

BACK STORY

SECOND CONSTITUTIONAL CONVENTION PART TWO*

BY PATRICIA D. CAFFERATA, ESQ.

After the voters rejected the constitution and officers adopted at the Nevada's First Constitutional Convention, 35 delegates to the Second Constitutional Convention met in Carson City on July 4, 1864. Eleven of the delegates were lawyers, most of whom later played a major role in the state's history and development.

We discussed lawyers J. Neely Johnson and Cornelius Brosnan (later Nevada Supreme Court justices), and Thomas Fitch, (later Nevada's third Congressman), in part one of this story. Yet, other famous lawyers/delegates served in the Second Constitutional Convention. After the convention, Charles DeLong from Storey County and Edmund Dunne from Humboldt County became famous – or notorious – in U.S. history.

Charles DeLong, Minister to Japan

Before moving to Nevada, Charles DeLong set out from New York, traveling overland across the country to California. After working in a variety of occupations, he turned to the study of law. He joined the Yuba County, California bar in 1857. The voters elected him to the California State Assembly the same year, reelected him in 1858, and then elected him to the State Senate in 1860.

When he lost his Senate reelection effort, he pulled up stakes and moved to Virginia City. Admitted to the Nevada bar in 1863, he was elected to serve in the Second Constitutional Convention. Years after the constitutional convention, he became so prominent in Republican politics that the party selected him as one of Nevada's presidential electors. He cast one of the state's votes for Ulysses. S. Grant in 1868. His fellow electors selected him to deliver the state's votes to Washington, D.C.

For his loyalty, Grant appointed DeLong as minister to Japan in 1869. When his term ended in 1873, he returned to Virginia City and practiced law until he died in 1876.

Edmund Dunne, Noted Catholic Layman

Edmund Dunne finished studying law in San Francisco in 1858, and the voters elected him to the

California Legislature in 1862. He moved to Nevada at the end of his term, and he was elected as a delegate to the Second Constitutional Convention.

Although he voted to adopt the constitution, he was negative about the legislative process. The newspapers of the day reprinted his quote: "Whenever the Legislature is in session, the people wait with fear and trembling for it to adjourn, and then they thank God that it is over."

In 1864, the people elected him district court judge in Humboldt County, but he lost his reelection bid at the next election by one vote. He practiced law in a couple of communities before he left the state in 1869.

President Ulysses S. Grant appointed Dunne as the chief justice of the Arizona Territorial Supreme Court in 1874. A devout Roman Catholic, Dunne gave an impassioned speech about public funding for and building separate schools for Catholic children. The anti-Catholic backlash in the territory rose to such a level that Grant removed him from the bench.

Undaunted, Dunne became a noted Catholic layman and spokesman as he traveled around the country speaking on behalf of the church. He also continued to practice law until he died in 1904.

On October 12, 1864, the people approved the constitution adopted at the Second Constitutional Convention by 10,371 votes to 1,284 votes. President Abraham Lincoln executed the Proclamation, creating the state of Nevada on October 31, 1864.

*Part One was published as the Back Story in the February 2013 issue of *Nevada Lawyer*. If you missed it, find it online at www.nvbar.org > Publications > Nevada Lawyer > Nevada Lawyer Magazine. ■

List of Delegates to Second Constitutional Convention

Cornelius Brosnan
Charles DeLong
Edmund Francis Dunne
Thomas Fitch
Lloyd Frizell
Albert Hawley
J. Neely Johnson
Francis "Frank" Kennedy
George Nourse
Francis Proctor
James Warwick

Those delegates whose
names appear in bold type
are referenced in the article.



Nevada Lawyer Editorial Board Chair **PATRICIA CAFFERATA** maintains a private law practice in Reno. She is a part-time hearing officer for Nevada Department of State Personnel and chair of the Nevada Equal Rights Commission. Cafferata served in the Nevada Assembly from 1980 to 1982.