

ALLYN, JOSEPH PRATT  
AKA "PUTNAM"

601

ALLYN, JOSEPH PRATT, born at Hartford, Connecticut, March 9, 1833; son of Timothy Mather and Susan Ann (Pratt) Allyn; never married.

Ill health in early life kept him from close study and when 17 or 18 he spent a winter in New Orleans and the next winter in Florida; as a young man he became a partner in a wholesale house in Hartford but strict attention to business impaired his health and he made an extensive European tour to recover it; during the 36th Congress (1859-61) he served in one of the subordinate offices in the House of Representatives and acted in Washington as a correspondent for the Hartford Evening Press then published by Charles Dudley Warner.

Upon the recommendation of Gideon Wells, Secretary of the Navy, he was nominated by President Lincoln on March 6, 1863, to be a Justice of the United States Court for the Territory of Arizona and entered upon the discharge of his duties at Navajo Springs, A.T., December 29, 1863; John A. Gurley, who had been appointed Governor of Arizona, died on August 19 and the following entry appears in Gideon Wells' diary:

August 21, 1863 - - Made an early call on the President with Joseph P. Allyn, one of the judges for the Territory of Arizona, on the subject of Governor of that Territory. At a Cabine meeting, subsequently, the President concluded to appoint Goodwin, Governor, and Turner, Chief Justice.

On April 9, 1864, he was assigned by a proclamation issued by Governor Goodwin, to the 2d Judicial District being all that part of the Territory west of the 114th Meridian which by Acts of the Legislature in 1864 and 1865 became the Counties of Yuma, Mohave

and Pah Ute; by the proclamation he was directed to hold Court at La Paz on the last Tuesday in June and the last Tuesday in November for terms of two weeks each; that he held court outside Or his district for one Or the other Judges is indicated by a pamphlet entitled "Charge of the Hon. Joseph P. Allyn, As associate Justice of the United States Court, to the United States and Territorial Grand Juries, September Term, A. D. 1864" which was printed in Prescott; this<sup>is</sup> confirmed by an item in the Prescott Arizona Miner of October 5, 1864, which stated:

"The United States District Court met in this place on the 27th ult., Judge Allyn presiding. The only suit commenced in the Court was that of Murray vs. Wickenburg, and others, in a matter of dispute concerning the Vulture or Wickenburg gold lode."

The records in the case shows that T. B. Green (whose true name was Theodore Green Rusk) a resident of Tucson, claimed that he was with Henry Wickenburg and Erving A. Van Bibber in October, 1863, when they discovered the gold bearing quartz ledge known as the Vulture lode; that he later returned to Tucson and on June 20, 1864, sold his undivided one-third interest in the claim to William R. Murray and William Roberts, who also sued for \$24,000 damages.

Wickenburg testified that Rusk, Van Bibber and three others named, W. Smith, N. K. Estill and A. Fisher, were with him when a location notice was put up on the Vulture lode on November 24, 1863, but none of them did anything to develop the claim; that Rusk took some specimens from the ledge and left that day for Tucson; that the Vulture lode remained unoccupied until May 9, 1864, when he relocated and took possession of it in association with James A. Young, John K. Simmons, James A. Moore and Valentine Giegerick; at the time of

the trial they were at work with 9 mine arrastras by which \$700 a day in gold was being obtained.

The decision made by Judge Allyn was printed in full in the Arizona Miner of October 26, 1864, in which he stated:

In this case the plaintiff's rights rest, first on an alleged partnership, existing between, Van Bibber, Green, and Wickenburg, in the discovery and location of the Vulture lead. Wickenburg positively denies the existance of any co-partnership whatever, and Van Bibber does not appear in the case at all. No facts are alleged in the complaint from which a co-partnership is to be inferred. The council for the plaintiffs, in argument, claims that a partnership resulted from the discovery and location of this lead at the same time, by these three parties, under the Spanish-Mexican law, and the usages and customs of miners in this Territory.

The complaint alleges that the Spanish Mexican mining law exists and is in force in this Territory, and under its provisions the plaintiff's rights accrue.

Then follows a very clear and complete analysis of the principles and practices under the Spanish-Mexican mining laws after which the decision reads:

The absence of "legal organizations and proper tribunals" would excuse a failure to register the mine, because the law does not require impossibilities, but the moment the impossibility is removed, it becomes then most clearly the duty of those desiring to acquire rights under the law, to obey the law. Was this done?

On the 30th of December, A.D. 1863, the Governor's proclamation announced his arrival and the establishment of civil government in Arizona. On the 9th of April, A.D. 1864 by proclamation, the Judicial Districts were formed and the Judges respectively assigned to them. In May a term of the District Court was held at Tucson in the 1st District, and in June one at La Paz in the 2nd District.

If Van Bibber, Rusk, and Wickenburg then designed

to locate the Vulture lead under the provisions of the mining laws of Spain and Mexico, why did they neglect to register this mine when they had the opportunity. Two months after the Judicial Districts were defined, Prax executed the conveyance of all his right, title, claim and interest in and to the Vulture lead and yet there is no record that any registry had then been made, anywhere, of this mine. Registry is the indispensable pre-requisite of any title to a mine under the Spanish law.

It is not necessary for the purpose of determining the question raised by this prayer for a writ of injunction, to pass upon the question whether the mining laws of Spain and Mexico, are in force in this Territory. It is sufficient that the complaint itself does not show that those laws have been sufficiently complied with, to vest in the complainants a right of property in the Vulture lead, and to call for the extraordinary exercise of the chancery powers of this Court in granting a writ of injunction. The prayer for the writ of injunction is therefore denied.

At Prescott, on November 4, 1864, he addressed the following letter to the Clerk of the House of Representatives:

Sir:--I have the honor to acknowledge receipt of yours, with copy of Resolution introduced by Honorable E. D. Tuttle adopted by the Legislative Assembly, on the 2d day of November, 1864, inviting me to deliver a lecture, etc. I accept the invitation with pleasure, and would suggest Sunday evening, the 6th inst., as the time, if agreeable to the Legislative Assembly.

Very respectfully,  
JOSEPH P. ALLYN.

On March 7, 1865, he wrote a letter to Major General Irving McDowell, Commanding the Department of the Pacific, at San Francisco urging that Federal troops be landed at La Paz to protect the settlers in northern Arizona; not receiving a reply he wrote a second letter from La Paz on April 7, in which he stated:

It seems to me that the best mode of placing troops into Arizona is to transport them by water to the mouth of the (Colorado) river. It would certainly be more expeditious and cheaper while it would land the men here in fine health and spirits, having avoided the terrible desert between Wilmington and the river.

By using the road from La Pas to Tucson via Wickenburg and the Pimas, troops would march by the settled portions of Central Arizona, where industry is today completely paralyzed by the hostile Indians. They would pass by the doors of four-fifths of the inhabitants north of the Gila.

If they march from Fort Yuma to the Pimas they pass two ranches, or rather one ranch, Agua Caliente and Mr. Allen's trading station, at Maricopa Wells, over 200 miles of desert, grassless, with dust from one to two feet deep in the valley of the Gila, where there is a torrid climate ten months of the year.

The route from La Pas is on a table-land about 2,000 feet above the sea, covered with grass. It is the only route today the citizen is using in this Territory. Over it goes the mail. The Mojave road has been until very recently impassable from snow.

Every mine north of the Gila that is today yielding anything is either on the Colorado River or this central route.

The reply that finally came to his first letter was unsatisfactory as is shown by his third letter to the General dated at La Pas on April 20;

Sir: I have the honor to acknowledge receipt of a note from Colonel Drum, dated March 22, 1855, postmarked 5th of April, informing me that a large force is under orders for Arizona, and that our citizens will receive full protection from all enemies, foreign and domestic. Had this communication been placed in the post office at the time it was written, it is possible I might have been able to do something to stay the exodus from the country (although the note is unfortunately indefinite as to the disposition of troops), but now I fear it is too late.

Again a California column is to move into an abandoned country -- yes, a country actually abandoned while the head of that column was at Fort Yuma preparing to march up the only safe road in the Territory.

General and a corporal's guard of blue coats here today would turn the tide; a regiment next summer will be too late. Troops at Fort Yuma are scarcely nearer the menaced portions of our Territory than they were at Camp Drum, and all the moral effect is lost because no one knows they are there, no one sees them, no one passes Yuma, except on a boat that isn't in U.S. employ.

A corporal's guard here is the evidence of actual arrival would be known to the remotest confines of the Apacheria in less time than it takes this letter to reach you. It would be hewn to every white man north of the Gila in four days, and would rouse them to another effort.

At the general election held on September 6, 1865, he was defeated for Delegate to Congress, receiving 381 votes to 707 for John N. Goodwin and 260 for Charles D. Poston; on January 19, 1866, Charles Dudley Warner, publisher of the Hartford Evening Press, wrote a letter to President Lincoln recommending that he be appointed Governor of Arizona to fill the vacancy caused by the election of Governor Goodwin as Delegate to Congress, but the President appointed Richard C. McCormick, the Secretary of the Territory, as Governor; he left Arizona for San Francisco in the fall of 1866, and while traveling overland from there to St. Louis in November exposure to severe snow storms again broke down his health and for that reason he resigned. Judge on March 13, 1867.

In July, 1867, he left Connecticut for Europe and spent the winter in Spain; the following winter he went to Algiers in North Africa and from there to Egypt; he returned from Cairo to Paris in April where he died of tuberculosis on May 24, 1869; aged 36; his

remains were returned to Connecticut and interred in the \_\_\_\_\_  
Cemetery at Hartford, on June \_\_\_\_, 1869.

His will provided for the following bequests; \$5,000 each to the Orphan Asylum, Hartford Hospital, Hartford Charitable Society, and the Young Men's Institute; \$5,000 for procuring a piece of statuary to be placed in the Hartford Park; \$2,500 each to Gideon Wells and William Faxon out of regard for their personal friendship; the residue of his estate to be divided equally among his three surviving brothers; the following extracts are taken from an obituary written by Charles Dudley Warner and printed in the Hartford Connecticut Courant of June 26, 1869:

He was, by the constitution of his mind, never idle. Always an omnivorous devourer of books, he yet knew persons and things quite as well. His memory was something remarkable; it retained everything with the clearness of a photograph. He could recall and command for constant use all that he had read, casual conversations years before, impressions of places and people, details about ten thousand things that people usually forget in a month. Even disease did not dull his keen intellectual activity. He was an excellent observer, and his reports of his travels were always rich with suggestions and comparisons.

He had a logical mind of extraordinary clearness, as well as fertility, and he was especially attracted towards the philosophy of politics and political economy. His long residence abroad had given him considerable experience in art, and he was tolerably conversant with the French and Spanish literatures. He had never any reserve about expressing his opinion or avowing his sentiments, and seemed always desirous to know and to say the plain truth -- whether it should be welcome or not.

It remains for us only to say how faithful Judge Allyn was in his friendships, how willing he always was to work for his friends, and how grateful he was to them for the slightest favors. He never forgot even a kind word.

## SOURCES OF INFORMATION

- ✓ Whittelsey, C. B. - The Ancestry and Descendants of John Pratt of Hartford, Connecticut, pp. 77-78
- ✓ U. S. Senate - Executive Journal, Vol. 13, 1862-64, pp. 224, 282
- ✓ 1st Arizona Territorial Legislature - Journals, 1864, pp. 11, 13, 14, 15, 213 and appendix, p. 5
- ✓ Rebellion Records, Series 1, Vol. 50, part 2, pp. 1167, 1186, 1204  
The National Archives - Department of Justice files.
- ✓ U. S. Court, 3d Judicial District, Arizona - Docket No. 22  
Library of Gideon Wells, Boston, 1911, p. 409
- ✓ Farish, T. E. - History of Arizona, Vol. 2, p. 325; Vol. 3, pp. 74, 246; Vol. 4, p. 148
- ✓ Sloan and Adams - History of Arizona, Vol. 1, pp. 288, 291 (portrait), 294
- ✓ W. S. Elliott & Co. - History of Arizona Territory, p. 209
- ✓ Kelly, G. H. - Legislative History, Arizona, p. 17
- ✓ The Arizona Miner, Prescott, October 5, 3:4 and October 26, 1864; October 16, 1866; July 10, 1869, 1:2 (death notice)
- ✓ The Connecticut Courant, Hartford, May 15, 2:9, May 29, 2:9 and June 26, 1869, 3:2 (obituary)