



Elko Lodge No. 15, F. & A. M.

Elko, Nevada

S U M M O N S

TO ROBERT F. RAINE:

Charges of unmaasonic conduct having been filed against you in Elko Lodge No. 15, F. & A. M., as more particularly set forth in the copy of said charges annexed hereto, Brothers R. W. Hesson, Otto T. Williams, C. J. Littlefield, F. L. Potter, Guy M. Blair, A. L. McGinty and C. E. Whitesides have been elected by the Lodge as commissioners to hear and determine upon said charges, and said commissioners will meet at Hall of Elko Lodge No. 15, F&A. M., Masons and Odd Fellows Hall, Elko, Nevada, on the 30th day of June, 1925, at the hour of eight o'clock P. M. of said day and at such other and further times to which such hearing may be continued, for the purpose of hearing and determining thereupon.

You are hereby summoned to appear at said time and place before said commissioners and answer and defend said charges.

Your trial upon said charges will be held at said time and place and you are notified that you may select any brother in good standing to assist you in your defense. The Master will at your request, summon such witnesses, within the jurisdiction of this Lodge, as may be desired by you.

Dated this 17th day of June, 1925.

Milton B. Badt
Worshipful Master.

ATTEST: *W. R. Comish*
Secretary.

Copy of charge in Record Book.

Personally served with copy of charge by Tyler June 18th 1925, at Palomide, Nev. in this jurisdiction W. R. Comish Secy

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R. F. Raine

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, _____, 192

Form 3811

GOVERNMENT PRINTING OFFICE

65-6116

Elko, Nevada, June 6th 1925.

Dear Sir and Brother:

A Special Communication of Elko Lodge No. 15, F. & A. M. has been called by the Worshipful Master for Tuesday evening, June 16, 1925, at eight o'clock for the purpose of electing, by ballot, not less than seven nor more than nine members as Commissioners to hear and determine upon charges of unma-sonic conduct filed against Brother Robert F. Raine a member of this lodge.

By order of Milton B. Badt, W. M.

W. R. Comish, Secretary.

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Elko Lodge No. 15, F. & A. M.

Elko, Nevada

To Brothers R. W. Hesson, Otto T. Williams,
C. J. Littlefield, F. L. Potter, Guy M.
Blair, A. L. McGinty and C. E. Whitesides.

Dear Sirs and Brothers:

I beg to advise you that at the called communication of Elko Lodge No. 15, F. & A. M., held June 16, 1925, you were elected commissioners for the trial of charges of unmasonic conduct filed against Brother Robert F. Raine.

Brother Raine's trial has been set for June 30, 1925, at eight o'clock P. M. at Hall of Elko Lodge No. 15, F. & A. M., Masons and Odd Fellows Hall at Elko, Nevada, and the accused has been summoned to appear at that time to answer and defend said charges.

Dated this 17th day of June, 1925.

-Secretary-

1 SECRETARY'S REPORT OF RECORD AND
2 FINDING IN THE MATTER OF THE CHARGES
3 AGAINST ROBERT F. RAINE, ELKO LODGE
4 NO. 15, F. & A. M.

5 Pursuant to the order of the Worshipful Master, the trial com-
6 missioners elected to hear and determine upon the charges filed
7 against Brother Robert F. Raine, met at the Hall of Elko Lodge No.
8 15, F. & A. M., Masons & Odd Fellows Hall, Elko, Nevada, June 30,
9 1925, at eight o'clock P. M. All of the commissioners were pre-
10 sent, namely, Brother C. E. Whitesides, P. M., Brother Chester
11 Littlefield, P. M., Brother Robert W. Hesson, P. M., Brother A. L.
12 McGinty, P. M., Brother Guy M. Blair, P. M., Brother Otto T.
13 Williams, P. M., and Brother Fred L. Potter; the worshipful Master
14 Brother Milton B. Badt, presiding, and Brother W. R. Comish,
15 Secretary, recording the minutes of the proceedings.

16 The Worshipful Master called the meeting to order and stated
17 that it had been called for the purpose of investigating charges
18 preferred by the Junior Warden against Brother Robert F. Raine.
19 Brother Raine, the accused, was present in person and the Worship-
20 ful Master informed him as to his rights and particularly his right
21 to request that the Master summon witnesses in his behalf and his
22 right to select any brother in good standing to assist him in his
23 defense. Brother Raine did not request counsel or the summoning
24 of witnesses.

25 At the order of the Worshipful Master, the original charges as
26 filed were read, together with the exhibits attached. The Junior
27 Warden offered in evidence a certified copy of the record of con-
28 viction of Brother Raine for violation of the prohibition laws,
29 which record showed the affirming of said conviction by the United
30 States Circuit Court of Appeals and the instructions to the Mar-
31 shal to carry out the sentence and the Marshal's return thereon.
32 There was no objection to the admission of this evidence and the
same was received and admitted. No further evidence was offered

1 by the Junior Warden, or any other person in support of the
2 charges.

3 Brother Raine, testifying on his honor as a Mason, stated in
4 defense that, although it was true that he had been convicted by
5 a jury for the offense upon which the charges were based and had
6 served his sentence in the Washoe County jail, he was, neverthe-
7 less, innocent of the charge and had been "double crossed" by one
8 Brite, who was the guilty party. He stated that Brite had come
9 to his ranch in June and worked there for some time with the in-
10 tention of going into partnership to fatten hogs for market. The
11 arrangement being that Raine would buy the corn and that when the
12 hogs were sold, Brite would pay for the corn and the two were to share
13 the profits growing out of the increase of weight in the hogs;
14 that, however, Brite had used the corn for the illegal manufacture
15 of whiskey. In answer to a question by Brother Blair, Brother
16 Raine stated that Brother B. F. Curler, a member of this Lodge and
17 a former District Judge, was his counsel during the trial and
18 throughout the appeal and also represented him in a former trial
19 at Eureka on a different charge, but involving many of the same
20 facts. Brother Raine stated further that Brite had told several
21 persons that he, Raine, had never made any whiskey, but that Brite
22 had denied this at the trial and had repudiated these statements,
23 and that the Court would not permit Brother Raine to have other
24 witnesses testify that they had heard Brite make such statement.

25 No further evidence being offered by either side, the Worshipful
26 Master declared the case closed and instructed the commissioners
27 as to their duties, and that they should proceed to deliberate upon
28 their verdict and sentence with none present save themselves and
29 Secretary, which last should have no voice in the proceedings; that
30 the judgment of a majority of the commissioners would be taken as
31 the decision of the whole; and that the penalties which might be
32 inflicted (if the commissioners found the defendant guilty) were

1 reprimand in open Lodge, suspension or expulsion; that a sen-
2 tence of suspension, if rendered, should be for an indefinite
3 period.

4 The commissioners and Secretary went into conference with none
5 others present and later reported that a continuance was desired
6 to Monday, July 6, 1925, at eight o'clock P. M. It was thereupon
7 ordered by the Worshipful Master that such continuance be had.

8 On Monday, July 6, 1925, at eight o'clock P. M. the commissioners
9 met at the same place, all being present, together with the Wor-
10 shipful Master and the Secretary. The defendant did not appear
11 although he was present at the time the continuance had been
12 ordered. The meeting was called to order and Past Master Brother
13 A. L. McGinty, who had been elected as Chairman of the commissioners,
14 stated that the commissioners were again ready to retire to delib-
15 erate upon their verdict. They were permitted to retire and with-
16 in a short period reported to the Worshipful Master that they
17 were ready to report and thereupon reported the following finding:

18 The commissioners appointed to try the charges
19 against Brother Robert F. Raine do hereby find
20 him guilty as charged and do hereby find that
21 he should be sentenced to indefinite suspension.

22
23 A. L. McGinty
24 Chairman.

25 I hereby attest the foregoing to be a fair copy of the record
26 and finding of the trial commissioners in the above entitled matter
27 and that this record has been made under the supervision of such
28 commission and signed by the Chairman of the commission.

29
30 Carl J. Conroy
31 Secretary.

32 Since the above findings were made and the above record reported
and made by me, I have been instructed by the Worshipful Master
to append the following correspondence.



Elko Lodge No. 15, F. & A. M.

Elko, Nevada

July 1, 1925

Hon. B. F. Curler
Reno, Nevada

My dear Ben:

This letter is for the purpose of having you verify certain statements made by Bob Raine with a view to giving him the benefit of any doubt to which he may be entitled.

As you are aware, charges were preferred against Bob Raine in Elko Lodge F & A. M., the charges being based solely upon the judgment of conviction in the U. S. District Court. The hearing was held last evening at which time Bob appeared, unrepresented except by himself and admitted the conviction, etc., but denied that he was guilty. The view of the commissioners elected to try him appeared to be that while they could not go behind the record shown by the certified copy introduced in evidence yet if there was anything that could be shown in Bob's favor which might reduce the penalty, they desired to hear the same and later the deliberations were continued for the purpose of communicating with you and others mentioned by Bob.

Bob claimed that the entire matter was a frame up; that Brite said to Hillhouse, to you, to Moore, and to others, words to this effect, "Bob knew nothing about the still being there, he had nothing to do with it, the still belonged to me alone and not to him." We wish to know the facts concerning this statement.

Knowing you as we do, we all feel that you exerted yourself to ascertain and use everything in Bob's favor, but if there is anything that you consider should have been admitted but which was excluded, we would appreciate hearing from you. When asked why he did not bring before the commission some of the people whom he claimed could testify in his behalf, he stated that he was broke and could not afford to pay a lot of men a hundred dollars a day to come to Elko. He admitted that he had not asked any of them to come or to write in his behalf.

I take the view that the judgment of conviction, whether right or wrong, must stand; that if the commissioners should exonerate him they should expect and be prepared to present to the Grand Lodge competent evidence for so doing and sufficient to maintain their position should Elko Lodge be cited to show cause why its charter should not be revoked; but there may be material facts which could be adduced to show that the penalty to be meted out to Bob by the lodge should be less severe than expulsion. Please write me fully so that I may have your letter prior to the evening of July 6th, 1925.

Very truly yours,

Otto T. Williams

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WESTERN UNION TELEGRAM



NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

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Send the following message, subject to the terms on back hereof, which are hereby agreed to

Reno Nev, July 7, 1925

Otto T. Williams
Elko
Nevada

Your letter of the first just received what Bob told you about Brite is true am writing fully think lodge should reconsider.

B. F. CURLER.



Elko Lodge No. 15, F. & A. M.

Elko, Nevada

July 8th 1925.

Mr Robert F. Raine.
Palisade, Nevada.

Dear Sir:-

At the adjourned meeting of the Commissioners held at the Masonic Hall, Monday evening July 6th 1925 you were found "Guilty", of Unmasonic Conduct, according to the charges brought against you, with which you are familiar.

The sentence was that you be indefinitely suspended from all the rights and privileges of Free Masonry.

I was instructed to inform you of this fact.

Given under my hand and the seal of the Lodge this date July 8th 1925.

Very truly yours.

Secy Elko Lodge No 15 F.&A.M.

MILTON B. BADT & JAMES DYSART
ATTORNEYS AT LAW
PIONEER BUILDING
ELKO, NEVADA

July 11, 1925.

W. R. Comish, Esq.,
Secretary,
Elko Lodge No. 15, F. & A. M.,
Elko, Nevada.

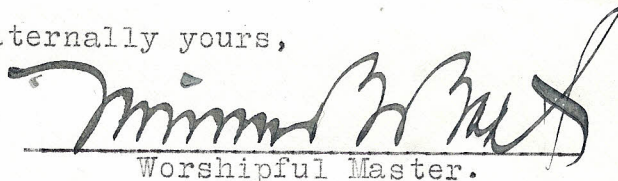
RE ROBERT F. RAINE

Dear Brother Comish:

I beg to hand you herewith original letter of July 8, 1925, from Brother B. F. Curler to Brother Otto T. Williams, P. M., one of the commissioners who heard the charges against above. Will you please attach this letter, together with the enclosed letter to your original record in this matter and prepare the necessary copies to be attached to the copy of the record that will go up to the Grand Lodge.

The Grand Lodge will of course note the fact that all of this correspondence came in after the verdict and decision of the commissioners, but I deem it proper that the correspondence go up with the rest of the record. In view of the fact that the sentence imposed was indefinite suspension, these letters may have some particular bearing in the event of some future application for reinstatement or restoration.

Fraternally yours,


Worshipful Master.

MBB'DM
1 enc.

Reno, Nevada,
July 8, 1925.

Otto T. Williams, Esq.,
Attorney at Law,
Elko,
Nevada.

*Read to me at
Elko July 10, 1925
Otto Williams*

My dear Otto:-

Your letter dated the first of July with reference to the Bob Raines matter was delivered to me at noon today. I do not understand the delay, unless it is a part of the misfortune of Bob.

I went over to the jail to see Bob the next morning after he was arrested and brought to Reno. The officers had given him the third degree all night, and he was in a very precarious physical condition. He had suffered a complete collapse, and was vomiting and wrenching so violently that they had to get two doctors for him. Brite was in the cell with him, and I asked Bob what had happened and who was responsible for the still that they had discovered on his ranch. Brite immediately spoke up and said he (Brite) was responsible for the whole condition. That he was afraid Bob was going to die, and if he did it would be his fault. He (Brite) then told me that Bob did not have anything to do with the still, and did not know that he (Brite) had a still on his land until the 14th day of December. That Bob was away from home most of the time, and that when he returned on several occasions he found the Indians drunk. That he (Bob) asked Brite where they got liquor, and Brite told him he did not know. That Bob accused Brite of having a still on the ranch, but that Brite denied to Bob that he had a still on the ranch, but that he did finally admit to Bob that he had a still, but told him that it was at some springs up in the mountains. That Bob told him that he had better cut that out, that he (Bob) had enough trouble with the Government, and he did not want Brite to be bringing any liquor on to his ranch. That Bob went away for a few days, and when he came back again, which was on the 12th or 13th, the Indians were again drunk. That on the morning of the 14th Bob asked Brite to drive him to Palisade, as he was coming to Reno to attend the stockmen's convention in Reno. That on the way to Palisade Bob again jumped him about bringing liquor on the place, and he finally admitted to Bob that he had a still in the willows on the creek on Bob's ranch about a half a mile from the house. That Bob was very angry and told him to go right back and get that still "to hell off of his ranch" and that Bob wanted him and his family to get off of the ranch at once. That Brite finally persuaded Bob to let him and his family stay on the ranch until spring, and as decided. They charged Bob with conspiracy to violate the Prohibition Law, with the selling of intoxicating liquor, with

that he promised Bob that he would destroy the still at once. Brite told me that he did not destroy the still because he was running a batch of liquor, and expected to finish it before Bob got back. That Bob got back from Reno on the night of the 18th, and that on the 19th he received the telephone message from Rand; then he came in and woke him up and asked him if he had taken the still off of the ranch. That Brite admitted that he had not, and that Bob then ordered him to go down and destroy the still at once, telling him that he had received a message that the Government officers would be there by daylight in the morning. That Brite refused to go down unless Bob went with him. Bob finally agreed to go, and that Brite then insisted that Bob take a gun with him.

That when they got down there he went down to the still and immediately after the shooting commenced. I asked Brite where he got the materials to make the liquor, and he told me that he stole it from Bob, both the sugar and corn. That Bob had laid in a bunch of sugar for the winter, and that he had bought the corn to feed to the hogs, and that he stole the materials from Bob. He repeatedly made the statement that Bob did not have anything to do with the still or with the liquor, and did not know until the 14th that he was manufacturing liquor on Bob's ranch.

Brite repeated this statement to Milt Moore in my presence on two occasions, and he also made the same statement in the presence of Jim Boyd and Milt Moore, and Jim Boyd testified both at Eureka and before the Federal Court to the statement that Brite made to him. Neither Milt Moore nor myself took the stand, as we did not feel that we would be justified in testifying because we were at one time in a sense Brite's attorney, particularly Moore.

I was not present at the interview between Hillhouse and Brite, but I understand that Brite repeatedly made the same statements to Hillhouse. Brite made the same statement to me on more than one occasion in Eureka before he concluded to turn State's evidence against Bob.

Bob from the very beginning contended that the facts as detailed by Brite were absolutely true, and that he did not have anything to do with that still, or any of the liquor that was manufactured on his place, and knew nothing about the existence of the still on his place until the 14th of December.

You will remember that they charged Bob with murder in Eureka, and that I conclusively proved that Bob did not shoot Carter, but that Harry Webb shot him, and the jury so decided. They charged Bob with conspiracy to violate the Prohibition Law, with the selling of intoxicating liquor, with

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Offo L. Williams, Esq. 48-1352

Page 3

Otto T. Williams, Esq. 7/8/1925.

the possession of materials designed for the manufacture of liquor, and with the manufacture of intoxicating liquor. The jury acquitted him of the charge of conspiracy. They also acquitted him of the charge of selling liquor. They convicted him of the possession of material designed for the manufacture of intoxicating liquor, and with the manufacture of intoxicating liquor. The verdict of the jury was a compromise verdict. The jury itself was a hand picked jury. The Court at Carson had run for three weeks, and Judge Farrington ordered discharged from the Jury every man that up to that time had even argued in the jury room for the acquittal of any person charged with a violation of the Prohibition Law to say nothing of discharging all of them who had voted at any time for an acquittal in a Prohibition Case. There were three men only left on the panel who had not been called on a jury, and those three men voted for an acquittal up to the time that they compromised on the verdict. The other nine men are regularly selected jurors, and not one of them has ever been known to vote for an acquittal in Judge Farrington's Court, that is the reason why they were left on the panel.

Bob Raines is no angel, that is true. But in my judgment our Lodge contains a large number of brothers who have violated directly or indirectly the Prohibition Law, not once, but many times, for under the law, as you well know, a man who purchases liquor and uses it is guilty of a violation of the Prohibition Law.

It is true that the jury convicted Bob of a violation of the Prohibition Law, but the evidence was not sufficient for such a conviction, and I am firmly convinced, and I think I ought to know, that Bob was not guilty of the offense for which he was tried and convicted, and I do believe, that if the Lodge has taken adverse action in regard to Bob's case, they ought to reconsider the matter and modify the punishment as far as they consistently can.

In the event the Grand Lodge calls the matter for question, I am willing to testify before the Grand Lodge, and I will get other witnesses to testify regarding the statements and conversations made by Brite.

If I were convinced that Bob was guilty of the offense charged against him, and for which he was convicted, or if I felt that he was for any reason not a fit person to be a member of the Order, I would not have written this letter, and I would not be willing to justify him before the eyes of the order.

the possession of

Otto T. Williams

Page 3

Page 4.

Otto T. Williams.

7/8/1925.

I have no criticism whatever to make against the Brothers who preferred the charge, for the reason that I am convinced that they were acting in good faith, and that Bob's conviction of a misdemeanor was a justification for the presentation of the charge, but I am further convinced, that if the Committee were in possession of all of the facts, they would hesitate to condemn Bob on the charges preferred.

With kindest fraternal feeling for the Committee and the Lodge, I am,

Very truly yours,

B. F. Corley

B
C
/S

1880 7.

11:20 AM
7925



Otto T. Williams, Esq.,
Attorney at Law,
ELKO,

Elko County.

Nevada.

