

Evo DeConcini  
Oral History Project:  
Arizona Legal History

Interview with Alton C. Netherlin  
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## THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

### HISTORICAL NOTE

In 1985, James F. McNulty, Jr., former U.S. Congressman from Arizona and currently an attorney with Bilby and Shoenhair in Tucson, proposed that the Arizona Historical Society develop an oral history project to collect the reminiscences of senior judges and lawyers in Southern Arizona. As a former partner in one of the oldest law firms in the state, in Bisbee, he had long been aware of the wealth of information and experience expressed in many of his colleague's lives and careers, some of whom had been practicing law for over fifty years. In an effort to preserve and disseminate their stories and observations about the profession, the Archives Department of the Arizona Historical Society/Tucson developed a pilot program focused on Southern Arizona, with the goal of collecting the reminiscences of fifteen to twenty individuals associated with the legal profession over the last fifty years.

The project was funded through a challenge grant made by Roy Drachman and money subsequently donated by members of the Pima County Bar Association and the DeConcini family. At Mr. Drachman's request, the project was named for the late Judge Evo DeConcini, a highly-respected member of the Arizona Bar and a long-time friend.

Most of the interviews were conducted between 1986 and 1988, by Mr. McNulty. Interviews were also conducted by Robert

Palmquist, Jack August, and Adelaide Elm. Additional interviews with judges and attorneys conducted previously for other oral history projects were included with the DeConcini Project, to expand the scope of the project. The narrators, representing both rural and urban practices, were identified for inclusion by Mr. McNulty and other members of the State Bar. They included three judges, sixteen attorneys, the wife of a former state Supreme Court justice, and the legal secretary of one of the oldest law firms in the state. All transcripts and tapes are available to the public at both the Arizona Historical Society and the University of Arizona College of Law.

In addition to preserving the recollections of legal practitioners in Southern Arizona, the Evo DeConcini Legal History Project has spurred the collection and preservation of primary documents relating to legal history, such as day books, client ledgers, correspondence and photographs from law firms and individuals connected with the profession. It is hoped that the DeConcini Project will serve as a model for the collection of such memoirs and historic materials on a state-wide basis.

## THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

### SCOPE AND CONTENT NOTE

This collection consists of 43 cassette tapes (60 to 90 minutes in length), thirty-two 1/4-inch audio tapes, and twenty-one transcripts produced for the "Evo DeConcini Oral History Project: Arizona Legal History" by the Archives Department of the Arizona Historical Society between 1966 and 1988.

The collection is arranged in two series: (1) Oral interviews conducted for the project; and (2) Oral interviews gathered from other projects.

Series One consists of fifteen interviews: (1) Charles Ares; (2) Ralph W. Bilby; (3) Thomas Chandler; (4) Elizabeth Daume; (5) Ora DeConcini; (6) Gordon Farley; (7) Martin Gentry; (8) Thomas L. Hall; (9) Virginia Hash; (10) Norman Hull; (11) Ashby I. Lohse; (12) James F. McNulty, Jr.; (13) James Murphy; (14) Alton C. Netherlin; (15) Joseph C. Padilla; and (16) Wesley Polley. Interviews 1, 2, 3, 5, 6, 7, 8, 10, and 13 were conducted by Mr. McNulty. Interviews 11, 14, 15 and 16 were done by Robert Palmquist. Adelaide Elm conducted interviews 4, and 9, and Jack August conducted interview 12.

Series Two consists of five interviews: (17) Harry Gin; (18) Don Hummel; (19) Hayzel B. Daniels; (20) Rubin Salter; (21) Rose Silver. The Gin interview was conducted by Bonita Lam for the "Chinese in Tucson" project; Don Bufkin, Acting

Executive Director of the Arizona Historical Society, conducted the Hummel interview; Richard Harris and Carol Jensen conducted the Daniels interviews; Baiza Muhammad interviewed Salter for the African-American History Internship Project; and Rose Silver was interviewed by Mary Melcher for the "Women and Work: An Aural History," a joint project of the Arizona Humanities Council and the University of Arizona.

The bulk of the collection deals with the experiences and observations of these individuals relating to the legal profession in Southern Arizona over the last sixty years. The interviews document the following topics: education preparatory to the profession (law school, reading law, the bar exam); legal practice during the Depression, and the influence of the New Deal; relationships between the legal profession and politics; the role of judges vis a vis the Bar; the increasingly litigious nature of society; the effect of social changes on the practice of law; the experiences of women and minorities in the profession; and post- World War II changes in the legal system. Of particular interest are anecdotes about particular cases and clients; histories of several old law firms in Southern Arizona; University of Arizona Law School professors and courses of study; opportunities some had to practice law without a law degree; and remembrances of the colorful individuals who influenced the profession in Territorial days and early statehood.

The collection is valuable for its comprehensive look at

the law profession in Southern Arizona over the first half of this century, and its emphasis on the changes which have occurred within the profession during that period.



Alton C. Netherlin Interview

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### Alton C. Netherlin Interview

Alton C. Netherlin, born in Roswell, New Mexico in 1904, moved to Ajo, Arizona in 1923. After graduating from Ajo High School, he studied law at the University of Arizona, graduating in 1929. He set up his practice in Ajo during the 1930's, and also had a law office in Phoenix. For several years during the 1940's he was active in the cattle business, grazing and butchering. After World War II, he resumed an active law practice and was appointed deputy county attorney for Ajo.. Although now retired, he continues to do some legal paperwork. He married Maria Netherlin in 1966, and has adopted six children since then.

This interview deals fully with the practice of law in a small mining community. Netherlin tells of his law school training, and the challenge of entering the legal profession at the beginning of the Depression. He discusses the kind of work he did, which primarily consisted of property law, drunkenness, divorce cases, immigration violations, and probate.

Netherlin mentions other lawyers, and judges who were active in the profession during his fifty-year career. Although he talks briefly about the Pima County Superior Court sessions held once a month in Ajo, he treats in much greater detail the local justice of the peace court cases. The interview is full of anecdotes about his own cases and clients through the years.

## ALTON C. NETHERLIN INTERVIEW

My name is Bob Palmquist. We are here in the office and home of Alton Netherlin in Ajo on February 16, 1987. Mr. Netherlin has consented to talk with us for the Arizona Historical Society's Legal History Project, an oral history, about his experiences as an attorney here in Arizona. [Also present is Tim McIntire, sound technician.]

Palmquist: Mr. Netherlin, thank you very much for talking with us today. Before we begin talking about your experiences as an attorney, perhaps I could get some basic biographical information from you. Could you tell us when and where you were born?

Netherlin: I was born in Roswell, New Mexico, September 13, 1904.

Palmquist: And what were your parents' names?

Netherlin: My father was Albert Netherlin and my mother's maiden name was Cole. Mary Alla Cole.

Palmquist: And what did your parents do for a living?

Netherlin: They were ranchers. Cattle ranchers.

Palmquist: There outside Roswell? They had a ranch outside Roswell?

Netherlin: Yes. But I grew up in Tularosa.

Palmquist: When did you move from Roswell to Tularosa?

Netherlin: I can't remember.

McIntire: Do you want to stop for a little while?

Netherlin: Yes.

Tape off briefly.

Palmquist: O.K. Mr. Netherlin, you mentioned you had moved to Tularosa, having been born in Roswell.

Netherlin: Yes.

Palmquist: And you weren't quite sure when that move was made. Was it when you were still a small boy?

Netherlin: I'd say I was five or six years of age.

Palmquist: And why did your family move to Tularosa?

Netherlin: Well my dad decided to start farming a while.

Palmquist: I see. And he established a farm there?

Netherlin: Yes.

Palmquist: At Tularosa, New Mexico.

Netherlin: He bought two farms there and started farming.

Palmquist: O.K. And when did you come to Arizona?

Netherlin: Uh, 1930.

Palmquist: In 1930?

Netherlin: No, 19-- , let's see, I came to Arizona. . . . I graduated in 1924 from Ajo High School. I came here in 1923. Again, in May. And graduated from Ajo High School, here.

Palmquist: I see. What type of place was Ajo at the time you came here? Can you tell us something about that?

Netherlin: Still a mining town.

Palmquist: Still a mining town?

Netherlin: Yes. They had just built the mill. Everybody called it the new mill. Went from a leaching process to milling sulfide ore. Before that they couldn't handle the sulfide. They used the oxide in the leaching plant.

Palmquist: Yes.

Netherlin: I worked in the leaching plant a while.

Palmquist: How old were you when you did that?

Netherlin: Oh, twenty, I guess. Nineteen. In there somewhere.

Palmquist: Was that Phelps Dodge operation or. . . ?

Netherlin: New Cornelia. I never did work for Phelps Dodge. I worked for C and A, Calumet and Arizona. I worked summers and went to school in Tucson in the winters.

Palmquist: I see. Was that the University?

Netherlin: I finished high school here and went to Tucson for four years. [1924-1925]

Palmquist: Was that the University of Arizona?

Netherlin: Yes.

Palmquist: What did you study there?

Netherlin: Law.

Palmquist: You studied the law there?

Netherlin: Yes.

Palmquist: Could you tell us something about the College of Law as it existed at that time? The type of

courses you studied, the professors, and so forth.

Netherlin: Well, Dean [Samuel M.] Fegtly was Dean in charge of the Law School and I think the first year, I took Criminal Law under Judge [Samuel L.] Pattee, former judge, superior court judge. And Dr. [L. J.] Curtis. . . . And Kirke [T.] Moore also taught a class. He was a Tucson attorney. Then, the next year we took Contracts and Water Law and, I can't remember those exactly, but contracts and water law. And, oh I remember Fegtly taught Evidence. And . . .

Palmquist: I've heard a lot about him as far as . . .

Netherlin: Also . . .

Palmquist: . . . being connected with the Law School.

Netherlin: Yes. Also, Dean Fegtly taught Future Interests, which I failed.

Palmquist: (laughs) I had trouble with that one too.

Netherlin: It was pretty hard for me.

Palmquist: It was for me also. Did the professors use the Socratic method? The case study?

Netherlin: Case study, yes. At that time, too, I was working. With the Yellow Cab Company from seven at night until seven in the morning. I had classes from seven-forty until twelve-forty. But I could sleep between calls or do whatever I

wanted to, study or sleep, or, which I did.

Palmquist: And was that a three-year course at that time?

Netherlin: Four.

Palmquist: Four-year.

Netherlin: Yes. One year of pre-legal and three, three years legal. At that time.

Palmquist: I see. I'm always interested in this question. What made you decide to become an attorney, or to study law? Any particular thing that you saw growing up, or anything that struck your fancy about the profession when you went in it?

Netherlin: Just that I thought it'd be interesting. I never had too much thought about it. I just thought, well, that's the best thing to do. For some reason. I can't say why.

Palmquist: Had you known any attorneys prior to your taking up your legal studies?

Netherlin: Yes. I knew an attorney or two prior to that. I knew an attorney in Tularosa, New Mexico. Cubie Clayton. But, the one that I knew here was Reddington. C.[Cornelius] T. Reddington.

Palmquist: When you say here, did he live here in Ajo . . .

Netherlin: Yes.

Palmquist: . . . or was he in Tucson?

Netherlin: I stayed with my uncle and finished high school here.

Palmquist: I see. Where did you stay when you went to Tucson to the Law College?

Netherlin: We rented a little place, a kind of a little woodshed, me and another student from Ajo, Mark Pohle. And they'd kept wood in there and they got the wood out of one side and rented us a place for a bed and there was a sink there. So we stayed there. Ten dollars a month, or five each, so we got along pretty good.

Palmquist: It sounds like it. Was Mark . . .

Netherlin: The Yellow Cab paid, paid me fifteen dollars a week. And it was, it was all right in those days.

Palmquist: Was Mark also going to the Law School?

Netherlin: No.

Palmquist: No?

Netherlin: He took Commercial Art.

Palmquist: When did you finish up there at the University?

Netherlin: In 1929.

Palmquist: In 1929. And aside from going to the College of Law, what other requirements were there to practice law in Arizona at that time? Did you have to serve a preceptorship or anything of that sort?

Netherlin: Go to what?

Palmquist: Did you have to serve a preceptorship or work for



an attorney for a while?

Netherlin: No. No.

Palmquist: No.

Netherlin: No. When I passed the bar, the first time, I was completely lost, procedure-wise. I didn't know. . . . When they filed a demurrer I didn't, I didn't know what to do when they told me to, they was going to arraign somebody. Well, I talked to Mr. Reddington quite a bit and he explained a lot of that to me, about arraigning a prisoner. I had no idea how to arraign a prisoner. But still I passed the bar.

Palmquist: What type of exam did you have in those days as far as the bar exam was concerned?

Netherlin: They examined you on every subject that was important at that time, contracts and criminal law and all kinds of torts and things that way, whatever was . . .

Palmquist: Was that a written examination?

Netherlin: Pardon?

Palmquist: Was that a written examination?

Netherlin: Yes.

Palmquist: And where was that examination given?

Netherlin: In Phoenix at the Capitol Building.

Palmquist: So you had to go to Phoenix for that test.

Netherlin: Yes.

Palmquist: How long was it between the time you took the test and the time that you were notified that you had passed?

Netherlin: Three or four months.

Palmquist: So things haven't changed at all in that way.  
(laughter) So it was 1930 when you were admitted to the Bar?

Netherlin: Right.

Palmquist: And did you come back here to Ajo to practice?

Netherlin: Yes. It was Depression then. There wasn't any-- I tried to get a job with a law firm, but I couldn't get a job, any job in Phoenix or Tucson, so I came back here and. . . .

Palmquist: Where here in town did you set up your practice when you came back?

Netherlin: The first office I had was upstairs . . .

Palmquist: Oh, here in this building?

Netherlin: No.

Palmquist: Oh, I'm sorry.

Netherlin: Downtown. In the downtown part. They let me have an office up there. And you climbed a flight of stairs to get to it, but, that's the first one I had.

Palmquist: Did you have a secretary at that point?

Netherlin: No.

Palmquist: I see.

Netherlin: No. I did what typing I. . . . In those days it was pretty hard to make a living, do much.

Palmquist: What types of things did you start out doing? Now you mentioned arraigning a prisoner. What types of cases did you have when you first . . .

Netherlin: The first one I had was--William G. Hall was the judge--and it was a colored fellow charged with larceny. And then after that you took whatever you could get.

Palmquist: Sure.

Netherlin: I know I made up some papers that had me puzzled and wondering what to do and--a man in Mexico had built a hotel, John Stone, and he got in trouble with the Mexicans or the. . . . Anyway, they were going to take it away from him, so he conveyed it to another man and he had the hotel, which were accused him of burning or--the walls didn't burn, but it burnt the floor out and everything--and a place on the hill there that sold liquor--and it was prohibition days here--and it was fairly important to both of them. Well, I got that transferred. And that's probably the most important thing I did about that time.

Palmquist: Yes. Would that also have been around 1930 or so?

Netherlin: Yes.

Palmquist: That was in the early 1930's?

Netherlin: Yes.

Palmquist: You mentioned the first case before Judge Hall, was it?

Netherlin: Yes.

Palmquist: What happened to that individual charged with larceny?

Netherlin: William G. Hall?

Palmquist: Yes.

Netherlin: He's dead.

Palmquist: He's dead. . . . I've seen a picture in this book that I'm showing you here by James Murphy, Law, Courts and Lawyers in Arizona . . .

Netherlin: Yes.

Palmquist: . . . on, I think it's on page 91. It shows in the 1920's, which of course is a little bit before you were admitted, it says the Pima County Superior Court regularly flew to Ajo to hold court. Were they still doing that when you . . .

Netherlin: They came here, yes. Judge [Matthew E.] Gibson [III] was, his father went to the Legislature, and this was so far from the court, Superior Court in Tucson, and the road, took you all day to go, or come, either one. It was a day's journey. And he got legislation passed that enabled them to

hold court in Ajo. So they did. They held court once a month here, ever since I can remember.

Palmquist: Where did they hold the court sessions?

Netherlin: There was a place, it's a help-yourself laundry now, on the corner of, well, it's right by the flower shop now. But it's a help-yourself laundry and the jail was in back and the court was in front.

Palmquist: Actually had a branch of the county jail here then, too.

Netherlin: Yes.

Palmquist: I see. Were you able to file papers here in Ajo, or did you . . .

Netherlin: No. The justice court here, I filed papers, but I don't think they were ever kept or anything like that. Well, Judge [Frank] Brooks, he'd married several people and, and never recorded the license and it kind of shocked some of these people around here to find out that they'd been married before the J. P. [Justice of the Peace], but they weren't married. (laughter) And the ceremony was performed and everything, but he never did send it in for recording. So they, that was one reason that they wanted to get rid of him. And as far as, I used to file suits for merchants and things that way, but I think they

threw the papers away just about the time, after you got it settled.

Palmquist: (laughs) Prior to our starting recording here, I think you were telling me a bit about Judge Brooks in criminal matters.

Netherlin: Yes.

Palmquist: Could you repeat that, the way he held court and the things you went through as far as representing a criminal defendant.

Netherlin: Well, I remember very well one case. Because he'd hired me to represent him. We went in to the courtroom together and there was a room for the jail and he walked over there and he said, "Jack Ford, I hear you've been a naughty boy." And Jack said, "No, not . . ." "Yes," he said, "you have. That'll be sixty days." And I said, "Well, Judge, you ought to let him plead guilty or not guilty." And he said, "Well, he's guilty, because the Sheriff wouldn't have arrested him if he wasn't. He's guilty." And so that was about the trial. And I got a lot of people out on habeas corpus that these two judges tried to assume jurisdiction that they didn't have.

Palmquist: By two judges, which, Brooks and who else?

Netherlin: Brooks and, yes, Woods [John S. Wood]. Woods was the first one. And Brooks the second one.

Palmquist: What was Judge Brooks' first name?

Netherlin: Judge Brooks. What was his first name? I've forgotten.

Palmquist: Where did you have to go to file the habeas corpus proceedings?

Netherlin: Tucson.

Palmquist: Tucson.

Netherlin: It got so the county attorney over there, Clarence [E.] Houston, would see me coming, he'd say, "Well, you got a habeas corpus?" (laughter) And say, "Well, we'll turn him"--I'd tell him, explain it to him, and he'd "Well, we'll turn him loose." And, or plead guilty to something else or something. Anyway, legalize whatever they had wanted to do.

Palmquist: Were there any particular types of criminal cases that came more commonly to you than others? Any particular offenses?

Netherlin: No. Now, I never was mixed up--now there were quite a few people killed along about that time. The constable had killed a man just about that, 1930. Let's see, his name was Joe Real, and there was a poker game and he had killed this man and. . . . I never was mixed up in the legal end of it. And Judge Fields, before I was admitted, had killed a man. He was a justice of the peace.

And, I never, never was mixed up in the murders.

Palmquist: Aside from that type of criminal work and the property transaction you mentioned down in Mexico, what types of cases did you commonly handle during the early period in the 1930's?

Netherlin: Drunks, and sometimes drunk driving.

Palmquist: Drunk driving. Was that a big problem?

Netherlin: Even in those days. No. Not too much of a problem. Just, well, fairly important, at that.

Palmquist: Were the courts hard or lenient on drunk drivers in that period?

Netherlin: They were pretty hard on them. Even then, they hardly ever got arrested unless something called the law's attention to them. And a lot of times they'd send them home. And then if they wouldn't go home, why they really rode them. A lot of times they'd try to get them to go home and get their vehicles off the street.

Palmquist: Sure. Was there any sort of test that the police made them perform at that time as far as . . .

Netherlin: No.

Palmquist: . . . walking a line or . . .

Netherlin: No.

Palmquist: No. They just spotted them weaving on the highway.

Netherlin: Yes. Just decided whether, looked at him and



decided whether or not he was drunk.

Palmquist: Yes. What type of sentence do you recall people getting if they were actually run through a trial for drunk driving?

Netherlin: Oh, they'd probably get a fine, maybe a week in jail or something like that. Now they, that progressed along and I can't think of the year, but they made drunk driving a major misdemeanor.

Palmquist: Yes.

Netherlin: And the court here didn't have jurisdiction. It was a Superior Court matter.

Palmquist: I see.

Netherlin: But, they used to go ahead anyway and, and sentence them and things like that, but I got a lot of them out on habeas corpus like that.  
(laughter)

Palmquist: Even though they didn't have the jurisdiction, they thought they did.

Netherlin: Yes.

Palmquist: How about juveniles, did you have any cases involving kids under age?

Netherlin: No.

Palmquist: No?

Netherlin: Playing hooky, but I never. . . . They never took them to court or anything. They. . . .  
(pause) Had a hooky cop all right, that's what

they called them.

Palmquist: Yes. At this period, how many people were there here in Ajo? Do you recall approximately, in the 1930's, what the population was?

Netherlin: There were around eight hundred working in 1930. Around eight hundred and fifty, something like that. They'd hired for the mill and the leaching plant was still going. And there was about eight hundred and fifty people working.

Palmquist: Were there many accidents that took place in the mill or the plant at that time?

Netherlin: No.

Palmquist: No?

Netherlin: No. It's always been a pretty safe place to work. Considering it's classed as a hazardous occupation.

Palmquist: Sure. That's why I asked. Yes. So you wouldn't have had too many industrial accident-type situations.

Netherlin: No. And the Industrial Commission had created and, and it pretty well, you know, took the employer and employee out of those tort actions that used to be brought before my time.

Palmquist: I see. During the early period that you lived here in Ajo, did you happen to know a fellow by the name of Albert Behan?

Netherlin: Yes. He was Deputy Sheriff when I came here.

Palmquist: What can you tell me about him aside from the fact that he was a Deputy Sheriff. Did you know him very well?

Netherlin: Well, he, he was the law here. He and Horace [T.] Lyons, who was the Constable, and he, Albert, was deaf. He had trouble hearing. And--about like I am now--and he was, never seemed to have too much trouble. A lot of men that he thought were bad man, he might get Mr. Lyons to go with him, but mostly he'd send them word to come into the Sheriff's office, that there was a warrant for them. And they'd come in and he'd take them over to the judge. And Judge Wood or Brooks, they'd do whatever he thought. And that's about the size of it. Albert was a pretty capable man. He knew what he was doing.

Palmquist: About how old a man was he when you knew him?

Netherlin: Oh, when I first knew him he was probably forty-five, fifty, somewhere in there.

Palmquist: He ever bring in any of your clients?

Netherlin: (no response)

Palmquist: (louder) Did he ever bring in any of your clients? Or fellows that hired you to . . .

Netherlin: Oh, I used to, some of them used to get me to defend them, you know, after. . . . In 1932, I

believe it was, the plant closed.

Palmquist: I see.

Netherlin: And Albert--let's see, I can't think who the next sheriff, deputy sheriff was. Probably Frank Branson. And then they gave an extra deputy, that's two deputies, here, about, I imagine when the plant re-opened--let's see, I think that was about 1935. I think that's when they got the two deputies. And that's about the time Judge Gibson got elected and we started having legal trials then.

Palmquist: Tell me a little bit about Judge Gibson. Was he from Ajo or. . . .

Netherlin: This town was named after his father.

Palmquist: Oh, I see.

Netherlin: You know they call this division of Ajo "Gibson." Well his father had claims, mining claims, in here. He was a diamond driller and so was the judge at that time. But he was also, taught school. And then he ran for judge against Judge Brooks and got elected. And he held trials like they should be.

Palmquist: During this period did you practice primarily here in Pima County, or did you occasionally go outside the county to practice at this period, in the 1930's?

Netherlin: Well, I had a case or two in Tucson. And I used to go over there and cut meat a little while.

Palmquist: Cut meat?

Netherlin: Yes. There was a Chinaman out there and I used to go over and cut meat for him sometimes, weekend. Start and work over the weekend.

Palmquist: These cases you would have in Tucson, would they be filed in the Superior Court over there?

Netherlin: I'd be appointed usually.

Palmquist: Oh, I see. Would that be court appointment to represent a criminal defendant?

Netherlin: Yes.

Palmquist: Okay.

Netherlin: I think Judge Hall, he's the one who used to mostly appointment me. It was up to him, you know. And they paid, I think, fifteen dollars, twenty maybe. Something like that. It wasn't very much, but it was, in those days, it was all right for me too, because I'd go over there and sleep in the car and come home. I was used to it. It wasn't a hardship. It wasn't a hardship on me. I'd been used to doing that, but it helped out and I used to make, oh, high as ten dollars, you know, cutting meat or something like that kind of work. That's what it was.

Palmquist: You mentioned these court appointments that you

had and the fees that you got for those.

Netherlin: None in Phoenix. In Tucson.

Palmquist: Yes, in Tucson. What were the fees like, say, for a case that you would try before one of the justices of the peace here? What did you normally charge a client for a hearing like that?

Netherlin: Ten, fifteen to twenty-five dollars.

Palmquist: During this time, were you also doing some ranching, or did that come later?

Netherlin: At that time, no. Later.

Palmquist: How about wills and estates work? Did you do any of that during the 1930's?

Netherlin: Yes. I did a little. There were always a few wills and deeds and stuff like that. I used to charge two dollars for a deed, a will. There wasn't much money in those days and. . . . I remember one time--of course I'd never forget that--I went down and did some work for John Stone. And--he was the one I later told you about, the Mexico business--and it was a Sunday, holiday, and I had to wait, oh, I guess, more than a half a day and, and then the man came and we got everything fixed up. And then I had to wait for his wife. And we got through, he said, "How much." And I thought a little bit and I said, "Well, five dollars." And he wrote me a

check and handed it to me. I got home and I looked at it and it was fifty dollars. I almost fainted. (laughter) It was sure a lot of money in those days.

Palmquist: Sure. He must have thought you were underpaid. You mentioned the court was, the court came over here to Ajo to hold court once a month. Was that just a one day affair, or did they have a . . .

Netherlin: Yes.

Palmquist: Just one day.

Netherlin: Yes. Sometimes when they had--now I never, I never had one myself--but Reddington and John Mays, who was also a lawyer here, used to hold trials here for Superior Court. And sometimes lasted three or four days. But I never was mixed up in one that. . . . Mostly default divorces and, you know, little probate matters and stuff that way.

Palmquist: I see. When you say default divorces, did you have to hold a hearing even though the other side wasn't going to show up.

Netherlin: Yes. Yes, you did. You had to hold a hearing to get the divorce. And the evidence had to be corroborated.

Palmquist: Oh, I see. So you had to bring in other witnesses aside from . . .

Netherlin: Yes.

Palmquist: Anybody ever show up in one of those proceedings that you didn't expect to show up?

Netherlin: No.

Palmquist: No.

Netherlin: (laughter) No. I never, never had that happen.

Palmquist: Were divorces very common in the practice at that point? (louder) Did you have many of those divorce cases?

Netherlin: Not too many. Usually I'd have one out of a month, sometimes two, I think. One time I remember the most that ever--and that was later days, I had seven at one time.

Palmquist: Wow!

Netherlin: That's what I thought. (laughter)

Palmquist: What type of grounds did people have to allege to get a divorce in those days?

Netherlin: I think there were ten. You--mostly mental cruelty is what we tried most of them on. You know, desertion, if it had continued for a year. And--well, there were several grounds, adultery and--I don't think I ever had one that they charged adultery.

Palmquist: What did the mental cruelty consist of in most of those cases that the people testified about?

Netherlin: Well, he told me he didn't love me . . .



Palmquist: Yes.

Netherlin: . . . or something like that, you know, a minor matter that he made her suffer mentally anyway, or vice versa.

Palmquist: Did the judge actually have to hear those cases?

Netherlin: Yes. Yes, they had to be heard.

Palmquist: How long did it normally take to get a case like that through the courts, from filing the papers to the actual decree of divorce?

Netherlin: Oh, you'd file your papers now--it used to be two at that time--you could file a waiver, you'd file your complaint, ten dollars, file a waiver, fifteen dollars. No, ten dollars. No, five. A waiver was fifteen altogether. Ten for the complaint, and five--and then five for the judgement, which made a total of twenty dollars cost. And I used to get them for thirty and thirty-five dollars, divorces. And you could at that time, file your complaint and the waiver would be filed supposedly by the other party, but I'd file them all. Pay for all of them, hold the hearing, pay for your judgement, and then a dollar would buy a certified copy of it and give them--you could do it all in one day probably, it took maybe an hour.

Palmquist: You mean from the filing to the . . .

Netherlin: Yes.

Palmquist: I see.

Netherlin: Then they started requiring time, you know, time, time. Making it a little harder. And that kind of continued that way.

Palmquist: Sure. Did you have any mining claim cases, any claims, any cases relating to mining claims?

Netherlin: Yes. This land all in here was--the Gibsons owned it and a fellow named Basham homesteaded it. And we had a, quite a trial with the Bureau of Land Management, with the Department of Interior. [Early 1930's.] I think it was before they called it Land Management. We had quite a trial over that. And they held that, the department held that it was not mineral in character and could be homesteaded. So it was homesteaded.

Palmquist: How long did that trial last?

Netherlin: About three days.

Palmquist: Was that here in Ajo or was that over in Tucson?

Netherlin: In Phoenix.

Palmquist: Oh, in Phoenix.

Netherlin: Yes.

Palmquist: Was the federal court functioning in Tucson at that time? In the 1930's?

Netherlin: Yes. Judge, let's see, who. (pause) [U.S. Federal] Judge Sawyer and then Judge [Albert M.]

Sames in Phoenix. I believe there were two federal judges here. Sawyer, was that his name? That doesn't seem right. I never had a case in front of him anyway.

Palmquist: I see.

Netherlin: But Sames, I had a few matters before him.

Palmquist: Yes. He was up in Phoenix?

Netherlin: Yes.

Palmquist: I see. What types of cases would those have been?

Netherlin: Mostly liquor.

Palmquist: Liquor cases.

Netherlin: Yes. Prohibition then.

Palmquist: The people that were picked up by the agents for trying to sell liquor?

Netherlin: Yes. Some for making it and some for smuggling it. Out of Mexico.

Palmquist: Were the courts very stringent about that sort of thing or. . . .

Netherlin: A lot depended on the judge.

Palmquist: Sure.

Netherlin: Some judges were and some weren't so, a lot depended on the judge.

McIntire: How widely was the prohibition law violated here?

Netherlin: Well, you could always buy tequila here ever since I can remember. And you could get homemade

whiskey. Now they made whiskey out at two or three different places around here, that I know about. And John Stone, the fellow I told about giving me fifty dollars, they got him for bootlegging, or for smuggling. No, they didn't have a case, they got him for. . . . conspiracy. Conspiring to, to break the Volstead Act. That's what they finally got him for. And Manuel Vasquez, he had the biggest car in Ajo. He owned a saloon in Sonoita and there was always tequila available and then almost everybody that wanted beer made home brew. That was--everybody nearly knew how to make it and a lot did make it. But it wasn't--I never saw it when you couldn't get something to drink around Ajo.

Palmquist: (laughs) Did the agents try to cut down on the home-brew brewing?

Netherlin: I don't think so.

Palmquist: No.

Netherlin: I don't think they ever bothered much about home brew. Now if you had a still, yes, they, they'd find you if they could.

Palmquist: (laughs) And those cases would be tried then up in Phoenix, is that. . . .

Netherlin: No, they--yes, they tried a lot of those in Phoenix and Tucson both. It would depend on who

caught you, I think, the agents and where they worked out of and. . . . (pause) Oh, [William H.] Sawtelle was that judge's name.

Palmquist: In Tucson?

Netherlin: Yes. I happened--yes. Federal court judge.

Palmquist: I suppose the federal courts would have also handled immigration matters.

Netherlin: Well, nobody paid much attention to immigration then. It was . . .

Palmquist: No? It wasn't much of a problem?

Netherlin: There was no, no one on the, on this side of the line, at Sonoita, no one on the other side. And no one paid much attention to it. They, they started in later, along, oh, it must have been close to 1940 before they started paying much attention to the immigration law.

Palmquist: What do you suppose accounted for the change between the . . .

Netherlin: I don't know.

Palmquist: . . . early 1930's when you started and 1940 when they started to pay some attention to it?

Netherlin: I don't really know. I, employment I suppose. They gave somebody a job and he had to do something.

Palmquist: Okay. During the time that you first started practice, was the Arizona Bar Association very

active?

Netherlin: Yes. I didn't know about it for a year or two after, a year I'd say after. . . . But it was. They did some things.

Palmquist: What sort of things did they engage in?

Netherlin: I can't remember anything specifically.

Palmquist: Did you join the Arizona Bar Association?

Netherlin: Well, I, I was trying to think about that. I think everybody had to at a certain time along there. You had to join the Bar Association, but I can't remember just--maybe it, maybe I joined when I was admitted. I don't really know.

Palmquist: Possibly. But did you serve on any committees for the Bar Association?

Netherlin: No.

Palmquist: Okay.

Netherlin: No, it got, you know, it was the Depression here and the mine closed and everything and it got to where, well you just couldn't make a living and I started buying cattle and butchering them for the store, Papago cattle. And butchering for the store, and I did that for a long time. Then I bought cattle for other people, after I got started on it.

Palmquist: I see. About what year would you have started doing that?

Netherlin: Along the 1930's. The late 1930's.

Palmquist: Okay. We're getting up towards World War Two here. Did things change, economics change with the coming of the war, here in Ajo?

Netherlin: Yes.

Palmquist: How did they change?

Netherlin: Well they stepped up production here and there was more money and, things more, more available. There was work available and, and people had money and bought things and--it was a prosperous time. But I had gotten mixed up in the cattle business to where I didn't get much of the legal benefit of it.

Palmquist: I see.

Netherlin: And, and then I stayed with that until, oh, ten years probably, and started practicing law again just. . . .

Palmquist: During the war period, who were the most active attorneys here in Ajo?

Netherlin: Let's see during the war, David [S.] Wine, was active and Allen, I can't think of his first name now, I'll think of it in a minute. I can't remember any more. (pause) Allen. . . .  
(pause) And, one other boy I'm trying to think of but I can't. (pause) And then after the war, Dave stayed here, and Allen and Wine were

partners and Gordon Alley graduated and he started working here too.

Palmquist: That was after World War Two?

Netherlin: Yes.

Palmquist: Did you ever partner with anybody?

Netherlin: No.

Palmquist: No. What got you back into a more active practice after World War Two? What made you get out of the cattle trade?

Netherlin: Well, the government took away all this western side of the--no more cattle grazing. No more working in there. So I didn't have anything, had to make a living, so back to that.

Palmquist: Was the court still coming down . . .

Netherlin: Yes.

Palmquist: . . . from Tucson to Ajo here?

Netherlin: It was.

Palmquist: Did they fly in as the picture shows, or did they drive in by that point?

Netherlin: Occasionally they flew. We had one judge that flew and. . . I can't think of his name now. I'm--no, I can't think of it.

Palmquist: What types of cases did you primarily get involved with after the war period? When you went back to practicing more actively again?

Netherlin: Mostly paperwork and stuff like wills and probate



matter and divorces.

Palmquist: Still the noncontested proceedings?

Netherlin: That's right.

Palmquist: When did that type of situation change from the noncontested to the contested, to the so-called no-fault situation? Do you recall? Did you handle any divorces after the divorce law changed from the . . .

Netherlin: Yes.

Palmquist: . . . noncontested . . .

Netherlin: They changed the grounds, but very little. Now if a marriage is broken that's grounds for a divorce. And before it was a case of someone was at fault.

Palmquist: Right.

Netherlin: And this way the marriage is just broken. And that's--you can't see much hope for conciliation. They will reconcile. Well, that's about the way it was . . .

Tape 1, Side 2

Netherlin: . . . it didn't change much. Of course it changed what, what you could ask for a divorce from what you used to. Fifty dollars used to be about tops.

Palmquist: I see.

Netherlin: And now, why your court costs are more than that.

Palmquist: (laughs) Do you think that this change has made it any easier as far as getting a divorce is concerned, or harder?

Netherlin: Oh, probably a little easier.

Palmquist: But not quite so quick?

Netherlin: No.

Palmquist: (laughs) You can't do it in a day.

Netherlin: No, you can't do it so quick as you used to could.

McIntire: Was there anybody in town that was working to try and keep couples from splitting up?

Netherlin: No. Now, the lawyers, I think, themselves handled that pretty well they--somebody used to come in to me, you know and just madder than a, heck, man or woman either one, "I want a divorce. I want it right now." Well, I'd tell them, "I'm going to look into this and you come back tomorrow." Well most of them won't come back, you know. Fully half of them won't come back. Well, we used to get rid of them that way, the people that were just mad and I suppose it would have been easy to get money from them, but I knew--I never did, but it would have been easy to while they were mad and wanted to get rid of her

this minute and, and--but we used to do that and we pretty well screened them.

Palmquist: Kind of weeded out the spur-of-the-moment type cases.

Netherlin: Yes.

Palmquist: Were there any female attorneys practicing during this period in the 1940's? Any female lawyers practicing during this period?

Netherlin: No.

Palmquist: No? When is the first time do you recall encountering a female attorney?

Netherlin: Oh, I guess Mary Anne, Mary Anne, Richards [Richey] or whatever . . .

Palmquist: Richey?

Netherlin: Richey. Yes. I guess she's the first one or . . .

Palmquist: She later became a judge, didn't she?

Netherlin: Yes, Superior Court and Federal Court.

Palmquist: Yes. Did you have any cases with her or opposite her at any point?

Netherlin: I don't think I ever did.

Palmquist: How about Alice Truman?

Netherlin: I've had a lot of cases in front of her. Yes.

Palmquist: When would she have become a judge?

Netherlin: Oh, I couldn't tell you, but, probably twelve, fourteen years ago.

Palmquist: Yes. Any, any differences that you can observe between a male judge and a female judge, as far as how they handle the case?

Netherlin: I don't think so.

McIntire: Did you feel uncomfortable the first time you went before a female judge?

Netherlin: No, I can't say that I did, you know, it was, it was new all right, but I don't think I did.

Palmquist: How would you say the practice changed from, say the late 1940's when you would have gotten into it again and the 1960's, through the period of the 1950's? Were there any major changes in your practice or the way that . . .

Netherlin: No.

Palmquist: . . . business came to you?

Netherlin: No, I had the same type all the time. Mostly here, things were misdemeanors and divorces and maybe making papers, deeds and stuff that way. Wills and a few probate matters and stuff like that. I don't. . . .

Palmquist: Did your office stay in the same place or did you change locations?

Netherlin: No. I had--well, now the manager here, years ago, got mad at me and he wouldn't let me have an office on the town site down there.

Palmquist: Which manager would this have been, Mr.

Netherlin?

Netherlin: Mike [Michael] Curley.

Palmquist: What was he manager of?

Netherlin: Pardon.

Palmquist: What was he manager of?

Netherlin: Oh. He was the local manager for Phelps Dodge,  
for the mine.

Palmquist: Oh, I see. Yes.

Netherlin: They wouldn't let me have an office downtown, so  
I came to, up here in this end of town.

Palmquist: Why did he get mad at you?

Netherlin: Well, he--there was a fellow here that, kind of a  
trouble-maker and he'd asked the employment agent  
for a job. And the employment agent, you know,  
said no, he didn't have any job for him and he  
jumped on the employment agent and so, they had  
him slated as going to give him ninety days and  
float him out of town. Some of the guys didn't  
want it to happen, didn't like it and wanted me  
to defend him and I didn't want to do it but,  
finally agreed to do it and I shouldn't have  
because I made a lot more enemies over it than I  
ever made friends. (laughter) And it turned out  
I never was paid anything for it.

Palmquist: (laughs) I've had cases like that.

Netherlin: But, anyway when the trial came up I just made

fun of it, I said, "Did you ever see the big shot in the county attorney's office and a P. D. lawyer here over a fist fight before?" And just made fun of it. I said, "Davis is big, strong and red-headed and he probably could whip him in a fair fight. I'd bet on him in a fair. . . ." And just along that line. They found him not, the jury found him not guilty. (laughter) And Mike was so outraged over it that he didn't want me to have anything to do around there anymore. (laughter)

Palmquist: They had a P. D. lawyer in here especially for that case?

Netherlin: Yes.

Palmquist: Where would he have come from?

Netherlin: I don't really know. Probably out of Phoenix.

Palmquist: Yes.

Netherlin: But they considered it important, I guess. Because he . . .

Palmquist: Sounds like it.

Netherlin: . . . he had jumped on the employment agent. His story was, I asked him for a job and he said, "No! I won't give you a job!" And I thought he was going to stick his finger in my eye so I hit him. (laughter) I was kind of ridiculous, you know, the whole thing, but. . . .

Palmquist: Which judge would that have been before?

Netherlin: Judge Gibson.

Palmquist: Judge Gibson.

Netherlin: Yes.

Palmquist: You had mentioned earlier the other company's being in charge of the plant here and now you've mentioned Phelps Dodge. When would have Phelps Dodge have come in?

Netherlin: Well, when I came here it was New Cornelia Copper Company, which was the company founded by [Colonel John C.] Greenway, I think and, and he had brought some people from Michigan where he was from. And it was a small corporation, then Calumet and Arizona took it over. And they were later--there was a battle over it, a stock battle--Phelps Dodge took over C and A. C and A had several good properties but no money, not much money and Phelps Dodge had money and very few good properties. So they took it over and have had it ever since.

Palmquist: I see. You mentioned that they were going to give your client, or they thought they were going to give your client ninety days and "float him out of the county" I think was the phrase you used. Was that a common practice . . .

Netherlin: Yes.

Palmquist: . . . by somebody that crossed Phelps Dodge?

Netherlin: Yes. They'd give a man a choice. We'll put you in jail if you--now don't come back. If you come back you can look forward to jail, which was true.

Palmquist: What type of conduct would get a man treated that way?

Netherlin: Well, fighting or, especially with the wrong persons, and whatever, making a pest of yourself, getting drunk would be a good way to get a floater too. And, well, they made them stick. They just, if you came back you got arrested, that's all. They'd chouse you around. A lot of times people could--if they wanted to and could afford it and could hire a lawyer, you know, they could beat those kind of things, but it cost money and a lot of trouble.

Palmquist: Especially when they're flying in the counsel . . .

Netherlin: Yes.

Palmquist: . . . from out of town to take you on.  
(laughter) So you, after Mr. Curley decided you couldn't have an office downtown you moved up into this part of town?

Netherlin: Yes.

Palmquist: Was that here on this site or was it some other



location initially?

Netherlin: No. Farther down.

Palmquist: Farther down?

Netherlin: Yes.

Palmquist: And how long did you stay at that location?

Netherlin: Oh, I had two offices, different offices.

Probably two years and a half, or three at each one. I've been here, oh, fifteen, sixteen years, I guess.

Palmquist: At that point when you had those two different offices did you have a secretary and any sort of staff or were you still doing your own typing?

Netherlin: Part of the time.

Palmquist: Was that a male or a female secretary?

Netherlin: Female.

Palmquist: What was her name?

Netherlin: Oh. (pause) Gee, I know those names as well as I know my own. (pause) I can't think of her name, now.

Palmquist: Did you ever collaborate with other lawyers in cases?

Netherlin: Oh, sure.

Palmquist: What type of cases would those be?

Netherlin: Well, something that required a lot of work and maybe not too familiar with, or. . . .

Palmquist: Any particular lawyer that you worked with more

often than others?

Netherlin: No. I guess not. I used to, Paul Fehan, I used to collaborate with him quite a bit, and V. L. Hash.

Palmquist: Are those both attorneys here in Ajo?

Netherlin: No, they were in Phoenix.

Palmquist: In Phoenix, yes.

Netherlin: Yes. And in Tucson, Darryl Brown, I had several different matters, which he helped me.

Palmquist: Yes. Do you recall what types of cases those were in any of those situations?

Netherlin: No. I had an insurance case that, Judge Collins--Darryl Brown took it first and then he retired and Judge Collins, John Collins, took it on and won it.

Palmquist: About when would that have been, do you have any idea?

Netherlin: He did it, it terminated probably, two years ago.

Palmquist: Oh. In the period in the 1940's and 1950's were auto accident cases a large part of your work? Were there a lot of accident cases that you were aware of?

Netherlin: A small part.

Palmquist: Small. Yes.

Netherlin: Yes. Then--yes, I'd say a small part. They started, tort cases started being profitable and

we could see what was going on when a man carried insurance and so forth. We knew the judgement would be collectable and that made some difference. When we first started insurance was scarce. There wasn't too much of it. Now before that they, before the industrial commission times why those cases were very, very profitable for lawyers. Master and servant, they were very important.

Palmquist: So, as far as the automobiles were concerned, auto insurance would not have been required when you first started practice?

Netherlin: Oh, no. No.

Palmquist: When, do you have any recollection as to exactly, or any where near when that took place?

Netherlin: No. People got conscious before long and anyone that had much property had insurance and I'd say the late 1930's and early 1940's it started. And a person that had anything much, you know, he'd get insurance. And it wasn't too expensive to start with. And later on, of course it's now required but that's only been four years, what would you say? About four years.

Palmquist: Not too long.

Netherlin: You have to do it now, if you're going to drive a car they'll ask you to show evidence of

insurance.

McIntire: After you gave up the ranching, was most of your income coming from your legal work?

Netherlin: Yes. I guess so. I had a little money. I'd made some money, but after--well it takes a little while to build up a legal business, you know. You have to work a few days and, or a few, a year maybe, and then you've got cases pending, you know things that I'm going to make so much here in this probate and that other and it adds up that way but, to start right off why it's pretty lean. So, but it builds up, if you'll stay there and take care of it.

Palmquist: Did you have many cases that you had to take up the Arizona Supreme Court?

Netherlin: No. A few, but not many. I, about the time that I started that, well I just couldn't make enough money here as a lawyer to keep going, and I'd done this other, and. . . .

Palmquist: You mentioned at the outset that you spent, I believe, several years up in Phoenix. Is that . . .

Netherlin: A couple of years.

Palmquist: When would that have been?

Netherlin: Well, 1932 the plant closed, probably up until 1934.

Palmquist: I see. And were you also running an office up there, or . . .

Netherlin: Yes.

Palmquist: What type--was the business better up there than it was here?

Netherlin: No.

Palmquist: No? (laughs)

Netherlin: No.

Palmquist: What type of place was Phoenix at that time?

Netherlin: Phoenix ran about forty-five or fifty thousand.

Palmquist: What were the major industries, if there were any?

Netherlin: Farming.

Palmquist: Farming. What type of work in the legal trade did you find up there?

Netherlin: Oh, about the same as here. Divorces . . .

Palmquist: About the same.

Netherlin: . . . misdemeanors and stuff that way.

McIntire: Were there lawyers here in Ajo that could support themselves full-time with their legal work?

Netherlin: Yes. John Mays did. Now, after--most lawyers from here went to Tucson and then came back once a week or twice a week or something like that and spent the rest of their time in Tucson.

Palmquist: Did you ever pursue that sort of routine yourself during your career?

Netherlin: No, I never did.

Palmquist: I notice behind you, Mr. Netherlin, there's a certificate for the Supreme Court of the United States.

Netherlin: Yes.

Palmquist: Did you take some cases up to the U. S. Supreme Court?

Netherlin: No.

Palmquist: No.

Netherlin: No, I never did.

Palmquist: Yes. How about the, you mentioned earlier, the Justice Courts and the first couple of Judges and then Judge Gibson, I believe, who finally . . .

Netherlin: Yes.

Palmquist: . . . finally would hold a trial. Did you continue to do work in the Justice Courts say into the 1950's and 1960's?

Netherlin: Yes.

Netherlin: And, after Judge Gibson, who would have been the judge or the justice of the peace?

Netherlin: Judge Edwards.

Palmquist: What was his first name?

Netherlin: Alfred, I believe.

Palmquist: Yes.

Netherlin: Al Edwards, yes.

Palmquist: Do you recall anything about his background, his

background before becoming a justice of the peace?

Netherlin: He'd been in, I believe he told me he had a, had a cigar store in, in California. Tobacco store.

McIntire: You've got about a minute and a half here.

Palmquist: O. K. Did any of the--was there any qualification as far as legal training for these justices of the peace?

Netherlin: No. Just good character.

Palmquist: Yes. So as long as they were elected, they were in?

Netherlin: That's right.

Tape off then turned back on.

Palmquist: We're resuming again here with Mr. Alton Netherlin, and--Mr. Netherlin I wanted to ask you, you've mentioned you've been here in this building for about fifteen, sixteen years?

Netherlin: This building? Yes.

Palmquist: O. K. And during that period have you employed a secretary or any staff of any sort?

Netherlin: Just part time.

Palmquist: Yes. And what's your business primarily consisted of since you've been here in this location?

Netherlin: Well, making contracts, deeds, and paperwork in general. Probate cases, there've been several of those that were profitable. I worked for eight years in the county attorney's office.

Palmquist: Oh? What period of time would that have been?

Netherlin: When Castro was elected. Do you remember?

Palmquist: Judge Raul Castro?

Netherlin: Yes.

Palmquist: If I can come across it fast enough.

Netherlin: Well that's when I started for the county attorney.

Palmquist: It says here in Mr. [James M.] Murphy's book that he served from 1959 to 1964 as judge, so, you would have . . .

Netherlin: As judge. He was county attorney before that.

Palmquist: Oh! Oh, he was county attorney before. O. K., I'm not quite sure about that.

Netherlin: Probably about seven or eight years before.

Palmquist: Yes.

Netherlin: About seven.

Palmquist: So, in the 1950's then, sometime.

Netherlin: Yes.

Palmquist: Was most of that work done in Tucson?

Netherlin: Here.

Palmquist: Oh, here in Ajo?

Netherlin: Yes. Although a lot of it I, I worked too in,



and helped in Tucson. Too, some.

Palmquist: So you would have prosecuted cases . . .

Netherlin: Yes . . .

Palmquist: . . . for the county attorney.

Netherlin: . . . as county attorney. That's right.

Palmquist: Any particular case strike your mind as particularly difficult or unusual during that period of time?

Netherlin: No. Just run-of-the-mill cases. Drunk driving became more and more important as time went on. More and more of a problem for everyone.

Palmquist: Tell me a little about District Attorney and later Judge Castro. I take it you knew him fairly well working for him.

Netherlin: Oh yes. I knew him real well.

Palmquist: How old a man was he when he became District Attorney?

Netherlin: Oh, probably thirty-five, maybe, maybe thirty-five, between thirty-five and forty, in there.

Palmquist: How did you come to be hired as assistant district attorney?

Netherlin: I told him we needed one over here and he said he thought, believed that too and, and there had been one before and he'd been pretty busy and so they did, they made the one before--that would be, oh, two years, that was Harmon Puckett, he

served under Bob Morrison--and then--no, he was after me. I guess there was nobody before me, I guess as regular. . . . Yes, that's one of his [Castro's] campaign speeches. He said he'd give Ajo a full-time deputy, which he did.

Palmquist: I see. How many cases do you figure that you had, say, per month as part of that job? Was that a full-time position for you?

Netherlin: Yes.

Palmquist: How many cases do you estimate that you had per month, say, in that position?

Netherlin: Oh, it's kind of hard to say. It varied from time to time, I'd say you'd, you'd get ten cases at least.

Palmquist: Yes. And you mentioned drunk driving became more and more important as . . .

Netherlin: Yes. It's one of the major jury trial issues. Drunk driving.

Palmquist: Were most of the cases . . .

Netherlin: By the way, I'll say this too. I never lost a drunk driving case when I was defending and I only won one while I was prosecuting. (laughter) That was before a jury that was really contested.  
(pause)

Palmquist: Later on . . .

Netherlin: But Ajo juries at that time were--they'd say,

"When I get off shift, I go get me a few drinks, and if I got picked up on the way I'd be in that man's position." People thought that. Which was true.

Palmquist: Sure. Pretty much a case of "there but for the grace of God."

Netherlin: The, people today, it seems to me that the bars are just going to have to go out. Because kids today don't drink like they used to. They used to get off shift, go drink two or three, four or five, whatever and then go home. And stay there the rest of the night, but they got to where they were, you know, staying there until midnight and things that way. And now kids don't do that, they, there's a few kids that'll get a case of beer, I noticed in my time prosecuting, they'd get a case of beer and go to the desert with two or three others. Didn't cost but about half as much and they enjoyed being out in the desert more than they did at the bar, whereas the people that I knew and the ones my age would go to the bar to socialize, they'd talk about what went on and what happened and it was an interesting time, you know, because we talked over what had happened and who we were going to vote for and this and that and, interesting topics, generally.

But they don't do it any more. It's been several bars went out of business here, just couldn't make it anymore, the business wasn't there with the young people.

Palmquist: Did you have or did you ever run into in your career any of these lawsuits against bar owners because somebody got drunk in a bar and went out and smashed somebody up?

Netherlin: That was just coming on then. It was a--but we thought about it of course, but I never was mixed up in a case where, that was an issue.

Palmquist: Are you aware of one that's happened here in town?

Netherlin: Not here. I've read about others in Tucson. Gila Bend had one or two. But I can't think of any that's ever happened here, where the bar owner or bartender was sued.

Palmquist: So you served as district attorney for a period of time. Were there other political offices that were offices connected with government agencies at all that you've held during your career?

Netherlin: Yes, there was--health started, opened an office here about the same, maybe two or three years before my time. No at that time too, when, when they first started the WPA [Works Progress Administration], the company didn't believe in it

and didn't want it at that time. Mike Curley thought it was no good and . . .

Palmquist: This is P. D. we're talking about?

Netherlin: . . . so a bunch of independent business men got them interested and they made, appointed Mrs. Swick and she had an office in an old abandoned railroad car down there. And that started the WPA [health office] and those that stayed here, while the plant was closed, really got along better than those who went back to the farm, in, in Texas or Oklahoma or New Mexico. Everybody went to the farm, but this day and time nobody knows how to farm anymore. And there's no little farms, you can barely scratch out a living on them.

Palmquist: What was Mrs. Swick's first name?

Netherlin: And she stayed on until, until she retired. She retired, probably ten years ago. Blanche Swick. But she stayed on and, and finally got a secretary and, and an investigator for the reservation.

Palmquist: An investigator? For the Indian Reservation?

Netherlin: Yes. For health. Now, a lot of people thought at that time it was kind of a gyp to get on, you know, WPA which everybody regarded it that way until they had to do it themselves when the

company closed and there was nothing left and they had no farm to go back to or people to go back to. Well they stayed here and they really got along better. They gave them, oh, two or three days a week work on the highway and, had a road foreman, the county had a road foreman, and they worked for him and built roads, built the golf course down here, and a lot of toilets all over town.

Palmquist: But you were a health investigator, is that, am I . . . ?

Netherlin: No. I never. . . . She had one.

Palmquist: She had one.

Netherlin: Yes.

Palmquist: O. K. I think you mentioned you had some connection with the health facility when I asked you did you have any political jobs, or was I misunderstanding?

Netherlin: Oh, yes. I misunderstood you. I didn't have the job. But I knew practically all those Indians out there, because I'd been buying cattle from them for a long time. And I knew which ones were, you know, needed help and things that way and I did help a lot, but voluntarily.

Palmquist: Sure. You mentioned that P. D. kind of opposed the WPA efforts.

Netherlin: The manager at that time--I don't know what the company policy was--but the manager at that time, when it first started, they thought it was a gyp. Anybody that had any pride wouldn't ask for help. And they didn't here until they had to, when the company closed and a lot of people were, quite a few, were stranded here. Then it was a lifesaver.

Palmquist: Was the company attempting to do anything itself for them at this point, for those people that were stranded?

Netherlin: No, but they had political pull and strength enough to take it away from the people that started it. Which they did, but they endorsed Mrs. Swick, so. . . .

Palmquist: I see. Does Ajo have a mayor and a council of its own?

Netherlin: No.

Palmquist: No?

Netherlin: Never been incorporated.

Palmquist: I see. (pause) During your legal career have you engaged much in, what you might call municipal law, dealing with county government or any sort of . . .

Netherlin: No. I haven't.

Palmquist: Can you think of any . . .

Netherlin: Most people thought of taxes. If we incorporate, it's going to cost us money, and P. D. owned all the houses, practically, at that time, that is the ones downtown. And they knew that their taxes would go up if it was incorporated. So they opposed incorporating, and, most people think today that we don't need it. They tried to incorporate Ajo at one time, several years back, and it was a failure, they voted on it and the people voted no. And that was the underlying reason, our taxes are going to go up.

Palmquist: Aside from that case you mentioned that you defended, the one fellow that had the set-to with the employment agent, did you have other cases in which you opposed P. D.?

Netherlin: No, I sued the P. D. one time over a boy falling in a mining shaft. And that was many years ago. I can't remember when. Oscar Bell fell into a shaft and broke his leg and I settled that with them.

Palmquist: Was that a--he was a non-employee, of course.

Netherlin: He was a local boy.

Palmquist: Local boy. Yes. Situation where they had an open shaft, was that the . . .

Netherlin: Yes.

Netherlin: . . . situation? So it would have been on a kind



of attractive nuisance type theory?

Netherlin: Yes.

Palmquist: I see. And they settled that one with you?

Netherlin: Yes.

Palmquist: Can you think of any case that you've handled that, or perhaps that you've tried, that was particularly strange or something unusual happened in court that strikes your mind?

Netherlin: No. I remember one that was a little embarrassing for an attorney. We had to have corroborating testimony, and this party just didn't have any corroborating testimony. She said that he slapped her, and so he finally subpoenaed the husband to ask him if he had slapped her, and when he came up he said, "Well I don't remember any slapping her. I could have, but I don't, I can't remember it." And so the judge was going to, you know, not give them one. Of course he was embarrassed. And he thought a little bit and came over and talked to me and I went over and asked him, I said, "Well, I thought you wanted that divorce." He said, "I do." I said, "Well, you better give them a little evidence." So he went back and admitted that he slapped her. (laughter) And, and got his divorce, but it was the other way, now he wanted

the divorce and she did too, but she said she couldn't remember, so then she later on said, "Yes, he did slap me."

Palmquist: Somebody had told me a story, and I'm trying to remember where I heard it, about a case that you were supposed to have seen, or been involved in, that individual, some attorney moved to dismiss a case and somebody else got up and said, "I second that motion." Is that. . . ?

Netherlin: (laughs) No, I never knew about that.

Palmquist: Oh, I must have gotten the wrong story then, (laughs) but. . . . You mentioned your six children here. Let me get a little more biographical data here, if I may. Could you give me your wife's name and . . .

Netherlin: Maria Netherlin.

Palmquist: Yes. And when were you and she married?

Netherlin: We've been married, let's see. I was about sixty-two, that would be, well sixty-two, subtract, I can't do it in my mind right now. But anyway we were married and I had known her when I used to go hunt--well, I knew the family that raised her. She was an orphan. And I knew the family that raised her very well. I used to go hunting and, and prospecting a lot with Don Perfecto Pacheco and so we got married then, I'd

been married a couple of times before. Women were always my downfall, I guess. (laughter) I'd build up a little stake and then give it to them and quit. And then we got married and then she had a friend, well a friend of both of us, and she came up here, she couldn't have her baby, she was an American citizen all right, but she didn't have a certificate. I got her a certificate of citizenship. She was going to, this baby was going to be born so she came up here and had the baby. And he was born caesarean. And it took about, oh, I guess, six weeks to. . . . Here, she stayed here to recover, and she went back to San Luis and took the baby, and somebody told Maria, said, "That baby's sick down there." So she got on the stage and went over to San Luis, and they didn't have any money to buy milk and they was feeding him bean juice and he was upset and kind of sick, so we brought him home and got him well. And the next time we got him, he was just nearly starved to death. He was in bad shape. So we got him in good shape again, she says, "Why don't you adopt him?" I said, "Hell, I'm too old to adopt a kid. I can't adopt a kid." And I said, "We'll keep him for you here until you can take care of him."

And she said, "All right." And about that, shortly after that, why the same woman's sister had a baby at Maria's house, down in Sonoita, and this baby, she says, "I've got no place to take it," and left. Well, we had the baby there and we didn't know what to do and, I'm almost ashamed to say it now, but we did discuss that orphanage down there. And both of us decided we couldn't do that, and so we brought him back here and, brought him back and left her down there with Maria. And to get him, to get her across--she was born there of an American citizen--we had to adopt her down there. So we did, we adopted her in Mexico.

Palmquist: Is that a very complicated procedure?

Netherlin: About the same procedure we have here. And we got her up here then, and by that time there was another one, Alfonso's sister. So we just adopted all three of them at the same time. And Alfonso--a funny thing to me, he was the only child that ever thought of food and things that way. He used to, you know, he'd look at the milk, maybe there's three or four cans left, he'd say, "Leche for the ninos, Tata." (laughter) I'd say, "Yes, we're going to get some milk." And I'd bring in a case of milk and he was the

happiest kid you ever saw. It'd just tickle him to death. And the others never, they'd just demand milk when they were thirsty. They never thought a thing. (laughs) But Maria told him one time, said, "I'm going to stick your daddy in the garbage can and take him to the dump and leave him." He says, "Mama, what about my milk?" (laughter) And, and, well we had those three and, and like I say, instead of talking English to them, I talked Spanish. Which I was sorry I did. But the baby, now when she came along a little later, I talked English to her and her mama talked Spanish and she grew up knowing two languages equally well. Never had to make a conscious effort to learn the language. And she just hit it off perfectly, and then the other three, they're the sister to this lady, well she got killed in an automobile accident right after it happened, right after we adopted those three and then this sister was married to a Methodist preacher in Sonoita and he had strokes, two or three of them, right along, and he just couldn't work any more, so the church retired him. Fifty dollars a month. Well, he couldn't take care of his family with that and so I told him, "Yes, we'll, we'll take them and take care of them."

Told her the same and I got her a certificate of citizenship and she left him, got a divorce from him, went to Gila Bend and went to work, at the door factory there, and we kept the kids and we've had them ever since. We've never adopted them, but we did file a petition the other day to adopt them. Because they want to be adopted, talked to me about it, "Well, I want my name Netherlin, too, just like my sisters. I thought, O. K., so we did file a petition to adopt them.

Palmquist: Still in practice here, Mr. Netherlin? Are you still practicing here?

Netherlin: Well, I do paper work. Do a few wills and transfer property and things like that.

Palmquist: Still try any cases?

Netherlin: No, I haven't gone to court in several years. I don't even appear for--I can't stand any stress anymore. And you wouldn't think there was any stress to getting a default divorce, but after you get to where I am there is stress.

Palmquist: Sure.

Netherlin: You'd think there wouldn't be, but there is, to me, and I can't stand it anymore.

Palmquist: When you look back over the years, can you think of any particular area of the law that you think has changed the most?

Netherlin: No, I don't know of anything that could be changed. Of course we've, we have justice for all and so forth, but it's pretty hard to say that we could ever have equal justice. There's the man that's got the money can hire the best lawyers and do things that a poor, a broke man can't start to do.

Palmquist: Looking back on your career, what matter or case that you were involved in can you think of that was the most important? Where you really made your mark.

Netherlin: Oh, I can't think of any particular one.

Palmquist: Basically, you tried to do your best with all of them, right?

Netherlin: Yes.

Palmquist: O. K. Thank you, Mr. Netherlin. I really appreciate your being willing to talk to us about your legal career and you've given us a whole lot of good information about the practice here in Ajo. And on behalf of the Historical Society, I thank you for it.

Netherlin: You're certainly welcome.

End of interview.

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