

Introduction

In 1972, meteorologist Edward Lorenz broached the term “butterfly effect” to highlight the possibility that small causes may have momentous effects. He was speaking of weather phenomena, and the question he posed was whether the flap of a butterfly’s wings in Brazil could result in a hurricane in Texas. The question is a serious one; Lorenz’s reports are based in chaos and quantum theory and have generated widespread scientific inquiry.

The butterfly does not cause the tornado; rather, the flap of the wings is part of the initial conditions. One set of conditions leads to the tornado; the others don’t. The concept is not limited to weather.

A question implicit in this book is whether the births of three brothers in a small community in Indiana during the period 1838–43 were the initial conditions that ultimately resulted in the death of a young merchant in Mono County, California, in 1871. The brothers, none of whom traveled farther west than Missouri, pulled off the first train robbery in the country’s history in Indiana in 1866. In a copycat crime, a gang from Virginia City robbed the new transcontinental railroad at a point between Reno and Verdi in Nevada in 1870.

It’s an interesting coincidence that the surname of the Indiana brothers was Reno, while the surname of their principal accomplice was Sparks. Thus, history’s first train robbery was pulled off by Reno and Sparks, the names of neighboring Nevada cities near where the robbery described in these pages took place four years later.

Convict Lake sits in a rugged canyon of like name in the Eastern Sierra near Mammoth Lakes, California. A plaque placed near the lake’s outlet by the Mono County Board of Supervisors and E Clampus Vitus, a fraternal organization specializing in the history of the Mother Lode and mining regions of California and Nevada, tells the story of a deadly gun battle that took place near the lake in September 1871. Escapees from the Nevada State Prison who had holed up in the canyon got the drop on a posse that meant to take them dead or alive. This book describes how and why the battle occurred and its consequences.

The lake is in what was then called Monte Diablo Canyon, hence the title of this book. The phrase “The Fatal Affair in Monte Diablo Canyon” is taken from an article about the battle that appeared in the September 30, 1871, edition of the *Inyo Independent*, the newspaper of record in nearby Inyo County. The likely author of the article was the editor of the newspaper, a historic Inyo County public figure who played a significant role in the culminating events described here.

Curious about the story told by the plaque, I began researching it in the Nevada State Library and Archives in the late 1990s. Articles in the September 19, 1871, editions of Carson City’s *Daily State Register* and Virginia City’s *Daily Territorial Enterprise* (Mark Twain’s recent employer) got me started. They describe a bloody gunfight at the state prison in Carson City and the ensuing escape of twenty-nine prisoners.

An article in the October 14, 1871, edition of Reno’s *Nevada State Journal*, headlined “How It Was Planned and Executed,” states that as the prisoners discussed who should take the lead in planning and carrying out the prison break, “Jack Davis, one of the Verdi car robbers was named; but the ‘railroad gang’ objected to Davis because he had turned State’s evidence on trial.”

Now it became interesting. What was meant by “the Verdi car robbers”? Who were the “railroad gang”? What trial?

Formatted: No underline

Comment [SE8]: Per industry standard, the first paragraph in each chapter or part should *not* be indented. However, the first line of all other paragraphs should be indented with one tab. Other similar instances will be modified accordingly.

Comment [SE9]: Per industry standard, an introductory adverbial phrase is often set off by a comma. Other similar instances will be modified accordingly.

Deleted:

Deleted: ,

Comment [SE10]: Per industry standard, the principal use of the en dash is to connect numbers and, less often, words. With continuing numbers—such as dates, times, and page numbers—it signifies *up to and including* (or *through*). For the sake of parallel construction, the word *to*, never the en dash, should be used if the word *from* precedes the first element in such a pair; similarly, *and*, never the en dash, should be used if *between* precedes the first element. Other similar instances will be modified accordingly.

Deleted: -

Deleted:

Comment [SE11]: Author: As you are referring to a specific region (as to a generic vein of ore), this may remain capitalized as such.

Comment [SE12]: Per industry standard, decades are either spelled out (as long as the century is clear) and lowercased or expressed in numerals. Industry standard calls for no apostrophe to appear between the year and the *s*. When abbreviated, the last two digits of the year follow an apostrophe, not a single quote. Other similar instances will be modified accordingly.

Deleted: ’

Deleted: *The*

Comment [SE13]: Author: You may wish to consider rephrasing this, as it sounds as though this implies was recently employed there in current times, as opposed to the time of the events. You may wish to consider telling when he was employed there instead.

Comment [SE14]: Author: Please verify in your source material that *state’s evidence* is capitalized in it for this quote. Per *MWCD*, the phrase is sometimes (but not always) capitalized; in other parts of the manuscript, it is not capitalized (i.e., presented in lowercase). Please be ... [7]

Deleted: ...

Sam Davis, in his *History of Nevada* and in a chapter titled “The Lawless Element,” says that on November 1, 1870, Jack Davis “planned and executed the first train robbery on record” near Verdi. Thus, he says, “Nevada acquired the dubious credit of being the first in the Union that could produce a set of outlaws daring enough to stop and rob an express train.”

Deleted: ,

Sam Davis’s date for the train robbery is off by four days; moreover, Indiana had preempted Nevada by earning the dubious credit of producing the first outlaws who would dare to rob an express train. Nonetheless, the robbery of the Central Pacific Railroad’s *Overland Express* by Jack Davis and his cohorts was the West’s first train robbery. The robbers were pursued by a lawman whose dogged perseverance brings to mind Inspector Javert, Jean Valjean’s pursuer in Victor Hugo’s *Les Misérables*.

Comment [SE15]: Per industry standard, compounds formed with prefixes are generally nonhyphenated.

Deleted: -

Deleted: 's

This was the thread of a good tale: a prison break led by men who had engineered the first train robbery in the West, some of the heavily armed escapees engaging in a deadly gun battle two hundred miles to the south a week after the break. What else could there be? As it turned out, there was much more.

Comment [SE16]: Per most sources (such as <http://www.britannica.com/EBchecked/topic/385213/Les-Miserables>), this is preferred spelling with accents.

Deleted: e

The story is told in the context of its time: the construction of the transcontinental railroad over the Sierras; the gold and silver discoveries that hastened the building of the West; the boom-and-bust, often lawless, mining camps of Nevada; and the preference for vigilantism over tiresome judicial procedures. In some chapters, a modified historical fiction approach is used to give some immediacy to the lives—and the anxieties—of the desperate men involved, two of whom were murderous psychopaths. The dialogue is based on first-person accounts published in newspapers of the day. I thought it appropriate that the participants have a part in telling the story.

Deleted: ,

Deleted: ,

Prologue

They Might as Well Have Pulled the Trigger

Send me sixty dollars tonight without fail.
— J. Enrique

The coded message was telegraphed from San Francisco to Reno on November 4, 1870. The sender was signaling the man on the other end that a fortune in gold coin—about sixty thousand dollars, he figured—would be on the next Central Pacific passenger train headed east over the Sierra Nevada. It was the crucial step in the conspiracy that resulted in the first train robbery in the history of the West and, indeed, of the new transcontinental railroad.

The message also sealed the fate of Robert Morrison, a popular young merchant and Wells Fargo agent who operated a general store in Benton Hot Springs in Mono County, California, some two hundred miles south of Reno. Nearly a year later, Morrison would be killed in a gun battle with men who had escaped from the Nevada State Prison in Carson City.

Neither the sender nor the recipient of the telegraphic message knew or would ever meet Morrison. Both were in prison when he was slain.

Nor was the connection between the message and the murder ever made.

Yet the actions of the two conspirators were so much the cause of Morrison's death that they might as well have pulled the trigger.

Formatted: No underline

Deleted: As

Deleted: The

Deleted: f

Deleted: “

Deleted: ”

Formatted: Left, Indent: Left: 36 pt, First line: 0 pt

Formatted: Font: Not Bold

Comment [SE17]: Per industry standard, quotation marks are not used around epigraphs. Like block quotations, epigraphs receive a distinctive typographic treatment—often being set in a smaller typeface and indented from the right or left, and sometimes italicized. Treatment of sources, which are usually set on a separate line, also varies, though more than one epigraph used in the same work should receive consistent treatment.

Deleted:

Formatted: Font: Not Bold

Deleted: .

Deleted: ,

Deleted: ,

Comment [SE18]: Author: Per industry standard, correlative conjunctions are used in pair to form a complete thought. Therefore, please reserve *neither* for pairing with *nor* and vice versa.

You may wish to rephrase this.

Suggestion:
The connection between the message and the murder was never made.

Chapter 1

Preparations

1

“Breaking These Damn Rocks Is Killing Him”

John Chapman says, “Count me out if Davis is in on this one. He turned state’s evidence once, and he isn’t going to get another chance. Wasn’t for him, we wouldn’t be on this rock pile.”

Chapman and his old pal John Squiers, the stage robber, had come up with the plan to rob the Central Pacific’s payroll train. The other men had naively bought into it. Good detective work had nailed the robbers, and Jack Davis wasn’t the only one who had copped out to prosecutors in exchange for a light sentence. Seven months earlier, on Christmas Day 1870, five of the robbers had been sentenced to long stretches in the Nevada State Prison in Carson City for pulling off such an audacious crime that, by an account spread by telegraph, it “took the public breath away.”

Now the talk is about breaking out. Chapman and Squiers are having a quiet parley with E. B. Parsons, another of the train robbers. They’re off by themselves in the rock quarry at the foot of Prison Hill. They first have to decide who they can trust to bring in. Later they’ll work out the details.

“I want no part of Davis, but we should bring in Pat Hurley. He’s a tough Irishman,” Parsons says. “He told me he don’t mind prison much as long as he gets his three squares, but he says breaking these damn rocks all day is killing him.”

“Put him on the list,” Chapman says.

Squiers wipes tobacco juice off his beard with the soiled, ragged sleeve of his striped prison uniform. “We should bring in Moses Black. He’s dumb as all get out, but he won’t talk, and he’s as strong as a mule. Sure’n hell ain’t afraid of no guards.”

“We need the muscle.”

A guard bangs a shovel on a rock. “Break’s over!”

They’re back slinging sixteen-pound sledgehammers. Squiers, perspiring heavily, yells at Deadman, the trustee making the rounds with the water bucket. “If you don’t get over quick with that bucket, you won’t be long for the world, and by God, I mean it.”

“Go to hell, Squiers. Come and get it yourself.”

Squiers knows Deadman can get him in trouble. He glares menacingly at the trustee as he strides over to drink.

They’re hammering out the rocks used to build the prison that houses them. They don’t need the Irishman Hurley to remind them that quarry work is backbreaking. They were at it in January when blizzards were sweeping off the Sierra Nevada, and they’re at it now in the midsummer heat and swirling, blinding dust.

Prison life hasn’t tamed many of the hundred men inside, but it isn’t the mean conditions that get to them. Most had worked at hard-rock mining or cowboying on the ranches in the vastness of the Nevada outback, where life was always tough and free time meant drinking and brawling—and often violent death.

Deleted: ONE

Formatted: No underline

Formatted: Indent: First line: 0 pt

Formatted: No underline

Comment [SE19]: Author: Per your contents section, you present the words as *Breakin’* and *Killin’*. Whichever you choose to use is fine, but please ensure consistency between the title and the contents. Also, since is based on dialogue

Formatted: Indent: First line: 0 pt

Deleted: .

Comment [SE20]: Author: A majority of the references to this name spell it as *Squiers*. The three instances where it was spelled *Squires* has been changed to match; please note that if this was not your intent.

Deleted: e

Deleted: e

Deleted: e’

Deleted:

Deleted: sixteen

Deleted: sledge hammer

Comment [SE21]: Hyphenation modified per *Merriam-Webster’s Collegiate Dictionary (MWCD)*. All other similar spelling/capitalization/hyphenation modifications are made in accordance with *MWCD*.

Deleted: -

Deleted: -

Deleted: ,

Bibliography / Recommended Reading

Books and Articles

- Ambrose, Stephen E. *Undaunted Courage*. 1st Touchstone ed. Simon and Schuster, 1977.
- Ambrose, Stephen E. *Nothing Like It in the World*. 1st Touchstone ed. Simon and Schuster, 2001.
- Bain, David H. *Empire Express: Building the First Transcontinental Railroad*. New York: Penguin Books, 1999.
- Bell, William. *The Reno Gang's Reign of Terror*. Wild West Magazine, August 29, 2007.
- Brown, Richard M. *Strain of Violence: Historical Studies of American Violence and Vigilantism*. Oxford University Press, 1975.
- Bryson, Bill. *A Walk in the Woods*. Broadway Books, 1998.
- Bryson, Bill. *At Home*. 1st Anchor Books ed. 2011.
- Chalfant, W. A. *The Story of Inyo*. rev. ed. Bishop, CA: Community Printing and Publishing, 1975.
- Clark, Walter Van Tilburg. *The Ox-Bow Incident*. Random House, 1960.
- Davis, Sam P. *The History of Nevada*. Elms Publishing, 1913.
- Donald, David Herbert. *Lincoln*. 1st Touchstone ed. Simon and Schuster, 1995.
- Egan, Ferol. *Fremont: Explorer for a Restless Nation*. University of Nevada Press, 1985.
- Elliott, Russell R. *History of Nevada*. 2nd rev. ed. University of Nebraska Press, 1987.
- Farquhar, Francis P. *History of the Sierra Nevada*. University of California Press, 1972.
- Farquhar, Francis P. *Place Names of the High Sierra*. Sierra Club Publishing, 1926.
- Farquhar, Francis P. *Up and Down California, in 1860-64*. University of California Press, 1966.
- Galloway, John Debo. *The First Transcontinental Railroad: Central Pacific, Union Pacific*. Simon-Boardman, 1950.
- Hillgartner, Del. Family History: Reno, *John Reno, The World's First Train Robbery*, (2000-internet available).
- Hulse, James W. *The Silver State*. 2nd ed. University of Nevada Press, 1998.
- Kinkaid, James H. "The First Train Robbery on the Pacific Coast." *Third Biennial Report of the Nevada State Historical Society*. Carson City, NV: State Printing Office, 1913.
- Lillard, Richard G. *Desert Challenge: An Interpretation of Nevada*. 1st ed. Alfred P. Knopf, 1942.

Formatted	...	[10]
Comment [SE204]: Author:	...	[11]
Deleted: ,,,,,, ... 1st Touchston	...	[12]
Deleted: (...)	...	[13]
Formatted	...	[14]
Deleted: ,,,,,, ... 1st Touchston	...	[15]
Formatted	...	[16]
Deleted: (...)	...	[17]
Deleted: ,,,,,, ... New York...	...	[18]
Comment [SE205]: Author:	...	[19]
Deleted: (...)	...	[20]
Deleted: ,		
Deleted: , ,,,,,(,...)	...	[21]
Deleted: , ,,,,,(,...)	...	[22]
Deleted: , ,,,,,	...	[23]
Deleted: ,,,,,, ... Bishop, Califor	...	[24]
Deleted: , ,,,,,bow ... , ...Inc., 24	...	[25]
Formatted	...	[26]
Deleted:)		
Deleted: ,,,,,, ...Co. (...)	...	[27]
Deleted: , ,,,,,	...	[28]
Formatted	...	[29]
Deleted: First Touchstone Edit	...	[30]
Deleted: , ,,,,,, ... (1977, ...)	...	[31]
Deleted: , ,,,,,	...	[32]
Formatted	...	[33]
Deleted: (2nd Ed. Revised		
Formatted	...	[34]
Deleted:)		
Deleted: ,,,,,	...	[35]
Deleted: (5th Printing		
Formatted	...	[36]
Deleted:)		
Deleted: ,,,,,, ... (...)	...	[37]
Deleted: ,,,,,, ... (...)	...	[38]
Deleted: , ,,,,,(,...)	...	[39]
Deleted: ,		
Formatted	...	[40]
Deleted: ,,,,,2nd Ed. (...	[41]
Formatted	...	[42]
Deleted:)		
Deleted: ,		
Formatted	...	[43]
Deleted: ,		
Formatted	...	[44]
Deleted: , ,,,,,pp. 108-115, ...St	...	[45]
Deleted: , ,,,,,	...	[46]
Formatted	...	[47]
Deleted: 1st Ed. (
Formatted	...	[48]
Deleted:)		

Mack, Effie, *Mark Twain in Nevada*, Chas. Scribner & Sons, 1947.

McCrum, Robert, Robert MacNeil, and William Cran, *The Story of English*, 3rd rev. ed. Penguin Books, 2002.

McGrath, Roger D., *Gunfighters, Highwaymen & Vigilantes*, University of California Press, 1987.

McLure's Magazine, "The Destruction of the Reno Gang," Vol. 4, December 1894-May 1895, from the library of the University of Michigan Press.

McPhee, John, *Basin and Range*, New York: Noonday Press, 1981.

Morris, Roy, Jr., *Lighting Out for the Territory: How Samuel Clemens Headed West and Became Mark Twain*, Simon and Schuster, 2010.

Nation, Nyle, *The Pine Nut Chronicle*, 2nd ed. Pine Nut Press, 2000.

Nevins, Allan, *Fremont: Pathmarker of the West*, University of Nebraska Press, 1992.

Sifakis, Carl, *The Encyclopedia of American Crime*, New York: Facts on File, 1982.

Starr, Kevin, *California: A History*, Modern Library Compact Edition, 2007.

Stewart, Robert E., *Aurora: Nevada's Ghost City of the Dawn*, Nevada Publications, 2004.

Thompson and West, *History of Nevada, 1881, With Illustrations*, Edited by Myron Angel, Berkeley, CA: Howell-North, 1958.

Twain, Mark, *Roughing It*, University of California Press, 1993.

Williams, George III, *The Murders at Convict Lake*, Tree by the River Publishing Trust, 2000.

Wilson, R. Michael, *Great Train Robberies of the Old West*, TwoDot ed. Morris Book Publishing, 2007.

Newspapers

Aurora Daily Times

Daily State Register (Carson City)

Esmeralda Star (Aurora)

Esmeralda Daily Union (Aurora)

Inyo Independent (Bishop)

Nevada State Journal (Reno)

Reno Daily Crescent

Sacramento Union

Territorial Enterprise (Virginia City)

Deleted: , ..., ...(...)	[49]
Deleted: , ..., ...3rd Revised E	[50]
Deleted:)	
Formatted	[51]
Deleted: , ...,	[52]
Formatted	[53]
Deleted: 1st Paperback Printing (
Formatted	[54]
Deleted:)	
Formatted	[55]
Deleted: , ... Vol. 4, Dec. 1894	[56]
Deleted: , ..., ... New York (...	[57]
Deleted: , ...,	[58]
Formatted	[59]
Deleted: (...)	[60]
Deleted: L..., ...,	[61]
Formatted	[62]
Deleted: 2nd ed. (
Formatted	[63]
Deleted:)	
Deleted: , ...,	[64]
Formatted	[65]
Deleted: 1st Bison Book Printing (
Formatted	[66]
Deleted:)	
Deleted: ,	
Formatted	[67]
Deleted: , ..., ...(...)	[68]
Deleted: , ...,	[69]
Formatted	[70]
Deleted: (...)	[71]
Deleted: , ...,	[72]
Formatted	[73]
Deleted: (...)...& , ..., ...,	[74]
Formatted	[75]
Deleted: , ed... Reproduction ([76]
Deleted: , ...,	[77]
Formatted	[78]
Deleted: Publication of the Ma	[79]
Deleted: , ..., ... (1984, ...)	[80]
Deleted: , ...,	[81]
Formatted	[82]
Deleted: LLC, TwoDot Ed. (...	[83]
Formatted	[84]
Formatted	[85]
Formatted	[86]
Formatted	[87]
Formatted	[88]
Formatted	[89]
Formatted	[90]