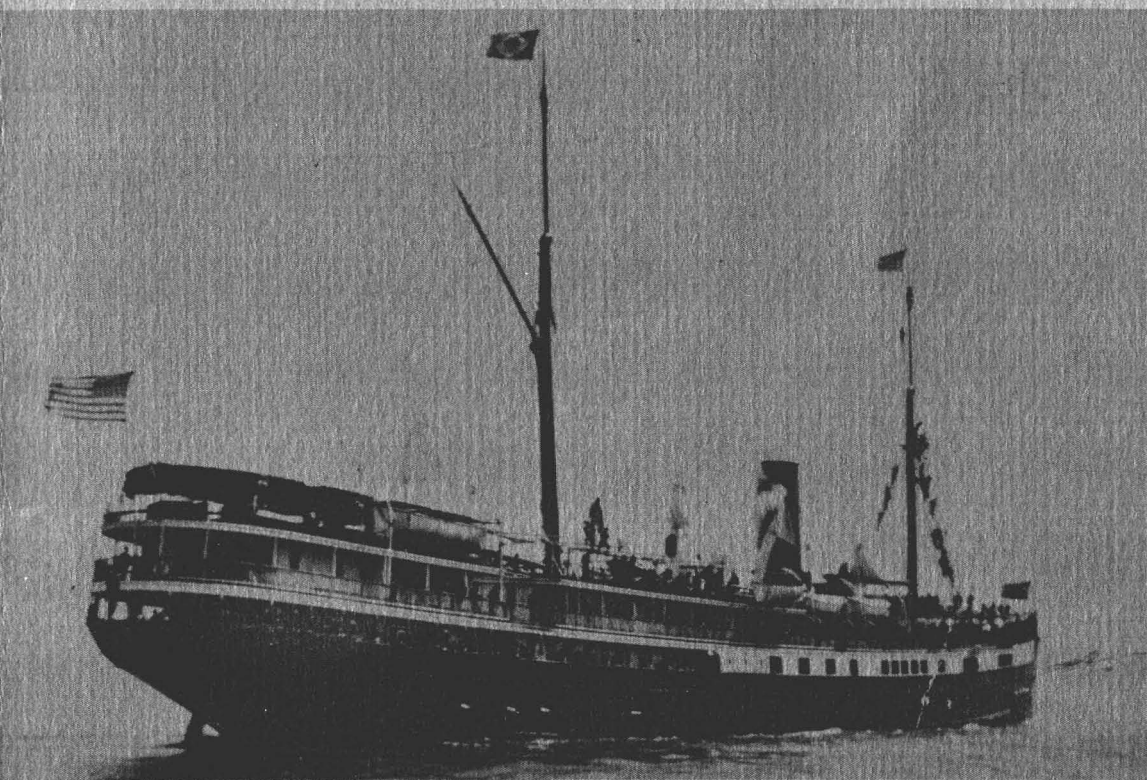


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NEVADA Historical Society Quarterly



Winter • 1975

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THE COVER

The City of Puebla



PAT. M'CARRAN
Democratic Nominee
For Justice of the Supreme Court

Patrick A. McCarran

Patrick A. McCarran: His Years on the Nevada Supreme Court, 1913–1918

by Jerome E. Edwards

... there is no place on earth that constitutes so fine a political burying ground, as the bench. That's where men are really buried, politically. I was buried there once myself, but I was like the Irishman who was much given to drink. It was his custom to get stupidly drunk quite frequently, and during the summertime would take up his nightly abode in the gutter. There was to be a funeral in the town in which this Irishman lived and the grave had been opened and prepared to receive the corpse. A group of boys were out marauding one evening and found their Irish friend in the gutter. As a prank they picked him up, carried him to the cemetery, lowered him down into the grave and put the cover on the box. The next morning our Irish friend awakened, pushed the cover off the box, climbed out of the grave, and said, "Dead, buried and resurrected, and the first son of a gun out." So I got off the bench and was the first to get out.¹

With these words, written many years later, Patrick A. McCarran expressed his disdain for the period in which he was a member of the Nevada Supreme Court, the years 1913 to 1918. He never publicly emphasized this period, and when he died the newspapers also tended to ignore his service on the court. Contemporary commentators described the "brilliance" of his decisions, but rarely provided details of the decisions or of features making them "brilliant." Scholars have also ignored the period. Professor Fred Whited's work on the

Jerome E. Edwards is an Associate Professor in the History Department at the University of Nevada, Reno. He received his Ph.D. from the University of Chicago. He is the author of *The Foreign Policy of Col. McCormick's Tribune, 1929–1941*, and is currently working on a biography of Senator Patrick A. McCarran.

senator ignores any substantive treatment of McCarran's supreme court years;² and Sister Margaret Patricia McCarran, the senator's eldest daughter and a professional historian, simply states, in her articles on her father, that he wrote over two-thirds of the opinions during his years on the court and quotes Justice Milton Badt, "that the record McCarran made on the Nevada Supreme Court bench was his own monument, a body of decisions which are still read for their legal content and fine English."³

It is this writer's contention that McCarran's years on the court actually form a watershed period in his career. He made several political decisions during his tenure which poisoned his relationship with the powers who ran the Democratic party in the state. Thus one purpose of this article will be to demonstrate how Patrick A. McCarran's judicial career from 1913 to 1918 adversely affected his basic ambition to go to the United States Senate. It will also attempt an assessment of several of McCarran's most important supreme court decisions and the philosophy which went into their making. It will include a discussion of how the views expressed in his private correspondence during this period often presaged positions which he was to hold in later years.

Man in a Hurry

In 1912, McCarran easily gained election to the Nevada Supreme Court, defeating George Bartlett, his closest competitor, by 9,721 votes to 4,466. He won by the greatest plurality of any Democratic candidate in Nevada that year, running far ahead of such men as Key Pittman or Woodrow Wilson. The supreme bench was not his first choice for office; he had earlier indicated a desire to run for the House of Representatives,⁴ but his ambitions were received negatively and he ran for the court instead. McCarran was only thirty-six years old at the time of his election, had been an attorney for a short seven years, and seemed destined for higher office. He had held the post of Nye County District Attorney from 1907 to 1909 and was a leading defense attorney in Reno from 1909 to 1912. McCarran was a man in a hurry, or so it seemed.

But McCarran soon discovered that gaining election to the state supreme court had been a grievous mistake. The job stymied his ambition; it was a dead end instead of a way station to something better. The Nevada Constitution forbids judges from running for other offices while they remain judges. It is quite explicit on this point.

The justices of the Supreme Court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected or appointed; and all elections or appointments of any such judge by the people, legislature, or otherwise, during said period, to any office other than judicial, shall be void.⁵

Any fair reading of this restriction leads one to the conclusion that being a supreme court justice of Nevada is an impediment to political advancement during tenure on the court. This was doubtless the intention of the constitution makers. McCarran probably had run for the court in 1912 without any ulterior motives, since he must have been aware of this constitutional prohibition. But he

certainly discovered early that the court did not satisfy his abundant energies and his ambition, which focused increasingly on the United States Senate. He does not appear to have been discouraged. He ran for the Senate anyway without resigning his seat on the court, in complete contradiction to the spirit and letter of the state constitution. He may have been seeking a court test on the article's constitutionality. But such a court test would have placed his party and his own candidacy in a most awkward position if he had won a nomination. Needless to say this afforded plenty of ammunition to an ever-growing list of political enemies. He was the only Nevada Supreme Court justice in this century who openly used his office to further his higher ambition.

Another difficulty confronting McCarran in his quest for the U.S. Senate was the fact that Nevada was already represented in the Senate by two eminent men of his own party. Francis G. Newlands, the son-in-law of William Sharon, the wealthy Comstock financier, was an experienced Nevada politician. Born in 1848, he had been a member of the United States House of Representatives from 1893 to 1903, and had represented Nevada in the United States Senate since 1903.⁶ McCarran in fact had seconded his nomination to the U.S. Senate in the 1903 legislative session. Key Pittman, born in 1873, had come to the state during the Tonopah boom, and first took his seat in the United States Senate in 1913.⁷ Neither man would be easy to dislodge, and any attempt was certain to divide the party.

McCarran began acting in a political fashion from the very beginning. When President Wilson nominated A. B. Gray in 1913 as the United States Marshal for Nevada, on the advice of Newlands and Pittman, McCarran conducted a lonely fight against the appointment. He wrote an acquaintance in Denver requesting information about Gray's earlier Colorado years: "Am anxious to get history of Mr. Gray. Am doing this in the interest of Decency." He wrote a number of letters protesting the appointment.⁸ Although McCarran was not successful in this endeavor he believed he had gained considerable support throughout the state. He certainly earned no plaudits from the two incumbent senators.

Newlands came up first for re-election in 1914. He would probably have been the easier of the two senators to dislodge, because of his age and lengthy absences from the state of Nevada. In fact he was to win his battle against the Republican candidate in the fall by only forty votes. McCarran's letters, written to correspondents scattered over Nevada, did not entirely disguise his ambitions for Newlands' seat. "My position demands that I remain silent, but that does not prevent me from answering the inquiries of friends and I receive those quite often."⁹ He fooled no one. One friend of Key Pittman's complained to the senator, "He is hardly seated on the bench before he shies his castor into a new ring."¹⁰

One of McCarran's most intimate friends, Joe M. McNamara of Elko, realized McCarran's ambition as early as January, 1913. Warning the justice against any premature revelation of plans, McNamara stated that "a faint rumor has reached here that you may be a candidate for the office of United States Senator at the next general election."¹¹ McCarran's reply has not been saved,

but by the beginning of the following year his plans were an open secret. Writing to a Reno attorney, James D. Finch, in January, 1914, McCarran asked, "By the way, Jim, there are just three men of prominence in the State of Nevada, who have not written me personal letters requesting me to run for U.S. Senate. You are one of them. What's the matter?" Although McCarran did not realize it, a copy of this letter was surreptitiously delivered to Key Pittman, and probably to Senator Newlands.¹² The extent of McCarran's indiscretion is indicated by the fact that Finch, although ostensibly McCarran's friend, had been Newlands secretary from 1905 to 1907.¹³ McCarran certainly made no bones about his ambitions in his private correspondence, and openly sought the advice of friends concerning whether or not he was strong enough to defeat Newlands. He maintained that Newlands was "weaker . . . then he ever was in the history of his public career" and that his own candidacy was an answer to a "spontaneous expression" on the part of the good citizens of Nevada.¹⁴ To further his prospects, he made himself freely available to the oratorical circuit and the newspapers whispered that a challenge to Newlands was in the offing.¹⁵

McCarran eventually decided, on the insistent advice of his friends, that he was not strong enough to challenge Newlands. Joe McNamara offered the opinion that Senator Newlands was too formidable an opponent because of his money and machine. Finch pointedly declared that a McCarran fight would prove an embarrassment to his friends.¹⁶ Instead of a go-ahead, what McCarran reaped was a harvest of ill-will within the Democratic party. He himself blamed Emmet Boyle, successful Democratic candidate for governor in 1914, for turning the party against him.¹⁷ Boyle was not alone in his enmity. The new U.S. Marshal, A. B. Gray, wrote Pittman denouncing Patrick McCarran for his "brain backed by egotism. . . . Am going to let him think I have gone to sleep now & when the awakening comes I will have old Rip Van Winkle skinned a thousand ways."¹⁸

Pittman had been forewarned, and McCarran, ever the optimist, now trained his ambitions upon 1916, when the junior senator would be coming up for re-election. McCarran's thinking moved in this direction even before the campaign of 1914 was completed:

At the present time I am watching men and events very closely with a view of determining whether it is advisable for me to enter the fight at the next election. At the present time I am inclined to become a candidate.¹⁹

An amusing incident may have furthered McCarran's ambitions for Pittman's seat. The junior senator, who had an alcoholic problem, was in Reno just prior to the final voting in 1914. According to the *Nevada State Journal*, he had been drinking heavily.

United States Senator Key Pittman, Nevada's junior Senator, was felled and sent prone in the gutter on Virginia Street yesterday after he had made an unprovoked attack on Lytton Stoddard, striking him without a word. Stoddard retaliated once with the result stated.

The scene which occurred in full view of scores of persons on the street at 11 o'clock in the morning, was the culmination of a series of affrays precipitated by Pittman. The aggregate result follows:

Struck Zeb Ray, democratic [sic] politician
Struck United States Marshal A. B. Gray
Struck Senator William F. Sharon
Struck Supreme Justice P. A. McCarran
Struck Deputy Sheriff Lee Updike
Struck H. Fraley, republican [sic] leader
Struck Lytton Stoddard
Struck Virginia Street

The story related how Pittman, when he saw McCarran, removed the cigar from his mouth, and "with the same hand struck McCarran who squared off but forebore to strike back, grappling with Pittman."²⁰

Although McCarran did not realize it, Key Pittman, because of his youth and ability, was probably a more formidable adversary than Newlands. Also, the Nevada legislature in 1915 passed a law changing the method of nominating candidates from popular vote to the convention system. This hurt McCarran's chances, since it reduced the effectiveness of his oratory, and put party control more securely in the hands of experienced professionals. Not surprisingly, Francis G. Newlands warmly supported his colleague, Pittman, as did most of the party organization.²¹ Woodrow Wilson also wrote a letter of endorsement for the junior senator which was published, and the federal employees in the state worked for his re-election. It was possibly no coincidence that Pittman was placed on the Foreign Relations Committee in April, 1916, over seven other applicants. Ironically, considering McCarran's later hearty support from Labor, Labor went down the line for Pittman.²²

McCarran officially announced his candidacy for Pittman's Senate seat in July, 1915. Always sanguine, he claimed to be aware of the odds against him. Early in the campaign, he wrote, "Lined up against me I find Newlands, Dickerson, Bartlett, and Thatcher, as well as Pittman. This is the old machine, and I had them against me in 1912."²³ To combat the machine, McCarran was forced to rely mainly on his considerable personal charm and his many contacts. William Woodburn wrote Pittman that the saloon element was solidly lined up for McCarran.²⁴ Even so, McCarran's campaign was hard going and discouraging, in contrast to that of Pittman's, who did not even bother to return to the state to campaign. McCarran was particularly angered at Wilson's public support of his opponent, and he drafted a hot-tempered telegram to the President telling him he could "bid goodbye to the three Presidential Electors in this State, and they can bid goodbye to a Democratic Senator from this state at the next election." The telegram was never sent, but it was privately leaked and circulated among McCarran's enemies.²⁵ He campaigned until he was exhausted. In a letter of unusual self-revelation, McCarran confessed that he had become chronically tired. "However, such is the fate of one guilty of being overly ambitious. I remember that in my early days I was told that 'He aims too low who aims beneath the stars,' but I have later found out that to keep up such an aim requires a mountain of vanity."²⁶

The issues of the campaign did not run deep. McCarran had challenged Pittman because of ambition, not issues. In announcing his candidacy, McCarran implied that his opponent was more interested in the welfare of other states

than in his own home baliwick. His argument was, in short, a repetition of the tired, provincial assertion, heard often in Nevada, that he would do more for the state than the incumbent. In his own words, McCarran argued that fighting for Nevada's progress would be his "first consideration."²⁷

McCarran made Pittman's refusal to support the national suffrage amendment for women a prime issue. Since women had the right to vote in Nevada, this provided a potential aid to his candidacy. Mrs. Denver Dickerson wrote Pittman, "McCarran seems to be gaining among the women, never missing an opportunity to speak before the Women's Civil League."²⁸ McCarran attempted to get additional mileage out of a Pittman amendment to a land bill. This amendment provided for the sale of seven million acres of federal land in Nevada by parcels to the highest bidders. In a public letter to Pittman, McCarran asked whether his amendment did not "open the door to land monopoly in this state by affording opportunity for the wealthy to secure the land to the exclusion of the settler and home builder of moderate means." Elsewhere he stated that the Pittman amendment would perpetuate the system where "25 persons in the state controlled 64 per cent of the private property."²⁹ Surprisingly enough, foreign policy was not a prime issue, even after Pittman's inclusion on the Foreign Relations Committee, and both candidates gave at least lip homage to Wilson's policies. In his private correspondence, McCarran was staunchly anti-British in his views, but this did not produce any public denunciation of Wilson's foreign policy. Perhaps he did not dare to do so. Furthermore, it was by no means clear in 1916 that Wilson's foreign policy would lead the United States into war. Thus the thrust of McCarran's campaign focused on state issues and which candidate would do the most for Nevada.

Even before the state convention met in August, 1916, the contest was obviously hopeless for the challenger. Although McCarran's popularity was admitted, the general feeling was that he had "overstepped the mark" in going for Pittman's seat. Pittman wrote Woodburn one month prior to the convention that McCarran was a beaten man and that Pittman's supporters should attempt to conciliate him.³⁰ McCarran independently reached the same conclusion and in a public, rather grandiloquent, letter to Pittman, dropped out of the race before the delegates assembled.³¹ He offered his full support to the junior senator in the November election, personally nominated Pittman at the convention, and campaigned indefatigably for the ticket in the fall. The niceties were observed, but nobody was fooled.

In retrospect, McCarran's decision to run against Pittman was probably the single worst error of political judgment he ever made. He earned the undying enmity of a strong portion of the party and the reputation among party leaders of being selfishly interested only in his own political advancement, to the detriment of party unity. A. B. Gray characterized him as an "egotistical ass."³² Pittman, whose opinion was obviously important to McCarran's future, was devastating:

McCarran has nothing to recommend him for this position except his nerve, energy and social qualities. He is violating the policy, if not the constitution of our state. He is degrading the dignity of the bench. He is threatening the success of our party at the election. He has been highly

honored by our party, and he is selfish and ungrateful. He is utilizing the great office that has been conferred upon him for the purpose of intimidation. I supported him from every stump in Nevada at the time that he ran. His term of office has not expired. He has no right to run.

McCarran started the fight and while I won't carry it to the election, for I intend to support him if he is nominated, he will have my fight inside the party as long as I am in the State of Nevada, and I have no intention of ever leaving it. . . .

. . . I do believe that Judge McCarran's selfishness has endangered the success of the whole party in the State. I do believe that he has forfeited the support of the party for anything that he may ever aspire to.³³

Why, it must be asked, did McCarran make this doomed fight? His daughter believes that her father was possibly egged on by what he thought was a common anti-Catholic attitude prevalent in the state.³⁴ This may well have been a reason for McCarran's decision. In addition, Pittman had drunkenly attacked the justice in 1914. But probably more important was that McCarran was governed by a sheer, driving, blinding ambition which warped his political judgment. Since he had not quite had the courage to run against Newlands in 1914, and since he realized that if Pittman were re-elected the latter probably would amass the seniority to continue on for a long tenure, he undoubtedly saw all sorts of doors closing, doors leading to the only office he really wanted. Also, McCarran was turning forty in 1916, and he may well have been apprehensive over the passage of time, believing as he did that the moment had finally arrived to make a bid for the Senate.

After the humiliation of defeat, McCarran began pulling strings to obtain a lifetime judicial post, preferably one outside his beloved state of Nevada. He telegraphed Senators Pittman and Newlands concerning the possibility of getting appointed to the Federal District Court of Nevada and was immediately turned down.³⁵ Undaunted, he believed he had discovered something more concrete, when, in December, 1917, he heard of a vacancy on the Court of Appeals for the District of Columbia. McCarran wasted no time in requesting an endorsement from the two Nevada senators, and this time they happily complied, doubtlessly thinking it would be a splendid way of getting rid of McCarran for good. His ostensible, although disingenuous, reason for applying for the position was to "afford the opportunity which I seek to continue my work, and . . . give my little girls the education that the city of Washington supplies." He asked all sorts of people, such as the chief justice of the California Supreme Court, whom he did not know and had never met, to write letters in his behalf.³⁶ The upshot of this *opéra bouffe* was that President Wilson wrote Newlands and Pittman that there was a major misunderstanding somewhere as no vacancy happened to exist on the District of Columbia Court of Appeals.³⁷ The fact that McCarran wished to permanently leave the state of Nevada, which he deeply loved, was a measure of his desperation and humiliation.

But an unexpected opportunity developed when Senator Francis Newlands died suddenly on Christmas Eve, 1917. It took McCarran no time at all to organize a campaign to pressure Governor Emmet Boyle (whom he not-so-

privately despised) to appoint him to the vacant senatorial seat.³⁸ The governor naturally enough ignored McCarran's entreaties by appointing instead the more compatible Charles Henderson of Elko to the position. And unknown to McCarran, certain elements among the party leadership were grooming District Judge Edward Ducker of Winnemucca to run for McCarran's seat on the Nevada Supreme Court. According to that ever-faithful enemy, A. B. Gray:

McCarran wired all over the state and was endorsed accordingly, and is a mighty sore man, said he was a mighty sore man, said he would be a candidate in the primaries but don't think he has the nerve to try it. That constitutional hoodoo has about got his goat. I am of the opinion that Ducker will beat Pat if he makes the race for the judgeship and that Henderson will beat him if he tries for the senate, so let our beloved friend practice law, it is a noble profession.³⁹

McCarran did weigh the possibility of challenging Henderson in 1918 for the remainder of the two-year unexpired term. While he was still mulling over his decision, writing letters all over the state, bitter at Governor Boyle, and respectful of the money behind Henderson, Ducker was persuaded to run. "We want a judge that will not monkey with politics and try to be a United States senator every other year," stated one politician.⁴⁰ McCarran decided in late February, 1918, not to challenge Henderson, but realizing Ducker's growing strength, and not liking the office of justice much anyway, he delayed his own decision concerning his re-election candidacy. He drifted until June, 1918, when he finally announced he would run again. It was too late. He was defeated by a margin of 12,101 to 11,566. Of all twentieth-century Nevada political races, in only one other election has an incumbent supreme court justice been defeated. Many party leaders rejoiced at the loss. William Woodburn wrote Pittman:

P.S. By the way, do you remember one P. A. McCarran? Well, the task of retiring him to private life was completed the other day when Judge Ducker beat him mercifully in the election. McCarran complained that the Pittman wing of the party was against him. For once he made a good decision.⁴¹

A. B. Gray was not so confident that McCarran was politically dead, and he foresaw another McCarran race for the Senate in 1920.⁴²

McCarran further alienated the Democratic party leaders of Nevada when he attempted to effect the defeat of Governor Boyle in the 1918 primary by openly supporting the candidacy of his chief rival, party chairman Sam Pickett. He wrote J. H. Causten of Lovelock that it made no difference to him whether the new governor was to be a Democrat, a Socialist, an anarchist, or a member of the I. W. W.—"anybody but Boyle."⁴³ Joe M. McNamara received the news that McCarran would vote Republican if by some unforeseen chance Boyle should defeat Pickett. "So far as I am concerned and so far as friends of mine are concerned, it is anybody but Boyle, regardless of political lines."⁴⁴ McCarran's promise to bolt the party if Boyle won the nomination indicated how limited his party regularity had become by this time. This inclination to refuse to give blanket support for the entire ticket was to grow with the years. Unfortunately for McCarran Boyle easily won renomination and went ahead to defeat Republi-

can candidate Tasker Oddie in the general election. Defeated in his own bid for re-election, McCarran was cast into the political wilderness.

From the foregoing we may see that the story of McCarran's political career from 1912 to 1918 concerns a man who steadily antagonized the Democratic leadership by refusing to conform to any set principles of party loyalty. By compulsive electioneering while serving on the bench, quite in defiance of the state constitution, McCarran not only ruined his chances for an early bid at the U.S. Senate but also for the retention of his seat on the high court. He tried again for the United States Senate in 1926 and lost badly in the Democratic primary. One may ask how he was able to come back in 1932, without primary opposition, and finally attain the office of his ambitions at the age of fifty-six. The answer lies partly in the fact that the depression changed some of the rules of the political game, but also one must not forget that McCarran had brains, a huge talent, a warm charm, and plenty of nerve. He finally had his chance to settle some of the old political scores.

Justice McCarran

Patrick McCarran was an associate justice of the Nevada Supreme Court from 1913 through 1916 and chief justice of the court from 1917 through 1918. Under the Nevada Constitution, the chief justice is a revolving position which goes to the justice with the least number of years remaining in his term. Although it is obvious from the evidence that McCarran disliked being a member of the court, he was, by any criteria, an estimable jurist. One may read his decisions by perusing the *Nevada Reports*, Volumes 36 to 42.

As an associate justice, McCarran delivered more than a third of the decisions given by the three-man body. From 1913 through 1916, he wrote 75 of the 204 decisions of the court. As chief justice, McCarran had the prerogative of designating the writer of a decision, and he allotted an unusually heavy share of the writing to himself. Thus, in 1917 and 1918, McCarran wrote 32 majority decisions out of 73 cases, in addition to 13 concurring decisions, and 4 dissents. He was a forceful, active jurist which is a bit surprising since so great a portion of his time and energy was expended politicking.

McCarran wrote with a vigorous style. In fact his prose is so clear, and so entertaining, that it is worth quoting at length. So let McCarran be his own chief spokesman as we analyze some of his major decisions.

Two basic themes, both of them relevant to a more modern era, are stressed in McCarran's decisions. One of these is an emphatic vindication of the rights of defendants. In *State v. Scott*, the most eloquent of McCarran's decisions, McCarran criticized the tactics of the prosecuting attorney in the case, and remanded a first-degree murder conviction back to the lower courts for retrial. Undoubtedly remembering his own experience as Nye County prosecuting attorney from 1907 to 1909, McCarran excoriated overly-enthusiastic practitioners of that office.

We think it here proper to state that it is commendable for district attorneys to be vigorous in the prosecution of crime, but they should not forget that their duty is not solely to convict. The defendant has rights

which the prosecuting attorney is as much bound to respect, and even protect, as he is bound fairly, vigorously, and justly to present the cause of the state at the trial. The right to life and liberty is one of the dearest and most precious things which a citizen possesses. While a citizen may, by a criminal act by him committed, forfeit his right to the one or the other, the state, whose representative the district attorney is, does not demand a conviction for a crime, or a particular degree of crime, as the case may be, where the facts do not warrant such a conviction. The office of district attorney is one of great power and responsibility. It may often happen that he is called upon to protect the rights of an accused person from the possibility of a conviction based upon public sentiment rather than the actual facts of the case. When a prosecuting officer seeks to take advantage of public sentiment to gain an unjust conviction or seeks to take an unfair advantage in the introduction of evidence or in any other respect, he is failing in his duty as the state's representative. The duty of district attorneys to be fair to defendants on trial is scarcely less obligatory than the duty which rests upon the courts, whose officers they are. Both are bound, while holding a defendant accountable for his acts, to protect him in his substantial rights.

These observations are general and are not intended to be in criticism of the prosecuting attorney in this case, but as a gentle reminder to prosecuting attorneys generally of the nature and character of the office which for the time being they happen to fill. This court in a number of cases has been compelled to reverse convictions due to acts of overzealous prosecuting attorneys, and the reports of other courts show numerous reversals for the same reason. Hence an occasional reminder to prosecuting attorneys of what is the real character and function of their office may not be inappropriate.⁴⁵

In *State v. Comisford*, McCarran attacked a prosecuting attorney who had made some careless remarks.

There was no foundation or excuse for the remarks of the prosecuting attorney in the case at bar so far as the record discloses. His utterance was misconduct such as should have called for immediate reprimand from the trial court. Overabundant zeal, spiced with that ever impelling element, personal ambition for success, is too often the shrine of excessive devotion, where wild tongues are loosed "that have not Thee in awe."⁴⁶

McCarran had a healthy skepticism, doubtlessly bred of familiarity with frontier police practices, of confessions obtained by the normal procedures of the day. It is well to mention here that the rights given to individuals by the United States Bill of Rights were not uniformly applied to the state level, but only to federal courts, in McCarran's day. Nevada has, however, its own "Declaration of Rights" which in some ways goes beyond the U.S. Bill of Rights. It guarantees, as does the Fifth Amendment to the U.S. Constitution, that no person could "be compelled, in any criminal case, to be a witness against himself."⁴⁷ In a decision which reminds this observer of the U.S. Supreme Court's later, controversial, *Miranda v. Arizona* (1966) ruling, McCarran declared that confessions must be voluntary on the part of the defendant:

It requires no citation of authority, as we view it, to support the assertion that, before the statement or series of answers made by the defendant in the police headquarters while he was under arrest charged with the offense could have been admitted as a part of the state's case in chief, it would have been necessary to lay a foundation for its admissibility, showing that the statement was voluntary, and that the same was made without hope of reward, inducement, or fear of punishment.⁴⁸

McCarran also believed that under the Nevada Constitution a defendant must have the right to adequate counsel. This right seems clearly spelled out in the state "Declaration of Rights," which says "in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel. . . ." There is, however, an ambiguity about the types of crimes that are covered by this protection; but capital and other "infamous" crimes are explicitly mentioned in the article.⁴⁹ In 1914 McCarran dealt with a case where a defendant charged with assault with a deadly weapon had asked for the assistance of counsel and had been refused. His argument resembles that of the later Warren Court's *Gideon v. Wainwright* (1963), and is most interesting because it does not necessarily restrict the right of counsel only to the more serious felony cases.

Of all the rights secured to one accused of crime, it is, I think, quite safe to say that there is none more important or vital than that of being represented by counsel. The evolution of the law has developed no more important or sacred privilege than that which contemplates justice meted out to one accused of crime, and in no phase of the law has there been an evolution more important than that which, having its inception in the thought and reasoning of minds grounded in principles of justice, . . . establishing the right for persons accused of crime to be represented at their trial by counsel. . . .

I would not be understood as denying the proposition asserted by so many courts, that the constitutional right of being represented by counsel, granted to every one accused of crime, may be waived by a competent person who may appear fully cognizant of his situation and mentally capable of appreciating its seriousness. The right of one to waive this constitutional privilege is a right which not only affects the individual exercising it, but likewise the state. The life and liberty of every individual is a part of the state itself, inasmuch as the latter holds a protectorate over it. A just administration of the laws is a function for the state to perform, and where one accused of a violation of some of the rules or ordinances of organized government is brought before a bar of justice, the state, as the representative of that organized government, is interested in the welfare of the individual, as well as in the upholding of the dignity and majesty of the law. If the party accused appears to be incapable of realizing his position, the gravity of the charge against him, or the consequences, or if it appear, as in the instance presented by the record in the case at bar, that the seriousness of his situation he is incapable of appreciating, then his right to waive his constitutional privilege of counsel is to my mind a most questionable one.⁵⁰

Another major theme which runs through many of McCarran's decisions is that the legislative body of government should be given the widest possible

latitude in passing progressive statutes to advance the economic and social status of the people. Thus in one major case where the constitutionality of a Nevada Employer's Liability Act of 1907 was at issue, McCarran declared:

Laws enacted under the police power of the state, which will in their general nature promote healthful conditions of work and freedom from under oppression, are always within the scope of the legislative department. . . . It has been generally said that where the health, prosperity, good order, and peace of the people, or of any general class of the people, require legislative regulations, it is within the power of the legislature of the several states to enact such statutes.⁵¹

The right of the people to pass acts fostering the general welfare was even higher than certain so-called contract rights:

It was within the power of the legislature to make nugatory any contract or agreement whereby an employee might, by entering into such an agreement, destroy the safeguards which the law threw about him. . . .

The power of the state to prevent the individual from making certain kinds of contracts has been passed upon approvingly by many of the courts of last resort, and it has been generally said that if the contract be one which the state, in the legitimate exercise of its police power, has the right to prohibit, it is not prevented from prohibiting it by the fourteenth amendment.⁵²

McCarran further contended that courts should be chary of tampering with the legislative process, even when the legislative process produced defectively written statutes. Basically the courts should leave the legislative branch of government alone, and give it a wide latitude of discretion. Probably this is why he so strongly preferred membership in the legislative branch of government rather than in the judiciary branch; in his concept of government the legislative branch was where the action was.

The legislature is the lawmaking body. It speaks for the policy of the people of the state, and its functions should not be assumed by the courts. That branch of the government having as its office the making of the law must be accredited with having a conception of what is reasonable and what is an unreasonable regulation, and unless unreasonableness is apparent and manifest, the court should not discredit its judgment or assume its functions, nor should it set itself up as being possessed of more immaculate judgement as to the reasonableness or unreasonableness of the regulation than the people whose representatives create legislative acts.⁵³

And elsewhere McCarran writes:

When the legislature, speaking for the policy of the state, enacts laws which tend to protect the people in general, or great numbers of the people, when it seeks to enhance public welfare by enacting laws tending to safeguard and promote business and commercial conditions, the ultimate aim and object of such laws should not be lost sight of. Enacted and maintained by reason of the police powers of the state, such laws should be operated and construed to the end that their spirit might be applied, even though in letter they may appear limited or defective.⁵⁴

Hence McCarran's basic view was that the power of the legislature was not a God-given, hard-and-fast thing but rather something that could and should be flexibly interpreted to meet changing conditions. To McCarran, law and its interpretation were not immutable but rather shifting and fluid. The courts had to be cognizant of scientific advances in law enforcement and even changing philosophical conceptions of human nature. As an illustration, in his most often cited case, *State v. Kuhl*, McCarran argued lucidly, and with an impressive amount of judicial and scientific evidence, that palm print impressions could be used as evidence in court.⁵⁵ In deciding an insanity case, McCarran addressed himself to the problem of how one is to determine insanity:

The darkness in which humanity groped in ages past, and by reason of which the world condemned the acts of the individual for the breach of the law, and especially for the abnormalities that appear prevalent in him, is being cleared away by the hand of science, and with the light of knowledge there comes the ever-increasing ray of human sympathy and a persistent study and research as to how this sympathy should best be applied. The great minds of the world, who keep abreast of the times and of development of science, are devising and advancing theories, means, and methods by which the great question of criminology can best be handled. The courts of the land, in dealing with this great subject, cannot stand by and hold a deaf ear to the march of science. The rules which once governed, according to the standards best considered, must not remain rigid; but their elasticity must be made commensurate and proportionate to human achievement and the definite results of scientific investigation.⁵⁶

What these decisions indicate is that McCarran was very much leagued with jurists such as Oliver Wendell Holmes and Louis Brandeis who contended that judicial interpretation of the law, instead of being a static process, had to evolve to reflect changing conditions. Under this philosophy, courts should arrive at decisions not only by using precedents, but also sociological and scientific evidence. This type of reasoning has greatly influenced later U.S. Supreme Courts and has produced landmark decisions such as *Brown v. Board of Education of Topeka* (1954). But it is a type of reasoning which McCarran shifted away from in his senatorial career, particularly after breaking with Franklin D. Roosevelt when the president sought to "pack" the Supreme Court.

Only in the realm of sex did McCarran hold to a rather rigid conception of public morality, and even here it might be argued that his position represented judicial acceptance of the right of a legislature to enact even ill-defined, poorly-worded language. It must be admitted, however, that McCarran did not, on this subject, use that particular argument, but rather he straightforwardly reflected public mores. In a homosexuality case, McCarran argued that the "infamous crime against nature" did in fact include sodomy, even though the original legislation did not define this offense.

Nature has provided in the male and female the organs for the reproduction of the species. Any copulation by male with male, or by male with female, other than that copulation by and through the organs provided by nature for the reproduction of the species, is an act against

the order of nature, and hence must of necessity be a crime against nature, inasmuch as it is an act against nature's law. . . .

. . . it is not unreasonable to assume that all unnatural acts of carnal copulation between man with man or man with woman, where penetration is effected into any opening of the body other than those provided by nature for the reproduction of the species, are sufficiently contemplated and embraced within the term the "infamous crime against nature" as set forth by our statute.⁵⁷

But this decision was not typical of McCarran. Even though he writes of the "order of nature" as if it were something constant, most of his decisions focus more on the evolution of the law, and the ever-shifting components of human nature. The very term, "order of nature" denotes something rigid and unbending, perhaps even unforgiving, whereas McCarran as an attorney and as a justice almost always emphasized defendant's rights. It is pertinent to note in this connection that even though he was a prominent Roman Catholic, he had, before going to the court, twice defended a doctor who had rather consistently performed abortions. He had a deep understanding of human frailties and human sin, if you will. And although sin was doubtlessly wrong, it was part of the human beast. It needed interpretation and compassion and, at any rate, who among men was in a position to cast the first stone? In a disbarment case, McCarran put it this way:

Condemnation is the first blush that comes to the cheek of shocked propriety. But propriety should be an exacting, a charitable mistress. Condemnation neither explains or rectifies; and, while it may scourge, it teaches no lesson. We may enforce the laws of man; we may interpret his constitutions and his codes, but we can offer no solution for the varying and conflicting laws, that, emanating from an unseen power, seem to govern the idiosyncracies we find in mankind.⁵⁸

Friendly Advice

Nowhere does McCarran show up more revealingly than in his private letters. Although much of his later correspondence has been lost or destroyed, it has been preserved surprisingly intact for the years under discussion. One of the chief components of McCarran's strength was that he kept in contact with many of the more youthful attorneys and politicians in the state. His letters are charming, full of whimsical good humor, and excellent advice, which is never obtrusive or officious, but invariably clearheaded and full of good sense. His warmhearted, emotional, but always precise nature, which turned away some, attracted others to him. It was probably the basis of whatever political appeal he possessed during this period. He was people-oriented, and intensely loyal to his friends.

The chief recipient of his advice and favors during this period was Joe M. McNamara of Elko, a young man who took his bar exams in 1913. McCarran acted toward him as toward a son (he had none at this time), and a warm relationship developed between the two. When McNamara, filled with natural trepidation, took his law exams before the supreme court, McCarran encouraged

him and gave him suggested courses of study and reading lists, which may have been somewhat leading since he was one of the board of examiners. He was determined that McNamara should conquer his stage fright. After recounting how scared he himself had been in taking his exams in 1905, McCarran wrote, "I am going to try and get you out of this if possible and if it is necessary I will have a roll of blankets here so you can sleep on the court room floor to overcome this awe-inspiring sense."⁵⁹

After Joe McNamara passed his exams the two kept in close contact, McNamara giving the justice political information, and McCarran giving the young Elko lawyer sound advice on the practice of law and sundry other matters. When Joe was inducted into the army in 1918 as a private to fight the war to make the world safe for democracy, McCarran counseled him concerning his best course of advancement in the service. But McCarran's letter was much more than that; it was an affectionate farewell to a close friend, and it provided an idealistic but realistic course of instruction on how to get ahead in the world. The letter well explains how McCarran continued to fascinate, to the day of his death, a whole coterie of younger men and was able to inspire their complete loyalty. Some of the advice may appear platitudinous to a later, more cynical age, but McCarran wrote with apparent sincerity. The letter is worth reproducing in full:

Now, Joe, I have one other personal request to make of you. Apply yourself as you never did before. You will find in the very near future that new Officers' Training Schools will be established and you will have opportunity for advancement.

So far as my humble power and ability goes I will be with you all the time. Wire, write, get a message to me some way, whether you be on American soil or in France or a prisoner in Germany. Wire me so that I can do my best to assist you. I want you to make the most of yourself and I know that it is in you to make good. Study the Articles of War, study every other piece of literature that would advance you in the business in which you are going.

Joe, go into this with heart and soul. Go into it for the best that there is in it. There will be side lines and distractions that will confront you on every hand. Permit these to pass unnoticed. Bend your efforts to achievement in the line of the life that you are following.

I am reliably informed that very careful watch is kept of the men who apply themselves to study and who seem most interested in developing something in the work then at hand. When you least expect it some officer's eye is on you with a view to determine whether you are interested in your work or not. Night and day this goes on. Your manner of conducting yourself both in your private life and in your regular affairs is watched and made note of. The manner in which you get along with your fellows is especially something to be considered. All of these are elements going toward promotion.

Joe, I want you to come back with the shoulder straps on and you can do it. One other and last word, watch out for the moral side. There is a great career and a great life ahead of you, but by the way and on the road to success are the pitfalls of immorality, alluring enticements of every kind appear, present to draw you from the path of right. It is not alone in

the dive or the place of low repute that these things grow but as well in places of high society.

Don't let them swerve you from the path that will lead you to success. When you take the oath of allegiance and enter the service, let that oath carry with it a solemn pledge to your country and to your God, never to touch liquor while you are in the service.

Joe, impress this last assertion in your memory, and carry the pledge with you wherever you may go. You will find it to be the greatest pledge that you ever took. I don't believe that these admonitions from me are necessary. My implicit confidence in you leads me to believe that you will make good, that you will return with success. These words from me are but the words of a sincere friend, and you will I know, accept the thoughts herein expressed in the spirit in which they are transmitted.

I will be glad to receive a wire from you letting me know as to when you will pass through Reno, and you may be assured that I will be there to bid you good bye, so may God bless you, Joe, and keep you and return you safe.⁶⁰

McCarran also advised McNamara and other friends on the rules of conduct which he believed went into the making of a great lawyer. Since McCarran was one of the most skillful attorneys of the state, his suggestions retain a timeless interest. The first rule, according to McCarran, and one of "primal" importance, was self-confidence. "The man who has implicit and unswerving confidence in himself is possessed of the power to do anything he wills."⁶¹ McCarran personally never lacked a great measure of this attribute. His second rule for lawyers was honesty. A lawyer must be ethical, not only because it was right, but because if an attorney were honest, people would come to trust him. In advice which is quite relevant to our Watergate-haunted age, the future senator urged:

Secondly, remember that whatever you do, be open and above board. Don't allow any solicitation on the part of anyone to cause you to swerve for a moment from the straight line of right. Don't go into shady territory. Don't take a chance where the result might be to your own detriment. In a case of this character, where one seeks to achieve success, he is oft-times prone to forget his own best interest to take a chance, where the opportunity for his detriment is prevalent at every moment. Don't do this. You have before you your life and your career and you must not jeopardize either one. The world will recognize an able effort and a sincere endeavor even though he fails and where the odds are against you, as in this case, failure is no disgrace.⁶²

But if a lawyer were to be rigid in his honesty, he was to be no fool concerning human nature. Thus McCarran's third requisite for success as an attorney was that he should be skeptical about his fellow man and keep his own counsel. "Don't allow anyone to know what you are going to do next. You never know who your friends are and there is one person only who you can implicitly trust and that is Joe McNamara."⁶³ A fourth item of advice, addressed to another correspondent, and one which arose out of hard experience for McCarran, was that if a lawyer is associated with others in a case, he must unmistakably delineate the lines of responsibility (and the fee) with his associates from the very beginning. If he is in control, there must never be any doubt of it.⁶⁴

This was sensible, hard-headed advice and demonstrated that McCarran had done considerable thinking about the principles of his profession and what went into the making of success and even greatness within it. But McCarran's ambition, as we have seen, went far beyond being merely a successful practitioner of the law—he also wished to be a maker of the law. Hence it is a testimony to McCarran's acuity that he had also been thinking profoundly on what made a great lawmaker. In his correspondence, whenever McCarran would discuss the legislative branch of government, the point invariably would turn to the U.S. Senate, which as we have seen was both his immediate and ultimate ambition.

In one remarkable letter, written in November, 1916, and addressed to a young man who had been elected from Mina to the state assembly, McCarran gave advice as to how to be a successful legislator. Midway through the letter, and not untypically, the topic of discussion switched to the U.S. Senate, where McCarran's mind had been all along. The letter is of vital importance, because sixteen years later, when McCarran won his belated election to the Senate, he followed rather closely many of his own instructions.

The advice ran as follows:

1. Don't strive for a position in the machinery of the legislature, such as that of speaker. The power is not there. "If I were member-elect of the Legislature, I would not aspire to any position, save that perhaps of chairmanship of some important committee."⁶⁵

2. Familiarize yourself with the statutes. "The fellow on the floor, with a knowledge of legislative affairs, who makes it a special point to verse himself in statutes already in existence in this state and with the decisions of the court of last resort of this state will be the greatest power in any legislative body."⁶⁶ Officials of a legislative body can not challenge a legislator who has a profound grasp of the law. "He will be a constant guide to legislative action. He will be looked to as an authority on matters of legislative moment."⁶⁷ In short McCarran argues that a lawmaker, to command respect, must deeply research any subject upon which he speaks. Then he can talk with authority.

3. Avoid being a party wheelhorse. Be absolutely independent. Looking at his subsequent career, and at the eloquence by which he expressed himself on this point, this must have been the most heartfelt part of McCarran's advice. He provided a most instructive example:

Permit me to illustrate by something which is perhaps very much greater in significance and scope, yet nevertheless speaks for the theory that I set forth. In the Senate of the United States today the Vice-President is President of that body; but the greatest single power, the greatest representation of individual influence, is neither in the President of the Senate nor in the majority side of the house, but on the contrary is a single individual on the minority side of that body, Robert M. LaFollette. The very Democratic majority that has controlled the Senate of the United States for the past four years is afraid of the power and influence of LaFollette. The sole and only reason for this is his wonderful knowledge of legislative affairs, his wonderful grasp of the law, and above all his wonderful standing with the men of affairs who recognize that he is beyond reproach and that he has a keen conception

of right and wrong. This man is but a single individual. He has not been in recent years even in touch with the power of his own great party, but stood head and shoulders above that party in the estimation of the people.⁶⁸

This point was prophetic to McCarran's later career. It might be worth mentioning, however, that McCarran neglected to mention one method by which a young man could get ahead in the legislative world, a method he himself ably used when he went to the Senate during the depression. This was to get appointed to good committees and become important to their functioning. Very unusual for a freshman, McCarran in 1933 obtained membership on two of the Senate's most vital committees—Appropriations and Judiciary. He was able in time and because of the advancement of seniority, to parlay those two posts into a position of tremendous power.

The probable reason why McCarran in later years rarely referred to his tenure on the Nevada Supreme Court is that it was an awkward and unhappy time for him, and almost disastrous from a political standpoint. Before his defeat for re-election in 1918 he wrote a friend, "The Capitol is about as usual. Everybody hates everybody else and political knives are being ground and whetted."⁶⁹ After his defeat, he left Carson City emitting a sigh of relief. His time on the court he remembered as "six years of exile."⁷⁰ "I am very much pleased at the outcome," he stated. "Another six years on the bench would mean six years retirement from active life, whereas, I hope when I am free to enter into life with a new determination and a new activity."⁷¹ This optimism did not disguise his frustration and disappointment. It should also not obviate the fact that when he was on the court he wrote many eloquent and important decisions which stand up very well under the test of ensuing years.

Notes

1. Patrick A. McCarran to Pete Petersen, Apr. 9, 1947, Petersen Papers, University of Nevada Library, Reno.
2. See Fred E. Whited, Jr., "The Rhetoric of Senator Patrick Anthony McCarran" (unpublished Ph.D. dissertation, University of Oregon, 1973); *Ibid.*, "Senator Patrick A. McCarran: Orator from Nevada," *Nevada Historical Society Quarterly*, XVII (Winter, 1974), 181–202.
3. Sister Margaret Patricia McCarran, "Patrick Anthony McCarran, 1876–1954," *Nevada Historical Society Quarterly*, XI (Fall-Winter, 1968), 22–23, 56–57. Sister Margaret graciously allowed this researcher access to and use of the extensive McCarran collection, housed at the College of the Holy Names, Oakland, California. There is a smaller, inferior McCarran collection in the Nevada State Archives, Carson City, Nevada.
4. Patrick A. McCarran to Key Pittman, Sept. 29, 1911, Box 4, Pittman Papers, Library of Congress, reproduced in McCarran Papers, Itemized files, College of the Holy Names, Oakland, California. George Bartlett had been a two-term Democratic congressman from Nevada, 1907–1911, and ran for the court as an Independent in 1912. Other candidates for the Nevada Supreme Court were J. M. Lockhart (Republican) with 2,701 votes and W. R. Thomas (Progressive) with 2,183.
5. *Nevada Constitution*, Article VI, Section 11.
6. The most generally available book on Newlands is Arthur B. Darling, ed., *The Public Papers of Francis G. Newlands* 2 vols. (Washington, D.C.: W. F. Roberts Co., 1937). A more biographic work is William Lilley, "The Early Career of Francis G. Newlands, 1848–1897" (unpublished

Ph.D. dissertation, Yale University, 1966). William D. Rowley of the University of Nevada, Reno, history faculty is presently working on a political biography of Newlands.

7. The only available biography of Pittman is Fred L. Israel, *Nevada's Key Pittman* (Lincoln: University of Nebraska Press, 1963).

8. P. A. McCarran to John Redden (Denver), June 12, 1913; P. A. McCarran to Key Pittman, June 13, 1913, Itemized files, McCarran Papers.

9. P. A. McCarran to Richard Galligan (Tonopah), Aug. 28, 1913, Itemized files, McCarran Papers.

10. Sam P. Davis to Key Pittman, Mar. 26, 1914, Pittman Papers, Library of Congress, reproduced in Itemized files, McCarran Papers.

11. J. M. McNamara (Elko) to P. A. McCarran, Jan. 9, 1913, Itemized files, McCarran Papers.

12. P. A. McCarran to James D. Finch (Reno), Jan. 6, 1914, Itemized files, McCarran Papers; A. B. Gray to Key Pittman, Jan. 7, 1914, Box 28, Pittman Papers.

13. Sam P. Davis, *The History of Nevada* (Reno, Los Angeles: The Elms Publishing Co., 1913) II, 1172.

14. P. A. McCarran to J. M. McNamara, Jan. 12, 1914; P. A. McCarran to P. W. Feeley (Goldfield), Feb. 24, 1914, Itemized files, McCarran Papers.

15. See e.g. *Reno Evening Gazette*, Feb. 26, 1914, Mar. 10, 1914.

16. J. M. McNamara to P. A. McCarran, Jan. 19, 1914; James D. Finch to P. A. McCarran, Jan. 29, 1914, Itemized files, McCarran Papers.

17. P. A. McCarran to Richard Galligan, July 30, 1914, Itemized files, McCarran Papers.

18. A. B. Gray to Key Pittman, Feb. 4, 1914, Box 28, Pittman Papers.

19. P. A. McCarran to C. M. McGovern (Las Vegas), Oct. 10, 1914, Itemized files, McCarran Papers.

20. *Nevada State Journal*, Oct. 31, 1914.

21. P. A. McCarran to Joe Kelly (Rawhide), Sept. 23, 1915, Itemized files, McCarran Papers; Key Pittman to J. T. Goodin (Lovelock), Dec. 6, 1914, Box 6, Pittman Papers.

22. See Fred L. Israel, *Nevada's Key Pittman*, pp. 32–33, 35–36; An official letter of the International Association of Machinists to its Nevada membership, July 26, 1916, endorsed Pittman; Box 12, Pittman Papers.

23. P. A. McCarran to Mrs. Jane Gourney Yoakum (Louisville, Ky.) Sept. 1, 1915, Itemized files, McCarran Papers. George B. Thatcher was attorney general of Nevada, 1913–1919; Denver S. Dickerson had been governor of the state, 1908–1911.

24. William Woodburn to Key Pittman, Aug. 17, 1915, Pittman Papers, reproduced copy in McCarran Papers, Itemized files. Woodburn had been Washoe County district attorney from 1908–1914 when he was appointed U.S. Attorney for Nevada. He was the son of William Woodburn, Sr. who had been congressman from Nevada, 1875–1877, 1885–1891.

25. P. A. McCarran to Sam M. Pickett, May 24, 1916, Itemized files, McCarran Papers.

26. P. A. McCarran to Miss M. Ethel Berlin (Oakland), June 19, 1916, Itemized files, McCarran Papers.

27. *Reno Evening Gazette*, July 23, 1915.

28. Mrs. Denver Dickerson to Key Pittman, Apr. 18, 1916, Pittman Papers, reproduced for McCarran Papers, Itemized files.

29. *Reno Evening Gazette*, Oct. 7, 1915, Mar. 2, 1916, Oct. 29, 1916; Pat A. McCarran to A. W. Hendricks (New York), Mar. 9, 1915, Itemized files, McCarran Papers.

30. Key Pittman to William Woodburn, July 21, 1916, Box 10, Pittman Papers, reproduced in McCarran Papers, Itemized files; *Reno Evening Gazette*, Nov. 30, 1915.

31. P. A. McCarran to Pittman, Aug. 10, 1916, Box 8, Pittman Papers.

32. A. B. Gray to Key Pittman, June 23, 1916, Box 7, Pittman Papers, reproduced in McCarran Papers, Itemized files.

33. Key Pittman to William Woodburn, Apr. 11, 1916, Box 10, Pittman Papers.

34. Interview with Sister Margaret Patricia McCarran, Oct. 16, 1974.
35. P. A. McCarran to Francis G. Newlands, Mar. 1, 1917, P. A. McCarran to Key Pittman, Mar. 1, 1917, Itemized files, McCarran Papers.
36. P.A. McCarran to Judge J.P. O'Brien (San Francisco), Dec. 8, 1917; P.A. McCarran to Key Pittman, Dec. 8, 1917; P.A. McCarran to Francis G. Newlands, Dec. 8, 1917, Itemized files, McCarran Papers.
37. Woodrow Wilson to Key Pittman, undated but Dec. 1917, Itemized files, McCarran Papers.
38. P. A. McCarran to Thomas E. Kepner (Reno), Dec. 26, 1917, Itemized files, McCarran Papers.
39. A. B. Gray to Key Pittman, Jan. 10, 1918, Box 7, Pittman Papers, reproduced in McCarran Papers, Itemized files.
40. A. B. Gray to Key Pittman, Feb. 24, 1918, Box 7, Pittman Papers, reproduced in McCarran Papers, Itemized files.
41. William Woodburn to Key Pittman, Mar. 25, 1918, Box 10, Pittman Papers, reproduced in McCarran Papers, Itemized files.
42. A. B. Gray to Key Pittman, Nov. 11, 1918, Pittman Papers, reproduced in McCarran Papers, Itemized files.
43. P.A. McCarran to J.H. Causten (Lovelock), Apr. 18, 1918, Itemized files, McCarran Papers.
44. P. A. McCarran to Joe M. McNamara, May 13, 1918, Itemized files, McCarran Papers.
45. *State v. Scott*, 37 Nev. 432–33 (1914). McCarran felt so strongly about these admonitions that he repeated them verbatim in a later case.
46. *State v. Comisford*, 41 Nev. 180 (1917).
47. *Nevada Constitution*, Article 1 "Declaration of Rights," Section 8.
48. *State v. Wilson*, 39 Nev. 306 (1916).
49. *Nevada Constitution*, Article 1, "Declaration of rights," Section 8.
50. *State v. MacKinnon*, 41 Nev. 191, 195–196 (1917).
51. *Lawson v. Halifax Tonopah Mining Co.*, 36 Nev. 598 (1913).
52. *Ibid.*, 36 Nev. 599–600 (1913).
53. *State v. Brodigan*, 37 Nev. 498 (1914).
54. *State v. Wildes*, 37 Nev. 68 (1914).
55. *State v. Kuhl*, 42 Nev. 185–208 (1918).
56. *State v. Nelson*, 36 Nev. 415–16 (1913).
57. *In Re Benites*, 37 Nev. 147–48 (1914).
58. *In Re Bailey*, 40 Nev. 142–43 (1916).
59. P. A. McCarran to Joe M. McNamara, Oct. 15, 1913, Itemized files, McCarran Papers.
60. P. A. McCarran to Joe M. McNamara, Mar. 21, 1918, Itemized files, McCarran Papers.
61. P. A. McCarran to Joe M. McNamara, Oct. 15, 1913, Itemized files, McCarran Papers.
62. *Ibid.*
63. *Ibid.*
64. P. A. McCarran to H. U. Castle (Elko), Dec. 27, 1918, Itemized files, McCarran Papers.
65. P. A. McCarran to George Ackerman (Mina), Nov. 16, 1916, Itemized files, McCarran Papers.
66. *Ibid.*
67. *Ibid.*
68. *Ibid.*
69. P. A. McCarran to J. H. Causten (Lovelock), Apr. 18, 1918, Itemized files, McCarran Papers.

70. P. A. McCarran to A. J. Stebbenne (Las Vegas), Dec. 9, 1918, Itemized files, McCarran Papers.
71. P. A. McCarran to J. G. Thompson (Tulsa, Okla.) Nov. 19, 1918, Itemized files, McCarran Papers.

Panaca: Mormon Outpost Among the Mining Camps

by Leonard Arrington and Richard Jensen*

THE MORMONS in the nineteenth century did not have the best reputation for getting along with their neighbors. They had trouble in New York, where the Church was founded, and moved to Ohio. They had trouble in Ohio and moved to Missouri. In Missouri they had trouble in Jackson County, and moved north to Clay County. Having trouble in Clay County they moved on to Caldwell County. Then Governor Boggs issued his extermination order and they had to leave Missouri. They founded the lively city of Nauvoo, in Illinois, but after four years there the Mormon Prophet Joseph Smith and his brother Hyrum were murdered by a mob and shortly thereafter the Mormons were forced to move again. This time they made the long trek to the Great Basin.

As their ranks continued to grow, thanks to natural increase and to a continued influx of converts, the Latter-day Saints founded hundreds of western settlements. Some of these, inevitably, were juxtaposed to non-Mormons. Virtually all of these latter proved untenable. The old story was repeated again—the Mormons had trouble with Indian and white neighbors in northern Idaho, eastern Utah, and southeastern Nevada; with some of their own lukewarm affiliates and their non-Mormon friends in San Bernardino, California and Carson Valley, Nevada; and eventually they were forced to abandon most of the colonies they had established near other centers of population. Most of these outlying posts were abandoned in 1857–1858 during the Utah War, but even before that it was recognized that the colonies were in trouble.

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Various explanations have been advanced for these failures to "get along." There were disputes and disagreements over religion, politics, and economics. And, inevitably, disputes over land and taxes. Two factors seem of particular significance. First, the Mormons, as they moved progressively west, often moved as families into sparsely settled areas where the predominating populations consisted of single men. The value systems, the social mores prevalent in areas where single men predominated, often conflicted with those of the more moralistic and family-oriented Mormons. Second, the Mormons, for good or for ill, were highly organized, functioned as a unified bloc, and thus in political, economic, and other affairs seemed to pose a threat to individualistically-oriented non-Mormon settlers.

We thought it might be interesting to sketch the problems arising between the Mormons and their neighbors in the case of the oldest permanent Mormon settlement in Nevada, that at Panaca, in Meadow Valley, Lincoln County. Located about 350 miles southwest of Salt Lake City, Panaca is about fifteen miles southeast of Pioche and ninety miles northwest of St. George, Utah. Although a fine book about Meadow Valley was prepared as a part of its centennial in 1964,¹ we thought it might be interesting to see what additional information might be found in the written records which are preserved in the LDS Church Archives in Salt Lake City. Panaca has interest not only because of its priority among existing Mormon communities in Nevada, but also because it is the ancestral home of the present Prophet and President of the Latter-day Saints, Elder Harold B. Lee. President Lee's father was born in Panaca, and his grandfather and great-grandfather were the leaders of the original Mormon settlers. Thus, President Lee is the first product of Nevada, so to speak, who has reached the highest position in Mormon leadership.

So let us begin with the Lee family—the original settlers of Panaca. They are descended from William Lee, born in Carrickfergus, Ireland, who came to America in the early eighteenth century, lived in North and South Carolina, and fought in the Revolutionary War. One of his sons was Samuel Lee, father of seven, who left his native North Carolina to go to the California gold fields. In the meantime, however, three of Samuel's sons, Alfred, Francis, and Eli, had converted to Mormonism and were preparing to migrate to the Great Basin. So Samuel decided to join them. The Lee party—father Samuel and the three sons and their families—arrived in the Salt Lake Valley in 1850. Just then a small group was making a settlement on the desert west of Salt Lake City at what is now Tooele. The Lees joined them and played an important part in the founding and early settlement of Tooele Valley. Eli was schoolteacher, Francis was sheriff, and Alfred the judge.

We are particularly interested in the second of these sons, Francis. Francis remained in Tooele eleven years (1850–1861), and while there married Jane Vail Johnson, who eventually bore eleven children. At the outset of the Civil War in 1861, Mormon leaders in Salt Lake City decided to establish a colony in southern Utah to grow cotton. Since Francis had had experience in North and South Carolina, he and Jane were among those called to colonize St. George in 1861. After they worked there three years, the leader of the Cotton Mission,

Erastus Snow, suggested that the Lees go to Meadow Valley to occupy land which might prove to be a valuable addition to the Southern Utah economy. As Juanita Brooks has shown in the Nevada Historical Society's *Quarterly*, Meadow Valley had been explored and settled in 1858 when the Mormons were contemplating leaving the Salt Lake Valley with the invasion of federal troops, but it was abandoned after a short occupation.² Now the plan was to occupy it permanently.

Francis Lee and his family; his son Samuel Marion Lee and family; a nephew Samuel F. Lee and four or five of his unmarried sons, a daughter, and an Indian girl, arrived on the site of Panaca on May 6, 1864. They were seventeen souls in all, with five wagons, livestock, sheep, swine, and other domestic animals and poultry.³ At the time, Francis Lee was fifty-three and his son Samuel Marion Lee, in whom we also have a special interest, was twenty-four.

At the outset, Francis Lee was presiding elder of this little Mormon group. They conveyed water from a warm spring near their camp, their settlement was an initial success, and the next year, 1865, Erastus Snow directed the reinforcement of the community with some additional families. He appointed John Nebeker as presiding elder, and other families joined the Lees.

The problems of the early years were the difficulties of establishing the basis for the production of food and other necessities, and keeping the Paiute Indians at bay. The colonists dug irrigation ditches, built fences, constructed adobe homes and barns, planted crops and orchards, and grazed their livestock in a community herd. They built a schoolhouse which doubled as a ward meeting-house. They suffered occasionally from Indian depredations, and at one point in 1866 were so fearful of Indian invasion that they contemplated leaving. According to a story that keeps cropping up in the sources, they would have abandoned Panaca except for the courage of Francis Lee's wife, Jane, who said they had been called to Panaca and there they should stay; and if nobody else was going to stay, she was!

A more important threat to their peace of mind was the opening of mines in the immediate vicinity of Panaca. Earlier, in 1862, Abraham Lincoln had been so sufficiently doubtful of the loyalty of the Latter-day Saints in Utah that he had called a group of 750 California and Nevada Union volunteers to establish Camp Douglas on the east bench overlooking Salt Lake City.⁴ Many of these volunteers were former prospectors in Nevada and California. The colonel in charge of them, also interested in mining, was Patrick Connor. Connor did not like the Mormons, regarded them as traitors, and sought to solve the "Mormon problem," as he called it, by generating a rush of miners to the Mormon-dominated areas in the West. The miners, he hoped, would come in such numbers as to diminish the threat which the organized Mormons posed to other westerners. To accomplish this purpose Connor gave his troops extended leave to prospect throughout the territory, and supported their endeavors not only by keeping them on the military payroll during these explorations, but also paid other prospecting costs as well. Upon the discovery of ores, he organized mining districts,

encouraged the exploitation of ore bodies, and trumpeted each new discovery to an eager world through his camp newspaper, *The Union Vedette*.

Some of Connor's troops discovered important bodies of ore in Bingham Canyon and Little Cottonwood Canyon, Utah, and they were instrumental in uncovering mineral bodies at several places in eastern Nevada, including some near Panaca. The town of Bullionville was established in 1869, after exploration in 1863 and 1864 proved fruitful. And indirectly Pioche was a product of the explorations of some of these men.

The movement of miners and servicing enterprises to Bullionville in the late 1860s was an obvious cause for tension at Panaca. On the one hand, the miners provided a lucrative market for the agricultural and lumber products of Panaca and of other Mormon communities in southern Utah which might funnel their trade through Panaca. On the other hand, the not-always-sober miners sometimes appeared at Mormon dances, insisted on dating Mormon girls, and in the eyes of Panaca elders posed a threat to the moral purity and solidarity of the Mormon community.

To add to the problems, Congress transferred portions of western Utah to the State of Nevada in 1864 and in 1866. Certain interests unfriendly to the Mormon presence, particularly non-Mormon merchants and one or two local officials, later insisted that the Mormons pay taxes in Nevada, even to the extent of paying taxes as far back as 1867, even when they had already paid taxes in Utah under the assumption they were in Utah Territory. It is true that the back taxes do not seem large by present standards; it is also true that Lincoln County and Nevada territorial officials may have been willing to negotiate. They were primarily interested in current taxes, and ultimately the legal action to require them to pay taxes before 1870 when the boundary line was clearly established failed. Nevertheless, the Mormons regarded the tax assessments as the opening salvo in a campaign which they had experienced before in Missouri. Considering that there were non-Mormon majorities in every county where they were located, the Mormons felt they ultimately would be driven out of Nevada as they had been driven out of other settlements earlier in their history. Most Mormons did leave Nevada; nearly all from the Muddy Mission in southeastern Nevada and a good portion of the settlers in Panaca withdrew. "Here we go again," they seemed to be saying.

But the Lees and a majority of the others in Panaca stayed. They earned a good income servicing the miners in Pioche and Bullionville, and they succeeded remarkably well in getting along with the miners, although they looked dimly on some of the customs and habits of these predominantly single men. In St. George Erastus Snow could see the enormous advantage of Panaca to central and southern Utah communities. Panaca was a key outpost for marketing the products of thousands of Mormon farms and craftsmen. So he ultimately passed word that they ought to hold on to Meadow Valley—and hold on they did. They are still there raising crops, grazing cattle, and rearing fine families.

The Lees were particularly pertinacious, and Samuel Marion Lee became an important leader. Born in Illinois before the Mormon exodus, Samuel Marion was twenty-four and already married when he and his family moved from Tooele

to Panaca in 1864. His wife was Margaret McMurrin, who had come to America with her parents from Scotland when she was seven. The McMurrins, like the Lees, also settled in Tooele, and the two families became neighbors. Once settled in Panaca Samuel raised crops, herded livestock, hauled ore, and freighted goods from southern Utah communities to Bullionville, Pioche, Delamar, and other mining communities in Nevada. Margaret was a fruitful wife, and bore eleven children, but each one of them died shortly after birth. Then, upon the birth of her twelfth child, Margaret herself died. For a time that last baby, Samuel, was nursed and cared for by Mary, sister of Margaret, who had married Francis Columbus Lee, brother of Samuel Marion. Mary's health was not good, and so when baby Samuel was nine months old, Francis and Mary took him to his McMurrin grandparents in Salt Lake City. When Samuel was seventeen, his grandmother died, so he moved to Clifton, Idaho, to be with an uncle and aunt. Five years later he married Louise Bingham. Their son Harold Bingham Lee is the person whom the Mormons revere as their living Prophet.⁵

Economically, Panaca went through three stages. The first stage, which we have already mentioned, was from 1864 to 1868, and involved the organization of task forces to lay the foundations of community life. The population built up to about three hundred persons. During the second stage, from 1869 to 1880, the community functioned as a funnel to supply the mines, mills, and smelters and their workers in Bullionville and Pioche. The population rose to about five hundred. In 1871, the year most Mormons pulled out of Nevada, the population then dropped back to about three hundred. The third stage, from 1881 and on, marked a decline in economic opportunity as the mines, mills, and smelters in Bullionville and Pioche closed. The population remained stabilized at around three hundred persons, and I presume it is about that today.

The second period—the one in which we are primarily interested this evening—involved the adjustment of Panaca residents to the near presence of what they regarded as a potentially hostile group of neighbors. The Mormon response to the outsiders, as they referred to the miners and their associates, took two directions, both of which might be described as protective. The first was the organization of a central cooperative for dealing in business matters with the non-Mormon ("Gentile") community. The second was the formation of a tight community organization to protect the members—young and old—from contamination with what they regarded as the ways of Babylon. Let us review briefly each of these endeavors.

The Panaca Cooperative Store, or more accurately, the Panaca City Branch of Zion's Cooperative Mercantile Institution, was organized in March 1869 as a community general store, intended to supply goods not only to its own supporting members but to the mining communities as well. The preamble to the constitution reads as follows:

The inhabitants of Panaca City, convinced of the impolicy of leaving the trade and commerce of their city to be conducted by strangers, have resolved in public meeting assembled to unite in a system of cooperation for the transaction of their own business.⁶

The store had several unique elements. Section 20 provided:

No person or persons shall be eligible for membership, except they be of good moral character and have paid their tithing according to the rules of the Church of Jesus Christ of Latter-day Saints.

Section 21 provided that "the directors of this institution shall tithe its net profits prior to any declaration of dividend." This meant paying 10 percent of its profits into the treasury of the LDS Church.

Section 27 provided that "All dividends shall be paid in general merchandise." This would help them to conserve their cash for purchases in the East and on the West Coast.

Section 29: "The seal of this institution shall bear the inscription 'Holiness to the Lord' . . . with beehive and bees in the center." And the first by-law: "All houses wherein the business of this Institution may be transacted shall have placed over the main entrance the following inscription: 'Holiness to the Lord.' " This was the sign to Mormon consumers throughout the West that they were supporting a loyal enterprise, not abetting a Gentile conspiracy.

With the transcontinental railroad completed, and with the mines, mills, and smelters placed in production, the booming region required merchandise and produce from a wide area. Soon after establishing the Panaca cooperative, the president wrote to all the bishops of wards and presidents of Mormon cooperative stores in Utah south of Salt Lake City, asking them to freight their grain, flour, and other produce directly to Panaca. The Panaca Co-op would then act as their agent, selling the produce for the growers to the mining regions on a commission basis of five to ten percent. By this means the Saints could avoid destructive competition with each other and thus maximize their returns from available markets in Nevada. (In recording this discussion the secretary makes an unintentional pun: "Other items of business of a miner nature were talked over.")

In addition to this commission business, the co-op purchased large quantities of goods from the Zions Cooperative Mercantile Institution (ZCMI) wholesale store in Salt Lake City, let contracts out to freight them to Panaca at six cents a pound, and resold the goods at twenty percent above cost and freightage. This was later reduced to fifteen percent.

The Panaca Co-op was an instant success; in fact, remarkably so, considering the size of the capital stock. During the first year, sales amounted to \$13,048, with profits after tithing of \$2,100, which was forty percent of the paid-in capital stock of \$5,250. Despite paying out all the profits after tithing as a dividend, they built an adobe brick storehouse of twenty by thirty-two feet, with a rock cellar ten feet high underneath. Their earnings enabled them to build the store without borrowing from capital simply by giving capital stock to those who supplied the materials and did the work. Later they liberalized this to permit workers to be paid in merchandise if they preferred. They also added a blacksmith shop, slaughterhouse, butcher shop, and hide and wool business to their enterprise, and built a bathhouse next to their warm springs so that people might bathe without contaminating their drinking water.

By the end of another year—i.e., by the spring of 1870—they had purchased \$47,811 of merchandise, again primarily from the Salt Lake ZCMI, and earned a

profit after tithing of \$7,985 which was almost 120 percent return on capital for the year.

Within another year, i.e., by the spring of 1872, they had purchased \$80,753 worth of goods, earned \$11,226 after tithing, and distributed a dividend of more than one hundred percent on a capital of slightly over \$10,000. If we add their beef and related enterprises, their sales were well in excess of \$100,000 per year, with profits of \$30 per year for every man, woman, and child in Panaca! Moreover, they report a cash balance in the spring of 1872 of \$1,173, which was probably more cash than in all of southern Utah at the time. By this time the capital had risen to \$14,042.

The peak of the co-op's business was in 1872, and this suggests that the peak of the mining business at Bullionville and Pioche was also in that year. By that time Pioche may have had a population as high as six thousand, and Bullionville perhaps five hundred. During the next year the Panaca Co-op purchased \$46,442 in goods and earned a profit after tithing of only \$4,408. They declared a dividend of seventeen percent. Moreover, at the end of that year they had only \$284 in cash. Things were going downhill, so they reduced capital stock by selling the blacksmith shop in 1874 and the slaughterhouse and corral in 1875. No dividends were declared in either year. In 1875 their assets were only \$3,842 more than liabilities, but they continued to operate, and accounts are given in their books for as late as 1886, although very little business was done after 1882. The records suggest that when they incorporated under Nevada law as the Panaca Mercantile Company in 1878, they were no longer a church or community cooperative, but a corporation acting as a private business.

The days of economic protectionism had passed, and of course the reason was that the need for the policy had also passed. The 1880 census listed only eight hundred persons in Pioche, with an estimated six hundred in 1881. Two mills in Bullionville moved in 1877, and the third in 1880, leaving the town deserted. Meanwhile Panaca continued with its three hundred, and is credited by a contemporary report as having a larger percentage of children than any other town in Nevada. It had a fine schoolhouse accommodating 120 pupils, and an average attendance of sixty.⁷

In the operation of the cooperative, two problems kept reappearing in the minutes: whether to allow customers to buy on credit, and whether to limit the freighting contracts to Mormons. The first decision on the credit issue was not to grant it, but Co-op officers gradually relaxed that rule. They regretted that change by 1874 and 1875 when they had accumulated debts that they had to cancel and mark off the books. On the freighting question, their first decision was to give contracts to the lowest bidder, regardless of who he was, but as business began to decline in the later years, they tended to favor Mormon bidders even when they were higher.

The accounts show a considerable quantity of goods taken from the store from time to time to give to the Indians; or, rather, to give them to Ira Hatch, the Mormon Indian interpreter, with instructions to give them to the Indians. These were apparently goodwill gifts of the cooperative to the Paiutes.

The second aspect of Panaca protectionism from 1869 to 1881 was the

strengthening of the congregation to ward off the Gentile and secular influences that made it difficult to maintain the strict standards of the Latter-day Saints. The chief agency of moral protectionism, if we may call it that, was the teachers quorum—a group of twenty or more men appointed to visit every home regularly to discuss problems and the overcoming of them at the local level.⁸ The minutes of the weekly meetings of the teachers suggest their preoccupations. They did not like outsiders coming to ward dances, bringing with them a bottle of whiskey. They did not like the frequent jumping of “their” land by outsiders, particularly when they found that judges to whom cases were taken, justifiably or not, usually sided with the interlopers. They did not like the boys horse racing or riding broncos on Sunday, nor even playing ball on the Sabbath. They complained of young men “running around late in the nights,” and forming “associations with outsiders,” and of public drunkenness and playing cards in saloons. They were concerned when the young men took up swearing, stole melons from the gardens of their neighbors, and went to the store to trade on Sunday. Sunday trading, they insisted, should be confined to people who were traveling and had to have help.

Their solutions to these problems included admonition, vigilant policing, the organization of young people’s societies, and the establishment of evening schools, lyceums, and libraries. Above all, the teachers “took up a labor” with family heads and rowdy boys and tried to bring them to their senses and to repentance, including occasional public confession.

Such concerns, plus the tax matter, which has been amply discussed in other works,⁹ caused Panacans in January 1871 to talk seriously of pulling up stakes. Their bishop, James Henrie, told the group that he had learned from Bishop Meltair Hatch of Eagle Valley (just north of Meadow Valley) that Brigham Young had told him (Bishop Hatch) that the State of Nevada was no place for the Saints, and if they remained they would have trouble. The Saints in Nevada should go together in a body to the Sevier or Upper Kanab in Southern Utah, he said, and make a strong settlement.

As for moving [said Bishop Henrie], I shall not mourn over [it], like some individuals, but will be glad to get away from this place. As for the little property I own, [it] is nothing. The Lord blessed us with it, and he is able to do so again. . . . Our property is not worth bothering about, when it comes in contact with the will of the Lord. We have got many children here. I am satisfied there is a better place to raise them than under the influence surrounding these mines. I am making my calculations to get my effects [to] the other side of the [Nevada] line as quick as circumstances will permit. . . . When Brigham says go, I will go. And if he says stay I will say. His counsel is to get our stock over the line first.

The president of the teachers quorum, Luke Syphus, then added: “My feelings are to get away as quick as possible. When we cling unto cedar fences and adobies we are not worth much.”¹⁰

A number did go, and they went partly because they understood this was the counsel of Brigham Young. But Apostle Erastus Snow was a strong and independent spirit and he had his own inspiration on this matter. That inspiration

told him that the Mormons should retain their hold on Meadow Valley. So he sent word that those who wished to leave may do so, but he wished a viable group to remain in Panaca. So the Lees and a majority of the other families did remain, and the prosperity of 1871–1873 followed. “The key to the market for southern Utah,” said Apostle Snow, “is Panaca.” Panaca, one can hear him saying, gets *cash* for goods—coin and checks on Wells Fargo—and thus is a valuable bastion for the Mormon economy.¹¹

It is a most interesting phenomenon that during the months these discussions were going on in Panaca, Church officers were conducting campaigns to raise money to bring in poor converts from Europe. To say this another way, those who were enduring this semi-Babylon were at the same time seeking to bring the poor here from the real Babylon in Europe and the East. On at least three occasions during the spring of 1871 sizable sums were raised to help the poor to escape Europe. The paradox is highlighted in the minutes of a Relief Society or women’s meeting in which the president instructed the sisters to “teach our girls and take great care of them until we get them out of here, so there won’t be so much evil influences to contend with.” And then she goes on, “It is a great blessing for the poor in foreign nations to have the privilege of coming here, for there is so much evil to contend with over there.”¹²

As might be expected, the strong force in overcoming the evil and preserving the good was the organization of the women, the Relief Society. An average of some forty-two women attended regular weekly meetings of the Relief Society. Partly, they talked about what to do to counter evil influences. Partly, they went about doing good on their own. They made quilts, knitted, crocheted, and sewed—all for the poor. They raised straw and braided hats to give to the young people—“so they would not get their brains baked and would have room for their inventive faculties to grow.” They made rag carpets for the meetinghouse-schoolhouse. They bought shares in the cooperative, donated to temples and hospitals in Utah, and helped out their Indian sisters in Nevada. They held parties for persons called on missions and for those returning. They made burial clothes for the dead and aprons for the living, whitewashed their homes, did the gardening and much of the irrigating, and picked, washed, and corded wool to make mattresses and men’s suits. They drew water, fed calves, and milked the cows. They delivered their own babies, made cheeses, and introduced music and art into their homes. It is not an exaggeration to say that the determination and stamina of Panaca’s women was an important factor in its economic success, and in its more important success as a producer of fine children.

Nevada history, particularly in the 1860s and 1870s, has tended to emphasize the wild and woolly, rough and roaring mining districts. These are colorful, and perhaps appeal to some of our repressed fascinations. But development requires food and feed, clothing and shelter, and tools—supplies which are usually provided by family-oriented agricultural societies. In a real sense, Mormon farmers and teamsters in southern Utah and in such places as Meadow Valley contributed much to the success of Nevada’s mineral enterprises. If the Mormons of Panaca did not always appreciate the more free-wheeling residents of mining towns, they did demonstrate to themselves and their fellow religionists

that Latter-day Saints could live comfortably and happily with non-Mormon neighbors. It is a particular pleasure for us to observe that Nevadans, Mormon and non-Mormon, are continuing to build on the pattern of cooperation and mutual interest established by your antecedents in nineteenth century Nevada outposts.

Notes

1. Panaca Centennial Book Committee, eds., *A Century in Meadow Valley, 1864-1964* (Salt Lake City, 1966).
2. Juanita Brooks, "A Place of Refuge," *Nevada Historical Society Quarterly*, XIV (Spring 1971), 13-14.
3. Parowan Elders Record Book A, LDS Church Archives, Salt Lake City, Utah.
4. On Connor see Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* (Cambridge, Mass., 1958), pp. 201-204; also *Ibid.*, "Abundance from the Earth: The Beginnings of Commercial Mining in Utah," *Utah Historical Quarterly*, XXXI (Summer, 1963), 192-219.
5. *A Century in Meadow Valley*, esp. pp. 152-172.
6. All the material on the cooperative is from Panaca Cooperative Institution Board Minutes, 1868-1883, LDS Church Archives.
7. *History of Nevada with Illustrations and Biographical Sketches of its Prominent Men and Pioneers* (Oakland, California, 1881), pp. 487-491.
8. The following is from the Panaca City Teachers Quorum Record, 1869-1895, LDS Church Archives.
9. An excellent review of the case with respect to Panaca is in Barbara S. Mathews, "The Boundary Tax Dispute," in *A Century in Meadow Valley*, pp. 9-15.
10. Teachers Quorum Record, January 29, 1871. We have supplied some punctuation and capitalization to improve readability.
11. In 1872 Bishop Thomas J. Jones told his teachers: "Brethren, we have had Apostle Snow here in our midst and I told him point blank that we had heard that we are looked upon as apostates for living here. I asked him to tell us what he wanted of us—should we stay here or go? He said, 'If you will live your religion, you can stay here as well as any other place. Be active in doing your duty, and be wary of those who come here to stay a short time to get a little money and then leave. If they are our friends, invite them to be with us. If you do this it will be all right.' " Paraphrased from Teachers Quorum Record Book, March 17, 1872.
12. Panaca Ward Relief Society Minute Book, 1860-1905, LDS Church Archives.

Tuber Troubles in the Territory That Almost Was

by Cathy Ulrich

THE FALL OF 1857 was a restless time in the Utah territory. Many changes were taking place, caused mostly by unrest in several places.

The Mormons who had first settled in the Genoa area of the territory were recalled to Salt Lake City to help with the troubles there. Citizens of Honey Lake, because of their close ties with Genoa and their distance from California business and government centers, wanted to secede from California and become part of what we now call Nevada. Also, Indians who had lost much of their traditional territory to white settlers were having a hunger problem after the long hot summer of that year. This combination of Honey Lake's dissatisfied settlers and hungry, landless Indians led to the unusual Potato War of 1857.

Resolved that it is the unanimous opinion of the people inhabiting Honey Lake Valley that we are not living within the limits of the state of California.¹

William Moorehead left on the early Sunday morning stage to deliver this statement to the regional government in Genoa. Other delegates from the Honey Lake area were to join him there to show their united support for separating from California. While he was gone, leaving his ranch south of Susanville unattended, about one hundred hungry Indians visited his property. In the course of their visit, they harvested three acres of his potatoes so completely that when he returned those acres were stripped bare. Moorehead was understandably upset at losing his crop so soon before winter and told his neighbors about his troubles.

Cathy Ulrich is currently enrolled as an eighth grader in the Fred W. Traner school in Reno. This essay, which she wrote under the supervision of **Mary Holliday**, was written while Cathy was a seventh grader at Sparks Middle School. The essay won first place in the 1975 Nevada Junior History Society Essay Contest.

Because the ranchers of that area had been bothered for quite a while by both the Washo and the Pitt River Indians, they set out to track down the camp of the thieves. Moorehead, who was lame, stayed behind.

A dispatch dated at Placerville, last evening . . . says upon the authority of William Moorehead . . . that a large number of Pitt River Indians came into the Honey Lake Valley, joined with the Washos, and commenced stealing stock, vegetables and other provisions. Their number was so great that whites are destitute of protection . . . Delegates appointed from Honey Lake to attend meetings in Genoa on Wednesday were prevented from coming by the Indian differences.²

Honey Lake residents were especially concerned about this new problem because they were left unprotected at that time. The soldiers who usually guarded their settlement had gone in search of another group of Pitt River Indians, taking with them the added protection of Chief Winnemucca and his braves. The chief was an important ally at that period because he was a great leader who was highly respected by both sides. If he had fought against the whites instead of for them, the area's history would have been quite different.

Moorehead's small group of friends tracked the tuber thieves to their camp, killing three of them and wounding another. Then they retreated to Mr. Naleigh's cabin with the remaining Indians hot on their trail. In the meantime, word spread among other settlers about the fighting. Soon, more than twenty gathered in Goodwin's log fort while the Indians camped on the nearby mountainside.

There were many small fights during the next couple of days, some of them quite unusual. One day a group of settlers made a lightning-quick strike on the Indian camp, retrieving one ton of the stolen potatoes without killing anyone. Another day, after reinforcements arrived, the settlers divided into three groups to make a surprise dawn attack on the Indian camps. By mistake, it happened that the smallest party of only three men took on the largest Indian camp. They were lucky to make it back to the fort alive, although one, a Mr. Eppstein, was wounded in the leg. Fortunately, Captain Weatherlow and Chief Winnemucca returned at last to help them.

At this point, the situation almost took a surprising turn for the worse. In the heat of the fighting, one of Winnemucca's Pah-Utes was mistaken for a Pitt or Washo enemy and shot. Winnemucca was very angry, considering the action an insult. It took a lot of explaining and several presents to regain his trust and friendship. Soon after, the Plumas Rangers arrived to add their help to the settlers, but by then both the Pitts and the Washos had left the area. The Potato War was over.

However, the Honey Lake residents lost a more important fight. In spite of all their efforts to secede from California and to add their newly-named territory of Nataqua to Nevada, they could not. Although they continued to hold stronger ties with Genoa than with Sacramento, Honey Lake remained in California. And, furthermore, they were ridiculed for their contradictory behavior.

It was but the other day that the people of Honey Lake denied being in the State of California. They refused to pay taxes on that account and

even resolved to whip the whole state if she should claim jurisdiction over them; but now that one of them has been wounded 'slightually' by an Indian they take back all their braggadocia, date their appeal at Honey Lake, Plumas County, California and ask the state to save them from the Indians. They surely are a valorous people.³

I wonder if Honey Lake's future would have turned out differently if they had shared their potatoes instead of fighting about them?

Notes

1. *Daily Alta California*, Oct. 10, 1857.
2. *Sacramento Bee*, Oct. 19, 1857.
3. *Sacramento Bee*, Oct. 26, 1857.



Edward Maxwell

Notes and Documents

A SOLDIER IN THE PHILIPPINES, 1898—1899

AMERICA'S TRIALS AND TRIBULATIONS in Asia began almost three-quarters of a century ago when American troops were dispatched to the Philippines during the course of the Spanish-American War. The Islands were Spanish colonies at the time of the outbreak of the war in the spring of 1898 and fell to U.S. and native forces in August of that year.

The native peoples welcomed the Americans as liberators from the hated Spanish, but, upon the defeat of the latter, insisted that their nation become independent, an assertion of sovereignty that did not set well with American political and military leaders who saw the Islands as legitimate spoils of war.

Between August and December of 1898 the status of the Islands was in limbo as American and Spanish officials negotiated a peace treaty in Paris. Meanwhile, pressures were building in the United States to keep the Islands. If one is to believe President William McKinley, he was told by God to take the Islands and uplift, civilize and Christianize the people. The motives of many Americans were considerably more prosaic, however. American political leaders feared that another European nation, Germany or England most likely, would step in if the United States faltered, but business and industrial leaders were more interested in the Islands as a source of raw materials and a potential market for American goods. Visions of multitudes of unchurched heathens danced before the eyes of Protestant religious leaders like platoons of sugar-plum fairies, despite the fact that the natives, for the most part, were converts to Catholicism.

In early December of 1898 Spain agreed to cede the Islands to the United States for the sum of \$20,000,000. Word of the transaction soon reached the Islands and in January of 1899 the leader of the Filipino people, Emilio Aguinaldo, called upon his followers to rise up and throw the Americans out of their country. On February 4 an uprising broke out in Manila which soon spread to all parts of the Islands. Aguinaldo's forces were able to engage their new occupiers in several major battles in 1899, but the conflict soon degenerated into a protracted guerrilla war in which both sides resorted to atrocities of the most heinous sort—the butchering of prisoners, torture, massacres of civilians, and concentration camps. American forces prevailed in the end, but only after another three years of conflict. Several American officers were later court-martialed for the manner in which they and their men conducted themselves, the only time in American history that such charges were brought until the prosecution of those officers involved in the My Lai massacre of 1968 in Viet Nam.

An anti-war and anti-imperialist movement had meanwhile grown to large proportions in the United States, and the country was ideologically split in much the same manner as it has been divided over the conflict in Viet Nam in recent years. In point of fact, there are many analogies that could be made between the two periods.

Among those Americans who fought in the Islands in 1899 were some ninety-four Nevada boys, members of Troop A, First Nevada Volunteer Cavalry. They arrived in the Islands on December 6, 1898 and saw their first combat against insurgent forces at San Roque in early February of 1899. They later did guard duty at the Cavite Naval Station and at General Otis' headquarters in Manila. Early in the summer they took part in some heavy combat near Paranaque and San Pedro Mecati and on June 19 aided in the rescue of a brigade of the Fourth Infantry Regiment which had been trapped during a reconnaissance mission near Perez Das Marinas.

Two members of the troop, William Bruce of Ely and Elmer Honeyman of Reno, were captured in January of 1899 and Andrew Mickelson of Reno died of typhoid fever at Cavite in March. Several men were wounded during the summer, but the unit suffered no casualties.

The following letters were written by Private Edward Maxwell of Reno, a member of the First Nevada. The first letter was penned aboard the *City of Puebla* shortly after the arrival of the unit at Manila and the second was published in the *Reno Evening Gazette* of September 9, 1899. Any man who has ever sailed aboard a troop transport in time of war can readily identify with young Maxwell's feelings. The *Puebla*, a converted Pacific Mail steamer, had been in service as a transport for six months. Also aboard the ship were five companies of the First Tennessee Infantry, Batteries A and D of the First California Heavy Artillery and a number of recruits destined for the Twenty-third Infantry Regiment, 605 men in all, in addition to one doctor's wife and the wife of a government official stationed in Honolulu.

The *Reno Evening Gazette*, edited and published by Allan Bragg, was a consistent supporter of American policy in the Islands and never missed an opportunity to blast the anti-war forces. The Nevada boys in the Islands disagreed among themselves as to the propriety of the war and often wrote home expressing their feelings. Bragg would publish only those letters which supported the endeavor, while anti-war editors such as George S. Nixon of the *Winnemucca Silver State* tended to feature only those which supported his own particular predilections.

The First Nevada Volunteer Cavalry was released from duty and shipped home in September of 1899. The men arrived in San Francisco on November 5 and were mustered out at the Presidio ten days later. Several Nevadans either took their discharges in the Islands or reenlisted in regular units, principally the Eleventh Cavalry Regiment which saw service in the southern islands in the fall of 1899 and in China during the Boxer Rebellion of 1900.

Ed Maxwell returned home with his comrades, but nothing is known of his subsequent career. The picture of the young cavalryman is from the files of the Nevada Historical Society, and the shot of the *City of Puebla* is published courtesy of Mrs. Birdie Center of Reno, whose late husband Alex was a member of the California Heavy Artillery and made the voyage with the Nevada Cavalry. He and Alfred Reddington Poett, who took the picture, later transferred to the Fourteenth Infantry Regiment when volunteer forces were phased out in 1899 and 1900.

PHILLIP I. EARL

December, 1898

Manilla

Dearest Mother, Mame, Wee Mana, Will & Geo.

After a most long and tedious trip we have arrived at last at that spot on foreign soil you so hated to have us start for.

To describe our trip just as it appeared to us is impossible.

In some ways and at time it was all to be desired, as far as experience is concerned but take it all in all it is a hard way of doing pennence.

The voyage as far as Honolulu was somewhat pleasant. After leaving there on Nov 17th we sailed with naught else in view but white caps of the waves say now and then a flying fish or shark until the 24th when at about 10 oclock we sighted smoke of the *Pennsylvania*. She left Honolulu on the 16th at about noon having 36 hrs start of us.

We gradually creeped up on her till at seven in the evening we were side by side.

Imagine the cheers of the men on each ship after being on the briny deep from the date of our leaving Honolulu with no change in senery by day or night.

The words of the song Music sounds the sweetest when on the Rippling Sea proved to be true as the band from each transport struck up our National airs.

But only a few moments to exchange cheers the *City of Puebla* was again set at full speed and she dashed ahead of our *Brothers in Blue* on the Penn. as a locomotive would a trotting horse.

We then sailed again uninterrupted till on Nov 27th we ran into a storm. You may have read of waves dashing high. The rolling of the ship was such that it was impossible to stand up. Work benches barrels boxes men and all were thrown from side to side regardless of feeling or reason.

A commical sight is to be in a storm when it is time for meals.

Soldiers beans, coffee and spuds can be found all over our floor.

I remember one day I was sent to the floor just as falling my coffee was upset in a fellows pocket he turned and said "Say Partner put some of those beans in my pocket too will you"?

Another guy saw a novel hurled over board from the hands of a comrade who was falling he said I'd like to have had that to send back to my brother he's a great reader. His brother lives in Tennessee.

Well I can't stay in the same place too long. After the storm every thing went smooth until the 29th when the engin broke down from 4 in the morning till 9 oclock we were left to the mercy of the waves.

Then all was again well and nothing again attracted our attention till we passed a volcano on the 30th.

On Sunday we sighted one of the Philippenes and on Monday Dec. 5th we saw the Island of Luzon the one Manila is on.

When the engine broke down I was on guard and myself and two other soldiers raised the first sail to help steady the ship, the crew was all in bed. I'll never forget that night.

On Tuesday Dec. 6th at daybreak we sighted the portion of the Island to be our future home and at three in the afternoon anchored in Manila Bay.

I believe the Mail leaves from Hong Kong every two weeks but can't say for certain. We can't get stamps here so be sure to send some.

The trip is one brim full of experience and can't be had always.

The grub was poor many a night I went to bed hungry, hardtack and coffee consisted of many a meal.

Full often I have thought of your words Mama when we used to complain. "Thats all right you may be glad to get that much."

Could I have only had my glass of milk and a piece of bread. Every meal I thought of it yet every meal was getting further away from it.

Never again shall I volunteer to wear a coat of blue to be considered and treated as a fool and slave by the narrow mineed who have their commission through the corrupt hand of politics. Of course our officers are all right but they are under higher authority. Army life surely has its share of hardships. But there'll come a time someday.

The spirit of Patriotism has not sprung froth from thousands of our volunteers to be crushed out by the corruptness which exists with out being attoned for.

Never again until that time shall I allow my Love of Country to run away with my better judgment.

Were it not for the engine breaking down we would have made the trip from Honolulu in 15 days, as it was were 18.

After crossing the 180th merridian we gained 24 hours which through us a day ahead of you folks after we would lose 20 minutes a day till now. We are 16 hrs faster for instance at 4 oclock Sunday afternoon Dec 4th with us would be 12 oclock Sat night Dec 3rd with you.

On Dec 5th after running in the China Sea at dark we sighted the lights of a vessel all had fears of a war vessel but close range proved different.

At day break Tuesday Dec 6 we sighted the soughern portions of the Island at 3 in the afternoon anchored in the Bay. We left Frisco at about 3 arrived in Honolulu at about 3. Left Hon. at about 3 and arrived in Manila about 3. The Newport got in Early Wednesday morning. The Pennsylvania is still on her way.

It is still hotter then than here

We have not yet gone ashore so I know nothing of the City.

Since starting this letter I learn the U.S. have purchased the Islands. They may now talk of a scrap with the Insurgents but dont worry they will not bother us.

Deweys fleet and the vessels of the Spanish fleet he sunk are quite a sight.

This letter is poorly written but try to read it.

Must finish a letter to Dean.

Tell Harry to do as I asked about Jerry Lynch. The mail leaves in the morning.

Good Bye All.

Ever your Loving Son and Brotd.

Mama take care of your self

Good Bye.

First Nevada Cavalry

Manila

Philippine Islands

c/o Capt. Linscott

A SOLDIERS' LETTER

A VOICE FROM THE PHILIPPINES THAT
SPEAKS IN NO UNCERTAIN TERMS.

Bacoor(P.I.), Aug. 5, 1899

Editor Gazette: Only the other day I mailed a letter to the *Gazette* but after reading to-day in one of the home papers where a prominent citizen of one of our leading cities proclaimed that his love of country was almost extinguished, owing to America's attitude in these islands being entirely contrary to her principles, and went on to rant of the wrong done these poor Filipinos at the hands of the American army, makes it impossible for one who is here bearing his share of the brunt of affairs to remain silent. Nor is it seldom that such articles have come to light.

To be here and witness the condition, habits and surroundings of these people is to know that this struggle is justifiable. Such being the case, I would predict that if those poor fellows whose love of country is almost smothered were here bearing the hardships in a cause to put an almost wholly uncivilized and ignorant people on a humane footing, thus experiencing what those before us endured to make us a nation, would have a more fervent love of country than before.

The Philippine islands stand before the American people as one of the greatest questions of the day, and there is no reason why opinions should be divided. It is not difficult to understand from the very attitude the natives have taken before and from the beginning of the struggle that they are incapable of self government. In the past they have been oppressed and abused, deprived of everything which is an education. Their history present and past is enough to convince the most simple minded that they stand sorely in need of just what America is doing to-day.

On the other hand are they not appealing to the Americans for protection?

The very army of men and their leaders whose grievance is that the Americans have come here to deprive them of their rights, are plundering from their own people, whom they try to make believe the Americans are outraging the women and beheading the children.

Reports that as prisoners they are cruelly treated by the Americans are false and could come from nothing but a scoundrel. But just the reverse, their treatment of American prisoners is most barbarous.

In leaving towns on which our forces were making an advance, some of our men, whom they had taken as prisoners, were forced, barefooted, to carry heavy loads of supplies, and when they dropped exhausted, they were kicked and shot because they could go no further.

Others have been taken from city to city in order to let the people see the race who have come to deprive them of a livelihood and their freedom, and were struck with stones and sticks.

In another instance which occurred in one of our recent engagements, in which the troop took part, six men of the Fourth U.S. Infantry, who were either wounded or killed on the field, were found with their eyes and tongue cut out and their ears, nose, fingers and toes cut off. This I know to be a plain and unexaggerated fact, for I saw them myself.

Would it not be a criminal outrage for the American government to leave such a people to themselves? Or, could she, as a nation which stands first among the nations of the world, after first taking up arms in the cause of humanity, do other than she has from the beginning to finish? If those who think so were to stop and reason their cry would be "America and American principles for the Philippines, first, last and all the time."

Thanking you for the space in your paper, I remain your's respectfully.

Ed. E. Maxwell
First Nev. Vol. Cav.

What's Going On

NATIONAL ENDOWMENT FOR THE ARTS GRANT

The Society has been informed that the National Endowment for the Arts has approved a proposal to retain a Field Services Officer for 1976. This new staff member would work outside the Reno area by sponsoring field trips, supporting local historical societies and museums, and making appearances in the schools and before adult groups. If successful, the grant period would be extended for two years and hopefully made permanent by the upcoming legislature.

THE MULCAHY PHOTOGRAPH COLLECTION

The Nevada Humanities Committee and the Fleischmann Foundation have combined to fund acquisition of 1,000 copies of original Nevada photographs collected by Walter W. Mulcahy over the past half-century. Mr. Mulcahy is a long-time member of the Society and one of its most energetic supporters. He is supplying a negative and print of each photograph, in addition to information as to the location of each subject and the date first photographed.

COMSTOCK ERA EXHIBIT

The National Endowment for the Humanities has approved the second of our grant proposals dealing with renovation of the museum. The first exhibit, approved in 1974, will be installed during the fall months of 1975 and deals with prehistory and the life of Nevada's Native American people since settlement of the state. The exhibit just approved will treat Nevada and its problems in the 19th century. A third exhibit dealing with the 20th century will be proposed in 1976. When completed, our museum displays will be completely reoriented. The present exhibits were erected in 1968 and have become dated. We hope to continue a process of updating exhibits as new and unique materials come to the Society and offer short-term displays on interesting topics.

NEW GUIDEBOOK SERIES

Through the assistance of the Nevada Department of Economic Development, the Society has published the first of a series of guidebooks to the state. Written by Al and Mary Ellen Glass, *Western Nevada* offers residents and visitors a series of day-trips into areas outside Reno where they can enjoy historic sites, ghost towns, and living communities. A second book has been authorized and

will cover Clark County and the Las Vegas area. Its authors are Joe and MaryEllen Sadovich, longtime residents of Henderson and local historians. We hope to have the guidebook on the market by the end of December, 1975.

ARCHIVES OF THE EPISCOPAL DIOCESE OF NEVADA

The practical aspects of historical research and preservation have been demonstrated during the past six months since the Episcopal Diocese of Nevada placed their archives in the Society's care. Shortly after the transfer was approved by the Diocese, the federal government settled an award of funds on the Northern Paiute Indian Tribe. Under the terms of that settlement, members of the tribe were allowed rights to certain stipulated amounts of money. The Diocese had maintained a mission at Nixon, Nevada for many years and had transferred the records of births, baptisms and marriages within the Pyramid Lake Reservation. These registers were accepted as valid documentary evidence of award eligibility and have been used by many members of the tribe to establish their membership within the tribal organization.

MALONE PAPERS DESTROYED

The recent donation of a small portion of the papers of George Wilson Malone (1890–1961) prompted inquiries into the whereabouts of the rest of the collection. Former members of the U.S. Senator's Washington, D.C. staff were contacted and the story began to unfold. Following Malone's re-election defeat in 1958, his office was dismantled and his files were placed in storage at the Senate Office Building until such time as he could make permanent arrangements for their disposition. "Molly" Malone died in 1961 without making that decision and the matter was apparently forgotten until September 1975 when a descendant of Nevada Governor Fred B. Balzar, under whom Malone served as State Engineer, called the NHS and donated a small collection of his papers which the Balzar family had stored for Malone since 1958 or 1959. One of the former Malone staff members suggested that the NHS contact Senator Barry Goldwater about the papers stored in the Senate Office Building since the Arizona representative was an early associate of Malone's. Goldwater replied in a letter to the Society that he made inquiries with the Superintendent of the U.S. Senate and with other Senate members, regretably informing us that Malone's papers "... were destroyed because no one claimed them."

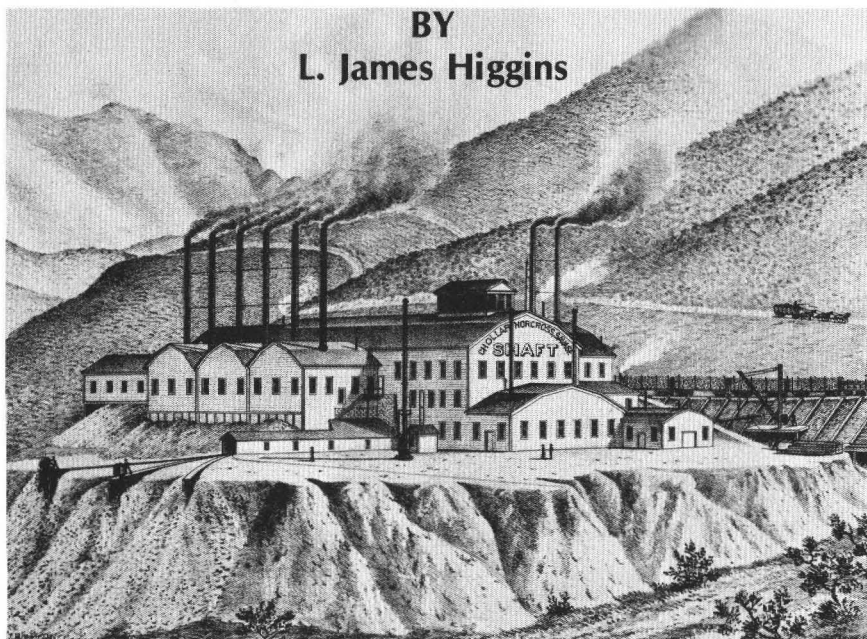
1975 BOARD OF TRUSTEES AWARD TO WILLIAM VINCENT

This year, the Board of Trustees recognized the many contributions to Nevada history made by long-time Las Vegas journalist Bill Vincent, editor of the *Las*

Vegas Review-Journal's Nevadan Magazine. Mr. Vincent has been active in many community improvement programs in southern Nevada over several decades residence in Las Vegas. His Sunday features contain frequent articles written by the editor and have stimulated concern in Clark County over the effect of growth on the community's historical heritage. He has concentrated on biographical studies of southern Nevadans, and the back issues of the *Nevadan* contain rich stores of historical material that is well used by students and local historians. Lastly, throughout his association with the *Nevadan*, Mr. Vincent has supported the development of local historians, many of whom first broke into print via the *Review-Journal*. Many of these individuals have gone on to contribute significant studies of various aspects of Nevada history.

A GUIDE TO THE MANUSCRIPT COLLECTIONS AT THE NEVADA HISTORICAL SOCIETY

BY
L. James Higgins



Now, after more than seventy years of collecting, the Nevada Historical Society offers its first complete Guide to the Society's manuscript collections. Supplemented by a large "name, place, thing" index and a date index, this work is certain to interest individuals and institutions studying the history of the American West. 1975. 305 pages. \$7.50, plus 50c postage and handling.

Western Nevada

(By Al and Mary Ellen Glass)



Nevada Historical Society Guide Book Series

The Nevada Historical Society announces the publication of **Western Nevada**, a guide to the Reno, Lake Tahoe and Emigrant Trail portions of the state. Written by Al and Mary Ellen Glass, the guide provides five day-trips filled with exciting visits to Nevada's most fascinating historic sites and early settlements. **It can be found at your bookstore or ordered from the Society at \$1.95, plus postage.**