

CHARLES L. CONVIS

OUTLAW TALES OF NEVADA

**TRUE STORIES OF THE SILVER STATE'S MOST INFAMOUS
CROOKS, GULPRITS, AND CUTTHROATS**

2ND EDITION

OUTLAW TALES

of Nevada

**True Stories of the Silver State's
Most Infamous Crooks, Culprits, and Cutthroats**

Second Edition

Charles L. Convis



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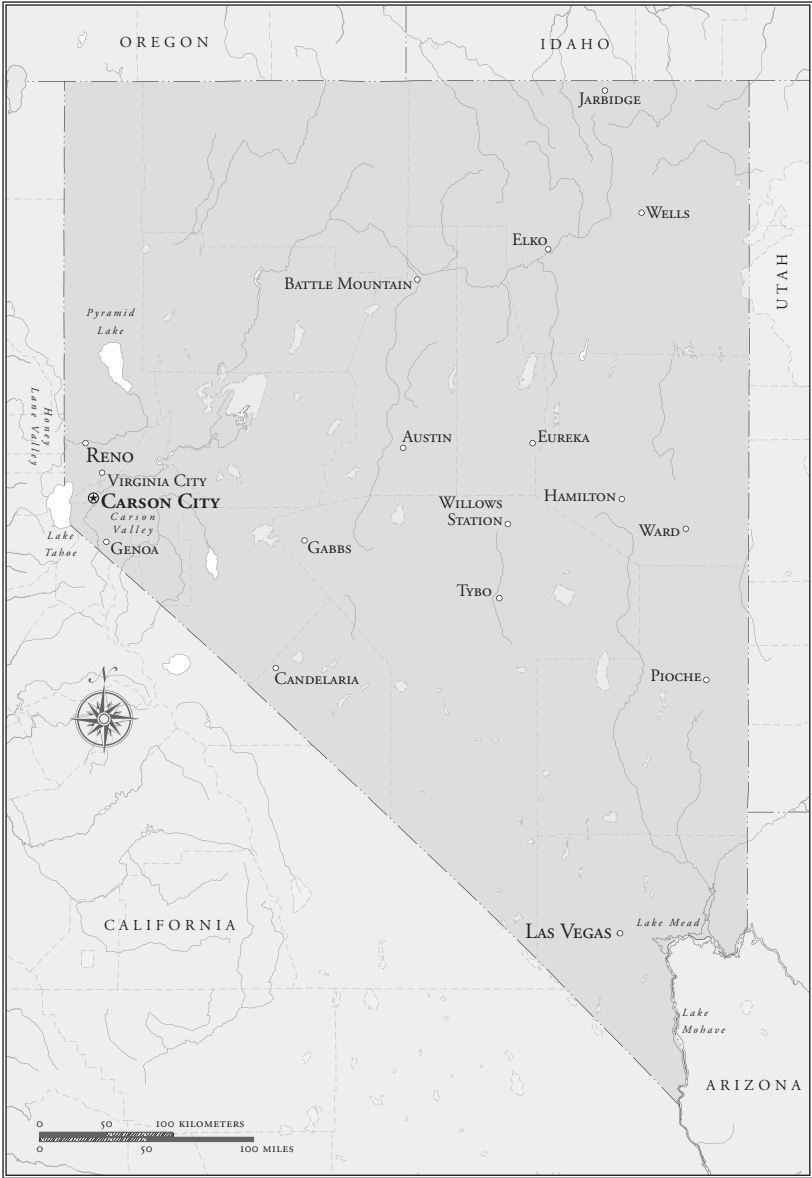
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To Mary Anne

We, too, are forty-niners. We will celebrate our sixty-second anniversary this summer.



NEVADA

Contents

Acknowledgments	vii
Introduction	viii
Introduction to the Second Edition	xvii
Sam Brown	1
Bill Mayfield	12
Langford Farner Peel	22
John Richard “Rattlesnake Dick” Darling	31
Bravery at Bullion Bend	42
John Moriarty	50
Train of Destiny	61
Andrew Jackson “Big Jack” Davis	69
Prison Riot	81
Nicanor Rodrigues	89
Milton Sharp	99
Ben Kuhl	110
William Thorington	122
Elizabeth and Josiah Potts	134
Bibliography	148
Index	153
About the Author	158

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Introduction

Life in the Old West was hard. Men and women had to be tough to survive. Most people brought their morality and respect for authority with them as they moved to the frontier, but some threw off much of their civilized behavior. Perhaps few in number, these misfits still leavened the mass and helped produce a lawless environment, at times approaching anarchy.

In such an environment men carried weapons for protection. Some used them too quickly; others hesitated too long. Ambiguity between right and wrong in the community sometimes showed up in an individual's own behavior. Whether one considers a person such as Wyatt Earp, Bat Masterson, Dave Mather, Jeff Milton, or Elfego Baca as lawman or outlaw depends on the incident described.

Nevada had more turmoil than most of the Old West. With a lower percentage of women and families, it lacked their ameliorative influence. But the strange circumstances surrounding the discovery of the Comstock Lode, Nevada's most defining event, would make one wonder if the Fates had cast a peculiar spell over the territory from 1857 to 1859.

Beginning with the 1849 gold rush to California, a few men saw traces of gold in streams flowing into Nevada's Carson River. Some stopped from a few days to a few years to try their luck. But they only knew about placer mining, the washing of specks of gold from sand and gravel that had to be dug out and then rocked through cradles. Running water pouring through the cradles washed out everything but the heavier gold, which

could be tediously picked out. Most had no curiosity about the heavy bluish sand that clogged their cradles. They cursed and shoveled the stuff away.

Then two sons of a well-known Universalist clergyman from Reading, Pennsylvania, after poor luck prospecting in El Dorado County, California, came to Nevada to look around. Like most of the forty-niners, they were young, strong, and hard-working. But they were also observant and curious, they knew a few things about chemistry and mineralogy, and they got a quiet, religious faith from their father. After a few years of saving their meager California earnings to finance their Nevada prospecting, Hosea and Allen Grosch wrote their father in 1856 that they had found a “perfect monster” of a silver vein in Gold Canyon.

In August 1857 Hosea died from gangrene after accidentally puncturing his foot with a pick. Allen considered giving up, but then he wrote his father that he would keep trying, and that his father would be entitled to Hosea’s share of their discovery. On November 20, after paying off the medical and burial debts, Allen asked a Canadian friend, prospector Richard Bucke, to travel with him to California. They intended to return in the spring and develop the Grosch claims.

The winter came early and hard, as it had eleven years earlier for the Donner-Reed emigrant party, just a few miles to the north. Allen and Richard had to kill their burro for food as they struggled through waist-deep snow to the summit above Squaw Valley. A second storm hit, and they could not use their homemade snowshoes in the soft snow. Six days later Bucke wanted to lie down and die, but Allen insisted on going ahead as long as they could move. The next day they took

from morning until noon to crawl less than a mile. Their eyes had nearly closed from weakness when they heard a dog bark and saw smoke below them in the valley. The two men finally stumbled into Last Chance, California.

The rescue came too late. Allen died after the amputation—using a hunting knife and saw—of both legs. Bucke lost all of one foot and part of another. He returned to Canada, studied medicine in Europe, and became one of the world's leading psychiatrists.

Henry Comstock, a trapper before he became a prospector, moved into the Grosch brothers' cabin and persuaded two Indians to work the claims. Comstock was too lazy and drank too much to succeed at prospecting. But the Indians too found nothing.

Comstock, enjoying an evening ride over the hills, saw two Irishmen cleaning up their rocker. On land too barren to keep a goat alive, Comstock convinced the astonished Irishmen that he had filed a 160-acre homestead claim for a ranch, and they were trespassers.

“But I'll leave ye be if you'll cut me and my friends, Finney and Penrod, in as equal partners,” announced one of the West's biggest phonies.

So Patrick McLaughlin and Peter O'Riley, to keep the peace, became partners with Comstock, James Finney, and Emanuel Penrod. The Grosch claims were thrown in with the land the Irishmen were prospecting. The town that grew out of their mining camp took its name from Finney's native state of Virginia.

O'Riley died insane. McLaughlin went to a pauper's grave. Finney, a drinker like Comstock, fell off his horse and died of a fractured skull. Penrod, who survived them all, ranched and

prospected until he died. Comstock blew out his brains in a mining camp near Bozeman, Montana, and the name of the laziest, lyingest prospector in the West stuck to the richest mining lode that has ever been discovered—the Comstock Lode.

The Grosch brothers' optimism in reporting to their father about their "monster discovery" was based on at least two assays that they performed for themselves. It would be 1859 before anyone else thought of getting an assay of the blue stuff that interfered with mining gold. The California assayer thought he had made a mistake and asked for a second sample to run again. It confirmed the richness of the silver, and 1859 is the date usually given for the Comstock discovery.

After news of the discovery spread, many in North America and some in the rest of the world saw the Comstock as their wishing well. If folks could just get out there and have a little luck—or practice a little chicanery—all their wishes would come true. As the world learned that its richest mineral lode measured less than two miles long and only a few hundred feet wide, men and women became frantic to get their share before it was gone.

Human nature, diverse enough in quiet times, can show berserk deviations when Comstock-type events occur. Then men and women can soar to sublime heights or sink to depraved depths. On the average one Comstock miner was killed or seriously injured every day at work—work done deep in the earth, sometimes at temperatures as high as 140 degrees Fahrenheit. With that environment one should not be surprised at the violence and raw emotions that punctuated life on the Comstock.

Besides Virginia City the Comstock included such close neighbors as Gold Hill, Silver City, Carson City, the Washoe

Valley towns, and Reno. This book is about outlaws in Nevada, the country's seventh largest state. But the Comstock influenced the whole state, even towns like Pioche, over four hundred miles away, which had its own reputation.

My attitude toward history certainly affects my writing. But it is part of a larger attitude in a larger setting, which, in fairness, should be briefly mentioned. I think that evolutionary change in human behavior (if it occurs) would take at least a few thousand years to be noticed. So, apart from environmental influences, which we can call culture, we are no different now than the Spaniards who conquered the Incas by treachery and homicide, or the Aztecs who sacrificed their own citizens—children included—to appease their gods. I believe that Stone-Age Maoris from Australia are as intelligent as we. Some years ago, one of my sons computerized the African Games—a continental version of the International Olympics. He went on to help remote villagers around the world learn advanced computer skills, even though some of them were barely out of the Stone Age.

The first story in this book is about a bestial killer, Sam Brown, as savage and repulsive as one could imagine. He was killed by a determined man who hunted him down and slaughtered him in cold blood. The community honored the killer's killer by making him their sheriff, I think justifiably. I have presented enough facts for you to make a judgment. You may very well disagree with Carson Valley's citizens of 150 years ago.

I have not presented both sides of an individual confrontation in the Bill Mayfield chapter. Had I done that, readers would probably be as equally divided between gambler Mayfield and Sheriff John Blackburn as the Comstock's citizens

were about those two in the early Civil War when Unionist/Secessionist feelings ran high. I carried the story on through three successive and fascinating love triangles involving the killer after he escaped from custody.

Langford Peel is best known for his adventures in Montana, but the short criminal career in Nevada of this soft-voiced, steely-nerved Englishman, who had just been discharged from the United States Cavalry, justifies inclusion here. Prospectors and the men who followed them traveled often between Nevada and Montana. These territories were just four years apart in their mineral discoveries, and drifters were probably drawn to the areas because neither territory had time to develop a law-abiding society before its mineral discovery.

Sometimes one needs a sense of humor in looking at human nature in extremis. I have tried to do that with “The Perils of Rattlesnake Dick.” But in spite of the light-hearted treatment in places, I am left with a strong suspicion that Rattlesnake Dick was the victim of a terrible injustice.

Many people don’t know that Nevada and California were home to conflicts in the Civil War. “Bravery at Bullion Bend” shows a little-known twist in what has been called the farthest west battle of that war. Unfortunately no one has ever been able to discover the identity of the plucky girl who was a magnificent but unsung heroine in that battle.

The chapter about John Moriarty shows the explosive mix of a hot-tempered young Irishman operating in the toughest mining town in the West. After fleeing from a senseless killing in Virginia City, Moriarty changed his name and went to Pioche, where he followed a strange form of outlawry—defending the owners of mining claims from other outlaws by

evicting the other outlaws and then turning on their employers to drive them out as well. After becoming a mine superintendent himself, this outlaw faced another gunman, his rival for the affections of a prostitute. The other gunman stalked him in the streets and shot him down in cold blood.

“Train of Destiny” relates the amazing coincidence that the first two train robberies in the West happened in Nevada, to the same train, and on the same day, and there was no other connection between them.

In “Big Jack” Davis we meet an intelligent, well-educated, honest miner from California who led a Jekyll/Hyde life on the Comstock. He socialized with community stalwarts during the day and led a band of robbers with flair and flourish after dark. Like many others, he had grown tired of the hard work, exposure to danger, and privation usually needed to succeed in prospecting. Rather than return to the less exciting life he had led in the East, he turned to crime. Eventually caught, he won an early pardon by refusing to join one of the largest prison escapes in history, the subject of “Prison Riot.” But he returned to crime, demonstrated his ability by inventing an unusual signaling system to know which stages to rob, and was done in by the application of a common rule of geometry.

Nicanor Rodrigues was a boy, born into the *hidalgo* class in Spain, who became a California outlaw at age fifteen. His daring and skill in Nevada stage robberies led to a contract in which a stage company reportedly paid him to leave them alone. However, the young *hidalgo*’s daring and imagination were eventually exceeded by his treachery in shooting two trusted lieutenants in the back so he could escape to Mexico.

“Hunting Gold in Dalzell Canyon” tells how the most professional stage robber of them all, Milton Sharp, was finally captured by superb detective work. His escape from jail led to an Olympic-style journey through Nevada’s harsh land, shackled and surrounded by dozens of pursuers. His later escape, after four years in prison, was ended by a friend’s betrayal. But investigation by the detective who had originally caught him persuaded the governor to grant a pardon.

“Prison Riot” tells of a prison break in which four prison guards, two civilians, *two inmates*, and the lieutenant governor proved themselves old-fashioned heroes, but the deputy warden was a cowardly culprit.

“A Nevada” Tragedy” tells of Ben Kuhl, the West’s last robber of a horse-drawn stage. A camp dog inadvertently helped find the killer and his trial became famous for its ruling on the admission of evidence.

In reading “A Nevada Tragedy,” you might want to think about how changes in the times influenced what happened to the killer, to his prosecutor, and to others in the story. Also consider how good people may draw very different conclusions from the same facts, depending on positions they hold and the responsibilities attached to those positions. For example, Edward Carville served as prosecutor, as trial judge (giving advice to the governor), and as governor during this long tale of tragedy. I don’t see anything in his behavior that needs apology; he prosecuted his man vigorously, he advised the governor that the man did not deserve a reduction in sentence, and then, as governor, he pardoned him. I remember what my friends from Brooklyn used to tell me in the Marines: “You pays yer money and you takes yer choice.”

Introduction

to the Second Edition

I was glad to learn that Globe Pequot Press would issue a second edition and wanted two more stories. I already knew something of Nevada's two most famous hangings, but never had a reason to research them thoroughly. I hope that readers of "The Hanging of Lucky Bill" and "A Noisy Ghost and a Double Hanging" will enjoy them as much as I enjoyed digging out the "facts"—or at least what a substantial number of historians believes are the facts. Other interpretations exist for both events, and I don't put them down in any way.

This leads to an observation about the deep divisions at present in our country on politics and social problems. Nineteenth-century Nevada was probably even more divided over the events of these two stories. Yet responsible citizens overcame their differences and united to face other, equally difficult problems. Perhaps that's something we can learn from history. Much of the real world does not come in vivid shades of black and white but in more muted (and sometimes more interesting) shades of gray.