps there?

A. No.

J.Q. Was Thomas Baca there?

A. I did not see him.

J.Q. At the time that this man was shot by Brock what was Salazar doing, did he have his gun by his side or did he have it up? A. He was standing with his six-shooter down facing Saffell.

J.Q. Was he shot while standing in that position?

A. Yes, and then he fell.

J.Q. Did Eloy ever point his six-shooter toward any man?

A. No Sir.

J.Q. Eloy never made any attempt to shoot his pistol?

A. No Sir.

J.Q. What did Saffell say when pushing Eloy with his pistol?

A. When Eloy first raised his six-shooter, Saffell said, in Spanish, "What is the matter with you, Eloy."

J.Q. Did Eloy make any reply?

A. Eloy did not say anything.

J.Q. Did Walter Brock and Eloy Salazar have any row or words?

A. I did not see them.

J.Q. Do you know what was the cause of these men drawing their pistols?

A. The only cause that I know of was when Eloy hit Stamps. Stamps staggered over and this man drew out his six-shooter.

Q. Were you drunk at this time in the Saloon?

A. No sir.

Q. Had you been drinking?

A. I had only one drink in the Saloon.

Q. Had you taken any whisky before you went to the Saloon?

A. No Sir.

Witness is excused ----Third Witness is then sworn in.

Q. What is your name?

A. W.B. Stamps.

Q. Where do you reside?

A. At Fred Colter's Ranch.

Q. Where were you on the evening of December 24, about 10:00 o'clock?

A. I was in Saffell's Saloon.

Q. What were you doing in Saffell's Saloon?

A. I was drinking and having a good time.

Q. Who was there at ten o'clock with you?

A. There was Mr. Saffell, Walter Brock, Lee Turner, and probably eighteen or twenty more men there as I remember.

Q. Did you remain in the Saloon after ten o'clock until one Eloy Salazar was killed?

A. No Sir, I was in and out of the Saloon.

Q. You were there most of the time?

A. Yes Sir, most of the time.

Q. Did you have any trouble with any party in the Saloon that night?

A. Why, if I did I do not know anything about it. If I got hit or hit anybody, I do not remember it.

Q. Were you just having a general good time?

A. That was my intention, just to have a good time.

Q. Did you have any animosity or enmity toward anyone in the Saloon at the time?

A. No Sir.

Q. Did you notice any man that seemed to be particularly bumping against you in any way?

A. No Sir. Every one and every thing in the house seemed to be in a pretty bumpy shape, but no one in particular.

Q. Did you see any man in the room with a gun in his hands?

A. Yes Sir.

Q. Who was the man?

A. The first man that I saw was the man that got killed, Eloy Salazar.

Q. What was he doing with that gun?

A. When I saw him he held it straight up, and had just raised it in his hand.

Q. Did you then notice any man with another gun?

A. I think that I saw two guns, the one that Eloy had, and I think Saffell had one.

Q. Are you certain as to whether or not Mr. Saffell had a gun in his hand?

A. No, he just grabbed Eloy's hand, and as they were scuffling, I could not tell positively whether there was one or two guns, but I am sure that there was at least one gun in the skirmish.

Q. What then happened?

A. Mr. Saffell told him that he could not raise any "rough house" there.

Q. Did Mr. Saffell say anything else?

A. I don't know as he did. I believe that he did tell him to put up his gun.

Q. Did he say, "Let go of this"?

A. Yes, I think he did.

Q. Did he say, "Let go of this"?

A. Yes, I think he did. He was saying something just as someone took hold of me and turned me around.

Q. When you last saw Salazar and Saffell, did it look as though there was trouble?

A. No, It looked as though Saffell was trying to stop trouble.

Q. To your knowledge, did Eloy shoot his gun?

A. No Sir, I do not think he did.

Q. Did any other man shoot a gun?

A. Just as I was taken by the ear and turned around, there was a gun shot.

Q. You mean by the man who shot Eloy?

A. I think so, but there were three, and maybe four shots.

There were three anyway.

Q. Which direction did the bullets or the sound of the gun come from?

A. I could not tell, but I think it was from the north side of the house.

Q. Where were you located, according to diagram on blackboard at the time the shot was fired?

A. I was close to the table which was close to the center of the room under the lamp. I was standing between two tables.

Q. After the shot, what then happened?

A. The next thing that happened everybody left the room but myself and Mr. Saffell and the man who was hurt. I do not know of any one else.

Q. What was the position of Eloy Salazar at that time?

A. He was just falling over on the wood-box, just slipping down on his side.

Q. When he was falling, were the men still in the room?

A. Every one was leaving just as fast as they could.

Q. What did Mr. Saffell say at that time to you?

A. I do not know that he said anything.

Q. Did you notice any pistol near the man who had fallen?

A. There was one lying on the floor.

Q. Would you know the pistol?

A. I think so.

Q. Could you identify this? (Handing him a pistol)

A. Why, all pistols are considerably alike, and I did not have the pistol in my hand.

Q. Was it a pistol similar to that one?

A. Yes Sir.

Q. Did any one move the pistol at that time?

A. No Sir, not that I know of.

Q. Did it lay near the man killed?

A. It lay within about four feet of him.

Q. Then, what did you do?

A. I asked Mr. Saffell where they all went. He said, "They all went out this door". "Why", I said, "I am going out this other door".

Q. When you went out the door, what did you then do? A. Why, within a few minutes, I turned around and went back. Q. What did you then do?

A. I looked around, and turned around and walked out again.

Q. Did you meet any one when you went out?

A. I met Mr. Brock and Mr. Turner, and took them by the arms and said, "Boy's, we had better go home".

Q. What did you then do?

A. I said, "Come on, let's leave here any way", and we walked off.

Q. Where did you go?

A. We walked up the street toward the Hotel.

Q. Then, where did you go?

A. Why, I told them that I was going home, and I left them, and went back to the Saloon.

Q. What did you do there?

A. I asked Mr. Saffell for some money, and then went out and got on my horse and went home.

Q. Did you go to bed?

A. Yes Sir.

Q. Did you see any man at the Ranch before you went to bed?

A. Yes Sir, I saw Mr. Brock.

Q. What did Mr. Brock say to you?

A. Why, he came into the room and asked me where he could get a bed, and I told him.

Q. When did you next see Mr. Brock?

A. The next morning when I got up for my breakfast.

Q. Did you converse with him at that time about anything that had taken place?

A. No Sir, I did not.

Q. Did you say anything to any other man?

A. No, I do not believe I did. Yes, I think I did say something to Mr. Dry about a man being killed when I went into his room to warm.

Q. Did he ask you any question as to who it was?

A. He asked me how it happened, and I told him I did not know.

Q. What was your state or condition in regard to liquor?

A. Well, I should say a little full, somewhat intoxicated.

Q. You were never in such a condition that you forgot anything?

A. No, I did not forget anything.

Q. Show on the diagram where the shot came from?

A. I cannot say. All I can say is that it did not come from our side of the house, as I was facing north.

J.Q. Where was Eloy Salazar?

A. Well, at the time I was turned away, he was facing toward the west end of the Saloon. I was facing east and he was facing me, and then someone caught me and turned me toward the north.

J.Q. Could you point out on the map about where Eloy Salazar was standing when he was killed?

A. He was close enough to the wood-box so that when he fell, he struck it. When I first saw him he was against the box.

J.Q. Was his head toward the west?

A. He fell with his head toward the east.

J.Q. Did Eloy Salazar hit you during the evening?

A. Not that I know of.

J.Q. Do you know who it was turned you around?

A. No, I do not know who did it.

J.Q. Do you know where Walter Brock was when the shot was fired?

A. No Sir, I do not.

J.Q. Do you know where Sam Saffell was when the shot was fired?

A. When my head was turned and the shot fired, he was still holding this man.

Q. Will you state as to whether Turner caught hold of you and turned you around?

A. No, I do not know who turned me around.

J.Q. Can you state whether there had been any trouble of any kind?

A. No, I do not think so. There had been a boy in there that evening with a little cap pistol, and when I first heard the shot it flashed through my mind that it was the cap pistol, but right away I knew it was not.

J.Q. You have no recollection of being in a scuffle with any of the boys?

A. Not in a fighting way. Of course we were scuffling around there all the time.

J.Q. Was Walter Brock in the house when the shot was fired?

A. I can not say, but he was in the Saloon a minute or two before that because I was talking with him and taking a drink with him, but I do not know whether or not he was there at that time.

J.Q. Where was Mr. Saffell when he started for Eloy?

A. I do not know. I just saw him run up and take hold of him. I was close to Eloy myself.

Witness excused. Court adjourned to meet at 1:00 o'clock P.M. Court was called at 1:30 P.M. and the proceedings resumed. Fourth witness was then called, and before being sworn addressed the Jury

as follows:

"I wish to say, Gentlemen, that anything I did in this was for the preservation of life and property."

Fourth witness was then sworn in.

Q. What is your name?

A. Sam J. Saffell.

Q. Where do you reside?

A. Springerville, Arizona

Q. What is your occupation?

A. Saloon man.

Q. Please state to the Jury where you were on the night of December 24?

A. I was in my place of business.

Q. Will you please state what transpired along ten o'clock, or that which first indicated the trouble which led up to the killing of one, Eloy Salazar?

A. I will state that the trouble came up after 12:00 o'clock. I do not know exactly, but I think between 12:00 and 1:30, a little after 12:00 as I remember. I do not think the boy was there before ten o'clock as I do not recollect seeing him.

Q. What happened immediately after Eloy Salazar came into the room?

A. When he came in they got into a fuss and he struck at someone. They had called the drinks and somebody went over to get him. This man's father asked for the drinks and asked me if I would charge then, it being Christmas. I said "Yes", and as I stepped back to get the drinks, I saw Eloy Salazar raise his gun. I reached to the end of the bar and got my gun, and went and caught hold of him with my right hand and said, "Turn this loose". We had had no trouble and I thought that I could take the gun away from him, and I would if this shooting had not come up. In scuffling over the gun he pulled back and I told him to turn loose. I had my gun but I never did get hold of his gun. I had my gun in my left hand, and a hold of his sleeve or wrist with my right. I am left handed, you know. When we got back to the side of the wood-box, I turned him loose as I heard a shot which I thought came from behind.

Q. You had hold of him with your right hand and your gun in your left hand and told him to give his gun to you?

A. Yes Sir.

Q. Did you press your gun against the body of Eloy Salazar?

A. I do not know. I could not tell. I just told him to turn loose. I was trying to keep the muzzle away from me. I let loose when the shot came because I thought the shot was coming from behind.

Q. You will notice that we have a diagram of your Saloon?

A. (Examining diagram) Yes.

Q. Can you locate on the diagram the position of you and Salazar?

A. Salazar and I scuffled back toward the north side of the room toward the wood-box. I was holding him with my right hand and carrying my gun in my left until near the wood-box when the shot of another party came. I then released my hold and dropped back toward the counter.

Q. Who was in the room, Mr. Saffell, at the time this shot was fired?

A. I knew all of them but I do not know who all were there at the time the shot was fired.

Q. Who all were there the last time you noticed before you caught hold of Eloy Salazar?

A. There were 20 or 25. W.B. Stamps, Lee Turner, Walter Brock, Sam Wright, Manuel Salazar, Eloy Salazar, two or three Carrillo boys, Benigno Baca, Jose Silva, Eleseo Masquerena and others beside. When the old man came and ordered the drinks and asked me if I would charge them, I said yes. I would put them up to the house for \$2.50, as he had got some other stuff during the day.

J.Q. Immediately following this the trouble commenced?

A. Yes, just as soon as I saw the man raise his gun up, I started

Q. Mr. Saffell, how many shots were fired, if you know?

A. I am not positive, but I think that it was two, there might have been three.

Q. Did you notice whether one of these shots hit the deceased, Eloy Salazar?

A. No, I could not say.

Q. When did you first notice that Eloy Salazar had been hit?

A. After the shooting was over.

Q. Did the shot come from behind or in front of you?

A. I could not say, but it was pretty close.

Q. When you next looked around, who was in the room?

A. There were very few. I do not recollect. I went over to the man who was lying there. The deceased was lying on the other side of the table, breathing hard. I thought I would straighten him out, as I knew he was hurt, and when I looked around everyone was out of the room but the blind Mexican. Eloy was lying with his head tucked under him, and about that time, I think, Wright and someone else came in. Yes, Wright, and the old man came in and they and I straighten him out and I felt his pulse and it was good, and I said to Wright and the boy's father, "Let's raise him up and maybe he will breathe better", and I went and got some brandy and put it to his lips, and nostrils. We used some cold water on a towel on his face, and we laid him down still breathing. It must have been 1:30 when he quit breathing.

Q. Do you know about what time it was that the man was shot?

A. I can not say as I did not look at the clock until it was all over, but it was between 12:00 and 1:00 o'clock.

Q. Did you notice any gun on the floor after the man had fallen and everyone left the house?

A. No, I never noticed any gun until Wright and the boy's father came in, then I noticed the gun was lying off west from the body and north near the door that enters the shop, and it looked like the gun I was trying to get.

Q. Mr. Saffell, I would like to ask you if you can identify this revolver as the one on the floor after the shooting?

A. Well, I could not say as I never had it in my hand. It was a 32 on a 45 frame, but I could not definitely recognize the gun, but it was similar to this and looks to be the gun found on the floor.

Q. Did you notice, Mr. Saffell, as to whether this gun was still full of cartridges?

A. I never touched the gun and could not say. John Coleman came in and I told him and everybody to keep their eye on the gun, as it must not be moved. Mr. Salazar, the boy's father, or someone gets the gun off the floor and I tells Mr. Wright that the gun is gone, so he goes around and found the gun on the boy's father and placed it back where it was at first.

Q. What happened, Mr. Saffell, after that as to who came into the Saloon, and what became of the body?

A. There were several came in and out. I said, "You boys got to stay here and help me". I think that it was Martin Padilla and Thomas B. Chavez came in, and I told them I wanted them to stay there with us and they stayed until next morning. The body was still there.

Q. How long did the body remain in the Saloon?

A. The body stayed there until next evening, when it was removed by the Deputy Sheriff.

Q. Did you see anyone in the Saloon between ten and one o'clock, on the night of December 24, who had a gun in his possession besides yourself and the deceased?

A. No, they were the only ones I saw.

Q. Did you hear any man, before the shooting, make any statement, other than Salazar, about any gun play?

A. I never heard anyone say anything.

Q. Did you let W.B. Stamps have \$20.00, or any amount, after the shooting?

A. I do not recollect giving him any money after the killing. He got \$20.00 from me but I do not remember whether it was before or after the shooting.

Q. Did you see anything of Walter Brock or Lee Turner in your Saloon after the shooting?

A. Yes, they were in there after the shooting.

Q. Do you know of any ill feeling or previous quarrels between Walter Brock and Eloy Salazar?

A. Not to my own knowledge.

Q. State what you have heard as to any ill feeling?

A. I could not state positively, only I heard it in the Saloon sometime. I do not know just when. I heard that they had had some racket, but this is only hearsay with me. I do not know who told me.

J.Q. Which way did Eloy Salazar face when he was shot?

A. When we were scuffling our faces were together, and when this shot went off it went so close to me I let loose and got back. When I took hold of him I did not want trouble. All I wanted was to get the gun from him.

J.Q. Was he facing east, west, north or south, when the shot went off?

A. He was facing south and I was facing north when the first shot went off. The second shot I do not know anything about.

Q. Was there any time elapsed between the two shots you heard?

A. Very little. They were right close together.

J.Q. Would it have been possible for the two shots to have come from one gun?

A. Yes, they were not so close together but that they could have come from one gun.

Witness excused----- Fifth witness is sworn in.

Q. What is your name?

A. Thomas Baca.

Q. Where do you live?

A. In Springerville, Arizona.

Q. Did you know one, **Eloy** Salazar?

A. Yes Sir.

Q. Will you please state where you were about 12:00 o'clock on the night of December 24?

A. I was in the Saloon.

Q. Will you please state what trouble you had, if any, with W.B. Stamps, that evening?

A. Well, Stamps just kept pushing the Mexicans around the table, and he got next to the table where I was, and when he went to push me I pushed him over and Eloy jumped in and hit him once and knocked him down. Then I just went around the table. Then they got Bill Stamps and Eloy Salazar up to the bar and then Lee Turner wanted us fellows to have a drink. He said he did not want us fellows to get mad with him as he just wanted to have a good time. Then Walter Brock lifted his six-shooter up and Eloy lifted his up and said, "Here is one too", and then Mr. Saffell told him to put it down and we just slipped out.

Q. When Mr. Saffell told Eloy to put up his gun, where was he?

A. Behind the bar.

Q. Was Mr. Saffell behind the bar when you left the Saloon?

A. No, he was just coming out of the bar.

Q. Do you know anything else?

A. No Sir.

Q. After you got outside the Saloon, did you hear a shot fired?

A. Yes Sir.

Q. Did you afterwards go back into the Saloon?

A. No Sir.

J.Q. When Saffell was coming around from the bar, did he have a gun?

A. I did not see it.

J.Q. Do you know who fired the shot?

A. No Sir

J.Q. How many shots did you hear?

A. Three.

J.Q. Do you think nearly everyone came out at the same time?

A. Yes, I think there were about six or seven.

Witness is excused-----Sixth witness is sworn in.

Q. What is your name?

A. Benigno Baca.

Q. Where do you live?

A. Here in Round Valley.

Q. Were you in Springerville on the night of December 24?

A. Yes Sir.

Q. Where were you about 12:00 o'clock on the night of December 24?

A. I was in the Saloon.

Q. What were you doing in the Saloon?

A. I was there because we were going serenading and I was there waiting.

Q. What did you see at that time, if anything, concerning Stamps?

A. Stamps was around there insulting some of the people. He was trying to fight everybody there.

Q. What, if anything, did Stamps say to any man in the house?

A. I did not hear him say anything.

Q. Did he offer to fight?

A. He seemed to be trying to fight everybody but not anyone in particular.

Q. Did he catch hold of Thomas Baca that you know of?

A. What I saw was that he pushed Thomas Baca.

Q. Did you see Thomas Baca push him?

A. I could not get to see Thomas because there were so many people around me.

Q. Did you see anybody hit Stamps?

A. No, I did not.

Q. Did you see Lee turner catch hold of Stamps and turn him around to the other side of the house?

A. I do not know who Lee Turner is.

Q. Did you see anybody catch hold of Stamps and turn him around to the other side of the house?

A. I saw some of them jump and take hold of Stamps.

Q. Did you see about that time a pistol in the hands of any man in the house?

A. Yes, I saw.

Q. Who was the first man you saw with a pistol in his hand?

A. The man that they have a prisoner was the first one. Q.
What is his name?

A. I do not know his name.

Q. Is he slick shaven or with mustache?

A. Slick shaven.

Q. How was this man acting when you first saw the gun in his hand?

A. When he had the pistol in his hand there were a lot of them scuffling there.

Q. Did you ever see Brock raise his gun above or toward the level of his head?

A. I saw him with his pistol up in a firing position and pointing towards where Saffell and Eloy was.

Q. Did you see a gun in the hands of Eloy Salazar?

A. Yes Sir.

Q. What did he do with the pistol?

A. He raised the pistol up towards the ceiling and said that he had one too.

Q. Then what did Sam Saffell do, if anything?

A. Then Saffell jumped from behind the bar and put a six-shooter to Eloy's ribs. Then when they were scuffling a little after that I heard the shots, and then this man that I was talking about walked toward them with a pistol in his hands.

Q. Did you see him shoot the pistol that he held in his hand?

A. No Sir, I did not see him.

Q. Did you see another White man in the house, besides Saffell, who had a pistol and did shoot?

A. After the shooting and after Eloy had fallen, I saw another man who had a six-shooter in his hand.

Q. Who was this man? Do you know a man named Lee Turner?

A. I think so.

Q. What kind of a man is the fellow you think to be Lee Turner? Describe him.

A. He is a stranger to me and I could not describe him, but he is slick shaven.

J.Q. Is he a dark complected man?

A. Yes Sir.

J.Q. Does he look like an Indian?

A. Yes Sir.

Q. Did you see any man about that time shoot his gun toward Eloy Salazar when he was scuffling with Saffell?

A. I heard a shot fired but I did not know who fired it for I was sitting, facing another direction.

Q. Where were you sitting? Show on the diagram.

A. I was sitting facing toward the barber chair.

Q. What was there near the barber chair that was interesting you when there were men shooting over the other way?

A. Because I wanted to get out of there and I did not know how to get out.

Q. Did you see any man shoot at any time that evening?

A. I heard somebody shoot, but I did not see anyone.

Q. In how many men's hands did you see a pistol at that time?

A. In the hands of three men.

Q. Who were these three men?

A. That man that I mentioned a while ago. (Discussion as to whether witness refers to Lee Turner or Walter Brock, as both had been mentioned. Lee Turner was brought in so that he could be seen by Mr. Baca and then taken out.)

Q. Did you see this man, Lee Turner, have a pistol in his hand?

A. I saw a pistol in his hand after the shooting.

Q. Did you see this other man (Brock) have a pistol in his hand?

A. Yes, this man was one of the first that I saw with a pistol.

Q. How many pistols did you see prior to the shooting?

A. I saw three.

Q. Who had the pistols?

A. That man that Henry Thompson has, Sam Saffell and Eloy Salazar, and then I saw one afterwards in the hand of Lee Turner, but I did not see him shoot.

J.Q. Where was Walter Brock in the room after the shooting?

A. After the shooting I saw him near the stove.

J.Q. Did you see his pistol after the shooting?

A. I could just see his pistol glisten after that.

J.Q. I would like to know where Brock was in the room when you first saw him with a pistol?

A. Brock was right against the bar, near the stove.

J.Q. Where was Lee Turner when you saw him with a pistol in his hand? What part of the Saloon?

A. He was right back there close to where the barber chair is, almost in the middle of the room, between the barber chair and this other place. (Indicating on the diagram).

Witness excused -----Seventh witness is sworn in.

Q. What is your name?

A. Alisandro Carrillo.

Q. Where do you live?

A. Springerville, Arizona

Q. Where were you on the night of December 24?

A. In Saffell's Saloon.

Q. Were you in the Saloon about twelve o'clock that night?

A. Yes Sir.

Q. Did you see Mr. Stamps and Thomas Baca in the Saloon?

A. Yes Sir.

Q. Did you notice any trouble between them?

A. Yes Sir.

Q. What was the nature of the trouble?

A. I do not know what it was.

Q. Did either of the men hit the other?

A. They both pushed each other.

Q. Did you see Eloy Salazar hit Stamps?

A. No Sir.

Q. Do you know a man by the name of Walter Brock?

A. Yes Sir.

Q. Do you know a man by the name of Lee Turner?

A. Yes Sir, I know him.

Q. Were they in the Saloon at the time Eloy Salazar was killed?

A. Yes Sir

Q. Who was the first man you saw with a pistol in his hand that night?

A. The man that killed Eloy. He was the first man that drew out his six-shooter.

Q. In what position did he hold his pistol when first you saw it?

A. He had it in his hand.

Q. Was it up near his shoulder in a firing position, or was it held with the muzzle near the floor?

A. He had it pointing in a firing position.

Q. Immediately after you saw the pistol in his hand, what happened?

A. When I saw him with his pistol in his hand, Eloy told him that he also had a pistol and raised it up.

Q. Then what happened?

A. And then Mr. Saffell grabbed Eloy and pushed him with a pistol that he had in his hand.

Q. Did Mr. Saffell catch hold of Eloy?

A. Yes, he took hold of him with one arm.

Q. And did he hit him with a pistol that he held in his other hand?

A. I only saw him pushing him in the stomach.

Q. Did Mr. Saffell keep hold of Eloy for any length of time?

A. He had hold of him until he had him up next to the box, and the other man shot at him.

Q. What other man?

A. The man who killed him.

Q. Who was the man who killed him? Was it Walter Brock?

A. Yes Sir.

Q. Did you see him point his pistol and shoot directly toward Eloy Salazar and Saffell, while Saffell had hold of Eloy?

A. Yes Sir. (This shows premeditation)

Q. What then happened?

A. The only thing was that when they shot at him he fell.

Q. How many shots were fired and who fired them, if you know?

A. I only heard one shot, the one that shot Eloy.

Q. After the first shot, what became of you?

A. I went outside of the Saloon.

Q. Did you see Salazar fall before you left the house?

A. Yes Sir. When he fell I went out.

Q. Do you know whether Saffell fired his gun that he held against Eloy?

A. No Sir.

Q. Would you know the Pistol that Eloy Salazar held in his hand?

A. I do not think so because I did not have it.

Q. Show on diagram where Brock was when he shot Eloy?

A. He was about here, in the center of the room.

Q. Do you think the diagram of the room correct?

A. Yes, it seems to be to me.

Q. Where were you?

A. I was sitting on the table, near the lamp, on the north side.

Witness excused----- Eighth witness sworn in.

Q. What is your name?

A. Flavio Baca.

Q. Where do you live?

A. Here, in Arizona.

Q. What place in Arizona?

A. In Round Valley.

Q. Where were you on the night of December 24?

A. I was at the dance.

Q. What time did you leave the dance?

A. At eleven o'clock.

Q. Where did you go then?

A. To the Saloon.

Q. did you stay there until after twelve o'clock on the same night?

A. Yes Sir.

Q. Were you there at the time that a man was killed in the Saloon?

A. Yes Sir.

Q. Do you know a man by the name of Walter Brock?

A. No Sir. That was the first time that I saw him.

Q. Would you know him now?

A. Yes Sir.

Q. Do you know a man by the name of Lee Turner?

A. Yes Sir.

Q. Were they in the Saloon that night?

A. Yes Sir.

Q. Do you know Mr. Stamps and Sam Saffell?

A. Yes Sir.

Q. Were they both there at that time?

A. Yes Sir.

Q. Did you see a gun in the hands of any man or men in the Saloon that night?

A. Yes Sir.

Q. In whose hands did you first see a pistol?

A. In Mr. Brock's hands.

Q. What did Mr. Brock do with the pistol that he had in his hand when you first saw it?

A. He made a kind of movement, this way. (Indicating a swinging movement)

Q. What then happened, if anything?

A. Nothing happened yet.

Q. What next happened?

A. After that, Stamps was talking around there and he wanted to fight. (He did not remember Stamps in the Saloon)

Q. Did you see a pistol in the hands of Eloy Salazar?

A. Yes Sir.

Q. What did he do with it, if anything?

A. He only raised it up.

Q. Did he say anything when he raised it up?

A. He said he had a gun too.

Q. What happened next, if anything?

A. Then Mr. Saffell came from behind the bar and put his pistol against Eloy's body and told Eloy to get his pistol down, and then Mr. Saffell kept pushing him back with his pistol.

Q. Did Mr. Saffell have hold of Eloy with either of his hands?

A. Yes Sir.

Q. What then happened, if anything, while Mr. Saffell and Eloy Salazar were scuffling over the pistol and backing toward the other side of the house all the time?

A. Then I did not see anymore. Then I heard three shots.

Q. Do you know who fired these three shots, or any one of them?

A. No Sir, I do not.

Q. Did you see a gun in the hands of any man after the shooting?

A. Yes Sir.

Q. In whose hand was that gun?

A. In the hands of Lee Turner. (He did not see gun in hands of Turner)

Q. What kind of a pistol was it that Lee Turner had in his hand, if you know?

A. I could not tell.

Q. Was it a small automatic?

A. It was not an automatic.

Q. Did you see Brock with a pistol in his hands after the shooting?

A. Yes Sir, I did.

Q. You saw one both before and after the shooting?

A. Yes Sir, I did.

Q. Where was Lee Turner before the shooting when you saw a pistol in his hands?

A. He was quite close to the center of the room, near the other man.

Q. Are you certain in your own mind that you saw these two men, Walter Brock and Lee Turner, who were in the Saloon at the time the killing took place, with a pistol in each of their hands, both before and after the shooting?

A. I saw one of them had a pistol before the shooting, and I saw the other one, after the shooting, have a pistol in his hand. (Witness was then taken out by the Sheriff and shown Mr. Brock and brought back. And the following questions were then put to him): Q.

The Sheriff has now taken you out and shown you one of the prisoners. His name is Walter Brock. Will you please state whether or not he is the man in whose hands you saw the pistol, both before and after the shooting?

A. Yes Sir.

Witness is excused-----Ninth witness is then sworn in.

Q. What is your name?

A. Teo Carrillo.

Q. Where do you live?

A. Here in the Valley.

Q. Were you in Springerville on last Sunday night?

A. Yes Sir.

Q. Were you in Mr. Saffell's Saloon about twelve o'clock last Sunday night?

A. Yes Sir.

Q. What were you doing in the Saloon?

A. We were waiting to go out serenading.

Q. Do you know Walter Brock, Lee Turner, W.B. Stamps and Sam Saffell, one from another?

A. Yes Sir.

Q. Did you see Eloy Salazar hit anybody there that night?

A. No, only when he and Stamps had a fight.

Q. Did you see Stamps hit Eloy Salazar?

A. Yes Sir.

Q. Was Mr. Stamps fighting everybody in general or with just one man in particular?

A. No, only with one person.

Q. Was he mad, or did he just appear to be having a good time?

A. Yes, he looked like he was mad.

Q. Was he drunk?

A. Yes Sir.

Q. Was it not a fact that there were some guns drawn in the Saloon after Stamps and Eloy Salazar had this trouble?

A. Yes Sir.

Q. Whose pistol did you first see after this?

A. I first saw Brock's pistol.

Q. Did Eloy Salazar see Walter Brock draw his pistol?

A, I think so.

Q. Then what did Eloy Salazar do, if anything?

A. He did nothing, only to raise his pistol up when he saw that the other man had a pistol.

Q. What then happened?

A. Then Mr. Saffell came and put his pistol against Eloy.

Q. What did Eloy do when Saffell put his pistol against him?

A. He did not say anything, he only put his arm down.

Q. Didn't he move forward or backward?

A. Mr. Saffell pushed him with a pistol.

Q. What direction?

A. Back toward the window, near the woodbox.

Q. What then happened, if anything, that you saw while Saffell was against Eloy or near him?

A. Only Walter Brock shot at him.

Q. Did you see Walter Brock raise his pistol or have it pointing toward where Eloy Salazar and Saffell were standing and discharge it toward them?

A. No Sir.

Q. Did you see Brock shoot his pistol in any direction?

A. Yes Sir.

Q. In which direction?

A. Toward where Eloy and Saffell were. (Jury decides that this contradiction was caused by the previous question being too long for the witness to understand)

Q. Did you see Brock shoot more than one time toward them?

A. So Sir, as soon as he fired the first shot, we all ran.

Q. Where were you when Brock shot the first time?

A. I was between the round table and the stove.

Q. Where was Bill Stamps at that time?

A. He was standing right about here. (Indicating on diagram west of the center of the room)

Q. Where was Sam Saffell and Eloy Salazar at that time?

A. They were standing right against each other, near the table, close to the woodbox.

Q. After the first shot where did you go?

A. I went out of this door. (Indicating rear door)

Q. Did you hear any shots after you left the room?

A. No Sir.

Q. Did you see any man as you passed out?

A. No Sir.

Q. Did you see Sam Wright?

A. No Sir.

Q. Did you run over any man as you passed out?

A. No Sir.

Q. Why was it that you did not go out the front door?

A. The front door was locked.

Q. Did you see Lee Turner with a gun in his hand any time that night, either before or after the shooting?

A. No Sir.

Q. Did you see any Mexican boy, other than Eloy Salazar, have a gun in his hand?

A. No Sir.

J.Q. Did you see Mr. Stamps have a gun in his hand?

A. No Sir.

J.Q. Are you sure that Walter Brock is the one who shot Eloy Salazar?

A. Yes Sir.

Coronor Question. Are you sure that Walter Brock shot towards the scuffling parties, Eloy Salazar and Sam Saffell?

A. Yes Sir.

Witness is excused

The Jury then withdrew to consider the evidence. From the testimony given, the Jury rendered the following verdict:

That the Coroner's Jury, summoned and sworn to examine into the facts concerning the death of one, Eloy Salazar, on the night of December 24, 1911, at about twelve o'clock, at the town of Springerville, Apache County, Arizona Territory, reached a decision that the deceased came to his death at the hands of one of the following men:

Sam J. Saffell
Lee Turner
Walter Brock

One of whom shot and killed the said Eloy Salazar with a revolver, and that the said killing was with criminal intent, and that one of the said men, Sam J. Saffell, Lee Turner or Walter Brock, is guilty thereof. Dated at Springerville, Apache County, Arizona Territory, this 27th day of December, A.D. 1911.

J.L.Pritchard
J.F.Thompson
Edmond Nelson

Conner Trammell
Juan Candelaria
Hyrum Nelson

Stansell Greer
P.P. Rencher
J.J. Baca

IN THE SUPERIOR COURT
in and for the

COUNTY OF APACHE
STATE OF ARIZONA

THE STATE OF ARIZONA:
Plaintiff: VS
WALTER BROCK
Defendant :

INDICTMENT

June Term, A.D. 1912

WALTER BROCK is accused by the Grand Jury of the County of Apache, State of Arizona, by this Indictment, found on the Twenty sixth day of June, A.D. 1912, of the crime of MURDER committed as follows, to-wit: The said WALTER BROCK, on or about the Twenty fourth day of December, A.D. 1911, and before the finding of this Indictment, at the County of Apache, State of Arizona, did unlawfully, feloniously, deliberately, premeditatedly, willfully, and of his malice aforethought make an assault upon one ELOY SALAZAR, with a certain pistol then and there had and held in the hands of him, the said WALTER BROCK, and then and there loaded and charged with gunpowder and leaden bullets, which said pistol, so had and held in the hands of him, the said WALTER BROCK, and so as aforesaid charged with gunpowder and leaden bullets, he, the said WALTER BROCK, did then and there unlawfully, feloniously, deliberately, premeditatedly, willfully, and of his malice aforethought discharge and shoot off at, toward and against the said ELOY SALAZAR, with one of the leaden bullets aforesaid, thus inflicting in and upon the body of him, the said ELOY SALAZAR, one mortal wound, of which said mortal wound, he, the said ELOY SALAZAR, then and there died, contrary to the form, force and effect of the statute in such cases made and provided and against the peace and dignity of the State of Arizona.

(Signed) Fred W. Nelson
County Attorney

IN THE SURERIOR COURT
in and for the
COUNTY OF APACHE
STATE OF ARIZONA

February 24, 1912

TERRITORY OF ARIZONA :
VS
WALTER BROCK

IN THE MATTER OF THE APPLICATION
OF WALTER BROCK FOR
WRIT OF HABEAS CORPUS

To the honorable Reamer Ling, Judge of the Superior Court of Apache County, State of Arizona: That he, the said Walter Brock is unlawfully imprisoned, detained, confined and restrained from his liberty without bail by Sylvester Peralta, Sheriff of Apache County, in the County jail, in the town of St. Johns, County of Apache, State of Arizona, by commitment under the hands of honorable J.S. Gibbons, Justice of the Peace of the St. Johns Precinct, said County and State, without bail under the charge of murder: That the said imprisonment, detention, confinement and restraint are illegal, and that the illegality thereof consists in this, to wit:

Your petitioner is an American citizen of good moral character unquestioned by anyone and conceded by the prosecution in the preliminary hearing, a record of which is filed with the Clerk of your honorable Court, and which is hereby referred to and made a part of this application; That there is no evidence showing or tending to show that the homicide committed is a crime under the laws of the State of Arizona, punishable by capital punishment, and that your petitioner is illegally committed without bail; That the evidence in the preliminary hearing showed that on or about the morning of December 25, 1911, in the town of Springerville, County of Apache, State of Arizona, there was a homicide committed a drunken row in the Saloon of one Sam Saffell, and that your petitioner was brought before honorable J.S. Gibbons, Justice of the Peace, St. Johns Precinct, said County and State, for said preliminary hearing, and bound over to await the action of the Grand Jury, of said State and County: That in the course of said preliminary hearing, it was shown that there were a number of persons under the influence of liquor, engaged in a joy time of dancing, jumping, hollowing and knocking each other about, and that a number of persons were drunk, and that all had been drinking, more or less, in said Saloon on said night.

That in the course of joy time, a scuffle occurred, and that the deceased drew a pistol, and to abate the confusion and for the protection of life and property, the proprietor of the said Saloon, Sam Saffell, picking up a gun, came forward and tried to disarm the deceased: That at this time several firearms were displayed and a number of shots were fired, and the deceased received a mortal wound: That no evidence was introduced showing that your petitioner had any ill or malice toward the deceased, and that no evidence has been introduced whereupon any charge of murder can be made against your petitioner or anyone else: That the evidence introduced against your petitioner is full of material contradictions: That the prosecution did not establish the material facts necessary to show that a crime of murder had been committed, or that there was any intent or premeditation on the part of your petitioner or anyone else, but on the other hand, established conclusively the fact that any person in the said Saloon would have been perfectly justified in defending his life against a drunken person brandishing a loaded pistol in an angry and threatening manner.

Therefore, your petitioner prays that a writ of habeas corpus may be granted, directed to said Sylvester Peralta, Sheriff as aforesaid, commanding him to have the body of said Walter Brock, before your honor, at the time and place therein, to be specified, to do and receive what shall then and there be considered by your honor, concerning said Walter Brock, together with the time and cause of his detention and said writ, so that he, said Walter Brock, may be admitted by your honor to bail.

(Signed) Walter Brock

February, 24, 1912.

Note by J.A. Becker: This was so needless and sad. In less than 2 months, February 14, 1912, Arizona became a state. A provision in the constitution prohibited the sale and use of alcoholic beverages (prohibition in 1912). The saloons shut down and were peaceful places, mostly pool halls with some bootleg whiskey once in a while - another era had ended.

The automobile took the place of the stage coaches, the telephone was here and the outlaws were almost gone.