* MP3 Audio File *

Although by 1911 the western frontier had long since been declared closed, in that year Nevada would witness a tragic, final gun battle between Indians and whites, a battle which would set the stage for the Nevada Supreme Court case of Smith v. State. Curiously, the legal question presented in the Smith case had nothing to do with the guilt or innocence of the Indians, who had been accused of killing several livestock men. Instead, the question presented to the Nevada Supreme Court was whether the State of Nevada would have to pay a $5,000 reward that Governor Tasker L. Oddie had offered for the arrest and conviction of the Indians.

At the time of the battle, the members of the posse were unaware of the $5,000 reward offer. When the posse attempted to claim the reward, the state took the position that the posse members were not entitled to the reward because they had no knowledge of it when they set out to pursue the Indians. Moreover, the terms of the offer required that the killers of the livestock men be arrested and convicted, not killed as the Indians had been.

The Nevada Supreme Court was unpersuaded by the state's arguments, however. Holding that prior knowledge of the reward was not required and that because the Indians had been killed while resisting arrest all the conditions of the reward were satisfied, the Court decreed the reward should be paid.

Narrated by two-term governor of Nevada (1959-1967), Grant Sawyer. Sawyer graduated from the Reno campus of the University of Nevada and received his law degree from Georgetown University Law School. Between his undergraduate studies in Nevada and earning his law degree Governor Sawyer saw combat service in the Pacific during World War II. In his long career as an attorney Governor Sawyer distinguished himself in both the public and private

sectors, serving as District Attorney for Elko County, General Counsel to the Education Commission of the United States, and as senior partner in the firm of Lionel, Sawyer and Collins. In addition to his many other achievements, Governor Sawyer served on the Board of Regents of the University of Nevada, the Board of Directors of the National Judicial College, and chaired the National Governors' Conference, the National Council of State Governments, the Western Governors' Conferences, and the Nevada Commission on Nuclear Projects.

Photograph of the posse, 1911, courtesy of the Nevada Historical Society.

Ten Famous Cases of the Nevada Supreme Court, 1865-1937