

Political History of Nevada



Chapter 3

Historical and Political Data

CHAPTER 3: HISTORICAL AND POLITICAL DATA

HISTORICAL AND POLITICAL DATA: TERRITORIAL GOVERNMENTS THROUGH STATEHOOD

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In the beginning, the region now occupied by the State of Nevada was held by the Goshute, Mojave, Paiute, Shoshone and Washoe Indians and claimed by the Spanish Empire until the early 1800s. The northern extent of the Spanish claim was defined as the 42nd parallel in the Adams-Onís Treaty of 1819 between the United States and Spain. This north latitude line serves currently as Nevada's northern boundary with Oregon and Idaho.

Spanish explorations into this region have never been documented clearly enough to establish any European party constituting the earliest expedition into Nevada. If in fact there was some penetration, it must have been by the Spanish in the southernmost portion of our state, possibly as early as 1776.

In 1821 Mexico won its war of independence from Spain and gained control over all the former Spanish territory in the area of what is now our "South-West." Spain had done nothing to occupy or control what is now Nevada, a vast region virtually "terra incognita," having no permanent non-Indian population and considered barren, arid and inhospitable. Quite understandably, the Spanish concentrated on settlements and nominal control in the more accessible and better-known coastal regions of the Californias and New Mexico.

Mexico's control over that interior portion of Alta California, eventually to become Nevada, was hardly more than a recognized claim in the absence of occupation or counterclaim by other powers. The sparse transient population that materialized during Mexican jurisdiction was engaged in the uncertain ventures and adventures of trapping, exploring or traversing the region, and clashing with the Indians. The perilous peregrinations were seldom recorded accurately. Nominal de facto control over all of Alta California by the Republic of Mexico, relatively effective in areas now part of the state of California, was

exercised through the departmental capital located first at Monterey and from 1835 on at Los Angeles. The department, or “territory” as it was sometimes referred to, extended over all of the present states of California and Nevada, most of Utah, much of Arizona, and smaller portions of Wyoming, Colorado, New Mexico and Baja California (see Map 1). The words “New Mexico and California” were generally understood to include the whole northern Mexico from Texas to the Pacific Ocean, although the boundaries of the two “provinces” (Nuevo Mejico and Alta California) had never been adequately defined, and the territory between their acknowledged jurisdictions was uninhabited and all but unknown.

MAP 1

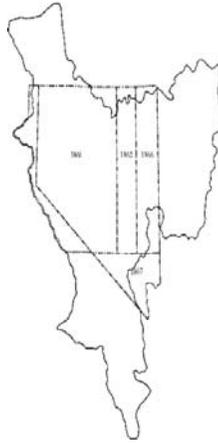
Alta California, one of the political divisions of the Republic of Mexico, extending over all of what is now Nevada prior to the Mexican War.



The base map used to indicate Mexican boundaries is dated 1847 and entitled, “Mapa de los Estados Unidos de Mejico” by Disturnell, New York. Different editions of the Disturnell map are part of the Mexican and U.S. documents of the Treaty of Guadalupe Hidalgo, which awarded most of the area shown to the U.S. in 1848. Boundary lines between Mexican political divisions are approximate in some areas, having never been adequately defined. Also, in the Santa Fé-Nuevo Mejico area they more correctly represent conditions prior to Texas independence.

Before the discovery of gold in the West, the vast region between the Rocky Mountains and the Sierra Nevada, including what is now Nevada, was designated on many maps as “Great American Desert.” More restrictive terms, “Great Basin” and “Frémont Basin,” were employed to define the western portion of this “desert,” a tract lying between the Wasatch and the Sierra Nevada Mountains, most of which was located in Mexican Alta California. The “Great Basin,” an area of interior drainage by definition, named by John C. Frémont

following his expeditions of the 1840s, does not cover all of the present area of the State of Nevada, since tributaries of the Snake River in the north and those of the Colorado in the south drain waters to the Pacific Ocean (see Map 2). Although technically these portions are outside the Great Basin, they have the arid climate typical of the basin, and were included as “desert” country on early maps.



MAP 2

The Great Basin area of interior drainage with dashed lines indicating the location of Nevada at different periods of time. Nevada as originally constituted in 1861 was almost entirely within the Great Basin as recognized at that time. Additions made in 1862, 1866 and 1867 extended Nevada well outside the Great Basin, especially the last two additions made when Nevada was a state. The outline of the Great Basin encompasses all of the land in our “West” that has interior drainage, extending into Mexico at the south. The area included is based on modern topographic surveys and contains several related basins, some of them in the south not usually included in the 19th century definitions of the Great Basin.

Apparently the first documented explorers in what is now Nevada entered that part of Alta California in the mid-1820s. Historians do not agree when and where these penetrations or crossings of our state were made. However, certainly Jedediah S. Smith, an American frontiersman, and Peter Skeen Ogden, an employee of the British Hudson’s Bay Company, were among the first, with lesser-known persons also reporting their adventures. Smith and Ogden explored the area in the 1820s. In the 1830s and ’40s, American and Mexican parties came through the southern part, with Antonio Armijo, Joseph Walker, Louis Bonneville, Kit Carson, John C. Frémont, and others contributing more knowledge of this vast, arid, intermontane area. The emigrant parties followed the trappers and explorers, with the first one crossing in 1841, the Bidwell-Bartleson group. Several others followed, including the tragic Donner Party and those unfortunates who crossed farther south and

into Death Valley. However, mass migration did not start across Nevada until after gold was discovered in California in 1848. Extensive surveys for wagon roads through the central part of what is now Nevada were made in the 1850s. The Pony Express traversed Nevada between April 1860 and October 1861, ending shortly after the completion of the transcontinental telegraph.

All during its early development, that area destined to become the State of Nevada was inhabited by native people and claimed many different governments. These jurisdictions extended from Spanish, and later, Mexican control, down through the provisional government of Deseret, and the New Mexico, Utah, Nevada and Arizona territorial governments, each with varying degrees of theoretic, or de facto, control over what is now Nevada. The following sections give some insight into the gradual development of U.S. territorial government in this area.

Unorganized Territory

The great trek of the Mormon people to the fertile Salt Lake Valley in 1847 was the beginning of non-Indian settlement in the Great Basin of North America, most of which was then a part of the department of Alta California, Republic of Mexico. The Treaty of Guadalupe Hidalgo, concluded February 2, 1848, with ratifications exchanged at Queretaro on May 30, 1848, and proclaimed on July 4, 1848, resulted in formal acquisition by the U.S. of a vast tract of land from Mexico. It included what is now California, Nevada, Utah, most of Arizona, and parts of New Mexico, Colorado and Wyoming, and corresponded by general agreement to the Mexican administrative divisions of Alta California and New Mexico. In 1853, the Gadsden Purchase resulted in the final acquisition of Mexican territory and eliminated a dispute over the latitude line cited in the Mexican Cession of 1848, running west from the Rio Grande. This latter territory was obtained from the Mexican states of Sonora and Chihuahua (see Map 3).

From 1848 to 1850, the Congress of the U.S. failed to provide the area obtained in the Mexican Cession under the provisions of the Treaty of Guadalupe Hidalgo with organized territorial government. The occupation of a part of this area by U.S. forces had occurred as early as mid-1846. The term "Unorganized Territory" was used to indicate ownership by the U.S. without formal territorial government. To cope with this tenuous situation and provide some measure of government in the political vacuum thus created, a military government was established over the seacoast and interior valleys of part of California. The vast interior of Alta California, particularly east of the Sierra Nevada and including most of the Great Basin, was left without any effective military or territorial government.

Prior to the occupations of coastal California by U.S. forces in 1846, Mexican control over Alta California had deteriorated, due chiefly to differences between two officials responsible for the administration and protection of the department. By July 1846, formal occupation of portions of Alta California was effected by U.S. forces. A U.S. military government replaced Mexican authority, appointed local alcaldes, and retained former Mexican civil and judicial law on a temporary basis.

A month prior to the occupation of Monterey, a “California Republic” was established at Sonoma under the famous Bear Flag. The so-called “republic” consisted of not much more than proclamations and a local military organization led first by William B. Ide, then reorganized by John C. Frémont. Later that summer after the dissolution of the Assembly of Alta California on August 10, 1846, at the departmental capital, Los Angeles, Frémont was appointed military commandant of California by Commodore Robert F. Stockton. Frémont established headquarters at Los Angeles and placed the area under military rule. This first “occupation” and military government in southern California was later forced to capitulate to Mexican forces under Jose Maria Flores, who reorganized the Alta California departmental assembly in October of 1846.



MAP 3

The area now contained within the State of Nevada was acquired by the U.S. in the Mexican Cession of 1848 following the war with Mexico. The area was not immediately organized into territories and states and was generally labeled as unorganized territory until 1850.

United States forces regained control of southern California early in 1847. Frémont was reappointed by Stockton as military governor, this time with a seven-member legislative council that never convened. For a period of about 50 days, Frémont enjoyed some recognition throughout California as governor. It does not appear that he had occasion to exercise his authority beyond the Los Angeles district. Frémont's short tenure was not recognized by Stephen W. Kearney, who had been dispatched with an expeditionary force overland from New Mexico after its subjugation. By Kearney's authority direct from Washington, a formal military government was established in California on March 1, 1847. Monterey was proclaimed the capital, and Mexican civil law not inconsistent with the *U.S. Constitution* was retained. This military government was continued until California was admitted as a state into the Union without prior establishment of a territorial government.

It should be clearly understood that the temporary non-Mexican military governments in California before the formal establishment of U.S. military rule at Monterey in 1847, had no adopted constitutions or defined limits of jurisdiction, and never enacted any legislation. This included the "California Bear Republic." In view of this, also considering that none of these California-based provisional governments or the following military government established by Kearney in 1847 had any portion of what is now the State of Nevada within its administrative areas, no further examination of California governments will be made in this political history.

State of Deseret

In marked contrast to the California military governments, an understanding of the Great Salt Lake City provisional government, and the formation and operation of the provisional State of Deseret, is necessary to properly examine the succeeding Territory of Utah, which occupied the area established as the Territory of Nevada more than a decade later. The State of Deseret embodied the true elements of civil government by adopting a constitution, enacting legislation and defining its limits of jurisdiction. State of Deseret laws were adopted by the Territory of Utah, which established the first organized county government (Carson County) in what is now Nevada.

The provisional State of Deseret was preceded by a government established to provide local ordinances for the earliest settlers in the Salt Lake Valley. Mexican, and later, U.S. control, was nominal. The local government and the following provisional state were de facto governments from 1847 to 1851 in an area nominally part of the Mexican department of Alta California until 1848, in U.S. unorganized territory to 1850, and part of the Territory of Utah in 1851. For some period of time the settlements in and around Salt Lake Valley were not certain as to what nation eventually would take formal control of their area. With limitations on communication, they were unaware of formal treaty

decisions and ratifications for some time after consummation. It is interesting to note that during this time of uncertainty, residents of the “valley” referred to their location as Great Basin, North America. It was natural that some local government be established since the Salt Lake Valley area was remote from the Mexican departmental capital at Los Angeles. Also, the failure to organize a military or territorial government in the Great Basin area on the part of the U.S. made this imperative.

The original government established in Salt Lake Valley was the High Council of Great Salt Lake City. On September 5, 1847, near South Pass, Wyoming, Brigham Young, leading a Mormon party east to Winter Quarters, Iowa, met one of the westward-bound companies. The following day the combined groups nominated a president, a high council and a marshal for the government of Great Salt Lake City. In the nomination message to the settlers of Salt Lake Valley, they suggested that the high council should pass such laws and ordinances as would be necessary for the peace and prosperity of the city. On October 3, 1847, the nominees were ratified in Salt Lake Valley. The high council had complete executive, judicial and legislative powers similar to informal courts that functioned in early England. The character of the authority accepted at this time had a marked effect on legislation and the administration of affairs in Utah during the next 30 years.

On December 27, 1847, the high council enacted five ordinances “in the absence of any organized jurisdiction of any Territory, for the peace, welfare and good order of our community for the government and regulation of the inhabitants of this city and valley for the time being, subject to the approval of the people.”

The high council continued to serve as a governing body until January 6, 1849, and may have exercised considerable influence for the balance of that year. Ordinances after number 36 show indication of having been passed by the Legislative Council of Great Salt Lake City. The council approved many special acts granting privileges to particular individuals, thus establishing a precedent for the legislatures of the State of Deseret and the Territory of Utah. Another designation identifying the local government is indicated by gold coins minted at Salt Lake in the name of the Great Salt Lake City Provisional Government. In 1850, coins were produced here under the name of the provisional State of Deseret.

The “council” government at Great Salt Lake City had limited jurisdiction. Their power lay principally in the Great Salt Lake Valley. There was considerable inclination toward independence in the event of an agreement between Mexico and the U.S. to retain their area in Mexico. They felt that territorial status, or preferably statehood in the “union,” offered desirable alternatives. There was some thought of organizing a judicial district in the valley under an anticipated “Territorial Government of California.”

The U.S. Congress was in no hurry to establish territorial government over the vast area newly ceded by Mexico. Apparently California was being adequately supervised by military governors appointed by the War Department. On December 11, 1848, a resolution was introduced in the Congress relative to the possibility of dividing the unorganized "Territory of Upper California," and to establish and extend a district territorial government over that portion of the territory encompassing the white settlements in the vicinity of Salt Lake. An unfavorable House committee report on January 3, 1849, caused the resolution to be tabled.

As a result of this lack of federal provision for adequate government, a memorial addressed to Congress was drawn up December 13, 1848, signatures were gathered over a period of months, and the document was dispatched from Great Salt Lake City May 3, 1849. The memorial from "residents of that portion of North America commonly called Eastern California," addressed the Congress and requested the Congress to charter "a Territorial Government of the most liberal construction authorized by our excellent Federal constitution, with the least possible delay, to be known by the name Deseret."

The provisional state derived its name from the term "deseret," meaning "honey bee," and not as one might expect from the word "desert," indicating a lack of vegetation.

Concurrent with this attempt to form a U.S. territorial government for the region, steps were taken to provide for adequate civil government of a provisional nature over the entire Great Basin. In February 1849, with the first gold-seekers still four months away from Great Salt Lake City, a notice signed by "many citizens" was made public as follows:

Notice is hereby given to all citizens of that portion of Upper California, lying east of the Sierra Nevada Mountains that a convention will be held at the Great Salt Lake City, in said Territory, on Monday, the fifth day of March next, for the purpose of taking into consideration the propriety of organizing a Territorial or State government. Dated at the Great Salt Lake City, Great Basin, North America, this first day of February, 1849.

A constitutional convention was organized at Great Salt Lake City, March 5, 1849, in pursuance of the public notice of February 1. A committee reported the preamble and constitution to the convention on March 8. After two days of debate and consideration, the convention adopted a "Constitution of the Provisional State of Deseret" March 10, 1849.

In an action quite independent of the convention, the council voted that the marshal give notice to the people "of the valley of the Great Salt Lake and vicinity" that a public meeting would be held Monday, the 12th day of March,

for the purpose of electing and appointing officers for the government of the people in the valley. Shortly after the convention and election, the provisional de facto government was launched.

The *Constitution of the State of Deseret* was similar to the constitutions of most other states. Its *Bill of Rights* guaranteed religious liberty, and no provision was made for remunerating state officers except the governor.

The “Provisional State of Deseret” included within its jurisdiction most of what is now Nevada and Utah, large portions of California, Arizona and Colorado, and smaller areas of New Mexico, Wyoming, Idaho and Oregon (see Map 4).

Dr. John M. Bernhisel left for Washington, D.C., May 3, 1849, with the memorial to Congress heretofore referred to, requesting the consideration of territorial government after the adoption of a constitution for the State of Deseret. In a letter of introduction to Senator Stephen A. Douglas, Bernhisel was identified as a duly accredited delegate of the citizens of the Great Salt Lake Valley.

Pursuant to the provisions of the *Constitution*, the General Assembly of the State of Deseret met for the first time on Monday, July 2, 1849, at Great Salt Lake City. The body adopted a formal memorialization to Congress asking that the *Constitution of Deseret* accompanying the memorial be ratified, and that the State of Deseret be admitted into the Union, or that some other form of civil government be established. The General Assembly, meeting in joint session, elected Almon W. Babbitt delegate to Congress.

Historical Data



MAP 4

Boundary lines of the Provisional State of Deseret as established in the preamble to the Deseret constitution. In view of the vast uninhabited areas encompassed by the government, no attempt was made to subdivide the entire area into county governmental units. Counties indicated were for the most part limited to certain inhabited valleys.

The memorial and *Constitution of Deseret* were not presented to the Senate until December 27, 1849. In presenting the memorial, Stephen A. Douglas asked for admission of Deseret as a state or for establishment of a territorial government leaving the choice to Congress. In his message to Congress on January 21, President Zachary Taylor remarked that, "No material inconvenience will result from the want, for a short period, of a government established by Congress over that part of the Territory (which lies eastward of the proposed State of California)." The Administration was unsympathetic to granting the Mormons their desires and Congress was split over the slave question, thus complicating division of the Mexican cession into territories or states.

While Dr. Bernhisel pleaded his case with influentials in Washington, and Congress took no action on the seating of Babbitt, the first true legislative session of the General Assembly of the State of Deseret began in December 1849. Meetings resulted in enactment of measures regulating the militia, provided for organization of the judiciary, a revenue act, irrigation projects and roads, a University of the State of Deseret, and the location of the six original counties of Deseret. In each case these counties were confined to valleys rather than encompassing all intervening territory in a contiguous arrangement. Thus, the total area of the state was not subdivided into counties, organized or unorganized, as was the normal custom (see Map 4). Acts of the legislature were known as ordinances, a term usually associated with county or municipal government. The session adjourned early in March of 1850.

In Washington, the question of a government for Utah proceeded slowly. On April 4, 1850, the House Committee on Elections reported on its examination of the credentials of Babbitt, recommending the adoption of a resolution declaring it inexpedient to admit Babbitt to a seat in the House as a delegate from "the alleged State of Deseret." After extensive debate, the report of the committee was adopted in July 1850 and Babbitt was never seated in the House of Representatives.

By August 9, 1850, several bills calling for the organization of a territory in the Great Basin area were reported. A bill by Senator Douglas substituted the name of Utah for Deseret, and in common with other bills reduced the area to be granted territorial status from the extensive area of the Provisional State of Deseret. Dr. Bernhisel labored to prevent a reduction to the limits of only the Great Basin. He was able to obtain the following boundaries for a Territory of Utah: the 37th parallel on the south, the Rocky Mountains on the east, Oregon on the north, and the proposed state of California on the west. A compromise bill embodying proposals by Henry Clay finally passed the House on September 7, was approved by the Senate and was signed by President Millard Fillmore on September 9, 1850. This provided for the organization of both New Mexico and Utah as territories (see Map 5). On the same date, California was admitted as a state.

By the terms of the Utah Organic Act, an area representing about one-half of the Provisional State of Deseret was incorporated into the Territory of Utah. Lost was significant area south of the 37th parallel of north latitude, including what is now Arizona north of the Gila River, southern Nevada, northwestern New Mexico, and the southern California area with its Pacific seaboard. Congress did not grant the newly established territory a western frontier at the Sierra Nevada because California was admitted as a state on the same day, with a longitudinal and diagonal line running east of the mountains. When the 42nd parallel of north latitude was drawn for a northern boundary, area in the Great Basin in what is now Oregon and Idaho, and southwestern Wyoming in the Colorado River Drainage system, was lost. Areas added to the Territory of Utah not formerly within the Provisional State of Deseret were small portions of northern Nevada and northwestern Utah in the drainage basin of the Snake River (see Maps 4 and 6).



MAP 5

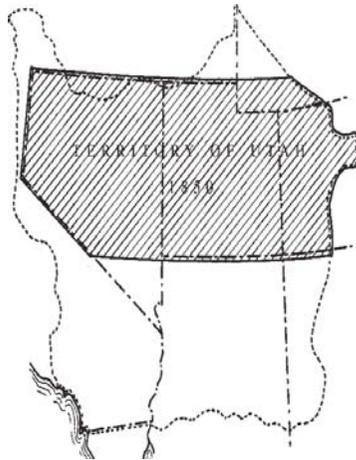
In 1850 the unorganized territory acquired from Mexico was erected into the two territories of New Mexico and Utah and the State of California. This map indicates the extent of the two territories in relation to contemporary states in our "Southwest."

The Utah Territorial Organic Act provided that a governor be appointed for four years. He could also be commander-in-chief of the militia and superintendent of Indian affairs. A two-house legislature was to meet annually and was limited to sessions of 40 days each. Judicial power was vested in a supreme court, district courts, probate courts and justice courts. A delegate to the House of Representatives was to be elected.

It is possible that formation of territorial government for the area would not have been approved, at least in its final form, had not President Taylor died July 9, 1850, and the presidency fallen to Millard Fillmore. Taylor was not

in sympathy with the Mormon cause and was opposed to granting state or territorial government. On the other hand, Millard Fillmore's sympathy had been cultivated by Dr. Bernhisel and he was very friendly toward the Mormons. On September 20, President Fillmore named his appointees to govern Utah Territory, among them Brigham Young, Mormon Church president, as governor (1850-1858).

Contemporary with events in Washington that led to the establishment of Utah Territory, sessions of the Deseret legislature continued through the summer and autumn of 1850. These meetings were known as the Second Session of the General Assembly and the session apparently terminated October 5, 1850. The last two ordinances were passed after formal establishment of the Territory of Utah by Congress. News of the passage of the Utah Territorial Act did not reach Great Salt Lake City until October 15, and a copy of the act was not received until late November.



MAP 6

The Territory of Utah as related to the area of the Provisional State of Deseret and the areas eventually acquired by the states of Nevada and Utah.

On December 2, 1850, the General Assembly of the State of Deseret began its third session at Great Salt Lake City because Brigham Young was not aware of his appointment as governor of Utah Territory until January 28, 1851. Rules and regulations for the governing of both houses of the General Assembly were adopted and standing committees were organized. Eight ordinances were passed by the session in December 1850. Twenty-four additional ordinances were passed at the third session in January and February. The final ordinance was enacted by the General Assembly February 24, 1851, followed by adjournment until later in March.

Representation for both houses of the State of Deseret was based on population and apportioned among the seven counties, ranging from 9 senators and 20 representatives for Great Salt Lake County to 1 senator and 1 representative for Tooele County.

When the General Assembly of the Provisional State of Deseret met March 26, 1851, a formal dissolution of that government was initiated in view of the establishment of the government of the U.S. Territory of Utah. Two days later, in joint session, the Senate and the House of Representatives of the General Assembly of the State of Deseret dissolved the provisional government. With no further ceremony, the Provisional Government of the State of Deseret ceased to exist.

Territory of Utah

Gradually, the newly created territorial government was organized. Brigham Young took the oath of office as governor before Daniel H. Wells, Chief Justice of the State of Deseret, February 3, 1851. The first officers appointed from other states arrived in Utah June 7, the last on August 17, 1851.

The Provisional State of Deseret existed for slightly over two years as the de facto government in the Great Basin of North America, and held three formal legislative sessions. The last to meet after the official formation of the Territory of Utah produced a criminal code and the bulk of Deseret law. It is normal to ponder on the relative importance of the work accomplished by that government and the true significance of the resolution which dissolved Deseret as a government. Some comprehension of the value of having formed this provisional government can be drawn from subsequent action taken by the Utah Territorial Government. The first legislature of the Territory of Utah convened September 22, 1851, and the laws of the State of Deseret were legalized. On the same day a second resolution was passed. A joint committee consisting of two members of the Council and three of the House of Representatives was instructed "to revise and classify the laws of the State of Deseret, which have been legalized by this Assembly, so as to apply to the territorial organization of the Territory." The laws of Deseret were thus incorporated into Utah law, and constituted a firm foundation for general law in the territory.

The establishment of the Territory of Utah in 1850, the organization of its government, and the first session of the territorial government in 1851, were contemporary with the first permanent non-Indian settlement in Nevada at Genoa. In this *Political History of Nevada*, detailed consideration has been given the Provisional State of Deseret and the Territory of Utah because of the fact that much of the area which eventually became the State of Nevada was once part of Deseret and Utah Territory. The laws of Utah Territory, based on those of Deseret, were in effect throughout what is now Nevada, the southernmost

portion excepted, and Carson County government was established in what is now western Nevada by the Territory of Utah. From Nevada's first permanent settlement in 1851, until the establishment of the Territory of Nevada 10 years later, most of our early history is that of the western part of Utah Territory.

A primary objective of the Utah authorities was to provide food for the rapidly increasing population. An effort was made to scout for favorable locations to colonize and occupy the territory with settlements; distances did not deter them. Beginning in 1855, the hardy and industrious Mormon people settled colonies on the eastern slope of the Carson Range in areas now a part of Nevada, and as far southwest as San Bernardino. The old fort at Las Vegas was established as a trading post. Settlements were established at Franktown in Washoe Valley and Callville on the Colorado River in what is now Clark County. In Carson Valley, on rich and well-watered soil, was founded a settlement called "Mormon Station." It was good land for farming, and also on a route to the mines of California. John and Enoch Reese, Mormon merchants and traders, erected the first permanent dwelling place in Nevada in the summer of 1851.

As the population of western Utah Territory increased, it became evident that some form of local government must be instituted. A meeting called November 12, 1851, organized a provisional government. This meeting was held at Mormon Station, later renamed Genoa, in 1855. Either the people ignored the fact that they were subject to the laws of the Territory of Utah, or they considered those laws inadequate. Undoubtedly the geographical location of the various settlements in the "far west" of Utah Territory was a basic cause of unrest. Legally, Fillmore City, located in Pauvan Valley 150 miles to the south, was the seat of government for the new territory. However, early sessions of the legislature met at Great Salt Lake City because of uncompleted facilities at Fillmore. Both of these cities were over 500 miles to the east and separated from Carson Valley by some of the most formidable terrain for travel on the continent. Provisions for locating the capital of the Territory of Utah were established by joint resolutions of the Utah Territorial Legislature.

These distances, coupled with lack of attention given the settlers in the western portion of Utah by the early territorial government, might have been offset by establishment of local government in the western valleys. Among other problems, the absence of some measure of county organization had led to lawlessness and confusion concerning property rights.

The State of Deseret had not attempted to organize its vast area into counties, particularly areas without permanent settlement. Though practical at the time, the policy became inadequate when new areas attracted settlement. The original six counties of Deseret, and those created later, covered only a small part of the provisional state and were geographically defined as encompassing certain inhabited valley areas, none of which were located in, or extended into, what is

now Nevada (see Map 4). This type of county organization was inherited and legalized by the Territory of Utah, which continued the practice by forming another such “valley” county in 1851.

The Millard County Act, with its county seat at Fillmore City, was an indication of the high esteem in which President Millard Fillmore, who signed the Organic Act and made possible the creation of Utah Territory, was held by the territorial legislature.

By early 1852 New Mexico and Utah territories established their original counties, these occupying the entire area of the territories (see Map 7). New Mexico counties extended east and west in much the same pattern as later developed in Utah. Some of these covered the southern portion of what is now Nevada. The New Mexico act establishing counties was based upon older Mexican divisions. The Utah act was an elaboration of the Provisional State of Deseret county divisions, expanded to encompass the entire area of the territory.

The New Mexico action on July 6, 1852, at its bifurcated first session (1851-1852), predated the Utah establishment of “total area” counties by about two months. A few days later the New Mexico Territorial Legislature went into more detail and specifically delineated the boundaries of each of the nine original counties, possibly realizing that “heretofore established and known” was not sufficient. The act established the following counties by name: Taos, Rio Arriba, Santa Fé, San Miguel, Santa Ana, Bernalillo, Valencia, Socorro, and Doña Ana. These original nine counties of the Territory of New Mexico retained their boundaries, and no new counties were established until 1860. The history of county changes by Arizona, New Mexico and Utah, in areas eventually to form and expand Nevada, is largely that of Utah county boundary changes and establishment of new counties, most significant of which was Carson County.

The Utah Territorial Act dividing that territory into counties was approved about two months after a similar action taken by New Mexico. This was the first time the entire area of Utah had been divided into county government areas.

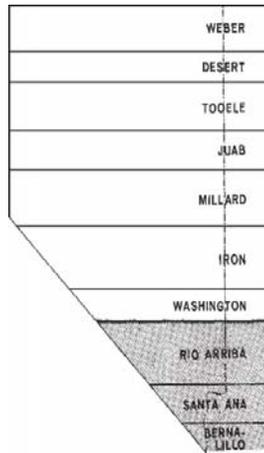
Such action by either the Provisional State of Deseret or the territorial legislature still would have been inadequate had it been taken prior to the 1851 settlements in the “far west,” since the county seats of all of the counties where Nevada is now located were situated hundreds of miles to the east. A hypothetical example of such a problem lies in the possibility that, had not additional counties and territories been organized, to this very day, residents of Carson City, even with the assistance of automobiles and aircraft, would have to travel over 500 miles to their county courthouse at Fillmore City, Utah.

Three of the original 12 "total area" counties of Utah were attached to adjoining counties for election, revenue and judicial purposes. Apportionment of representation among the counties in the territorial legislature ranged from 12 representatives and 5 councilors for Great Salt Lake County to one representative and one councilor shared with another county by both Juab and Tooele counties.

The act of Congress establishing the Territory of Utah had provided for a two-house legislature consisting of 13 councilors and 26 representatives.

Seven of the 12 counties organized in 1852 were the first Utah counties to encompass area which is now Nevada, thereby extending technical county jurisdiction into the valleys in the western part of the territory, including Carson, Eagle and Washoe valleys. From north to south they were, Weber, Desert, Tooele, Juab, Millard, Iron and Washington. Of these, all but Desert County still exist, though much reduced in area, as counties in the present State of Utah (see Map 7). In theory, then, a form of local county government extended into what is now Nevada, including the valleys at the base of the eastern slope of the Sierra Nevada and its adjoining Carson Range. Judges, whose terms were four years, were appointed by the Utah Legislature, one for Weber and Desert, one for Iron and Washington, and one each for the other three counties. Their availability in the "far west" of the territory for purposes of rendering any justice and providing a semblance of authority was another matter.

The objectives of the provisional government meeting held November 12, 1851, at Mormon Station were stated in their declaration of intentions to evolve a system by which they could so subdivide the valley as to secure to each settler his right to land taken up and improved; to frame a petition to Congress for a distinct territorial government; to create public offices; and to adopt bylaws and regulations for the government of the community. At the meeting, resolutions were adopted providing for the survey of land claims and for the employment of a surveyor; creating the offices of recorder and treasurer; limiting claims to quarter sections, and the like. The recorder-treasurer was made accountable to the committee, which had power of appointment and removal. This committee of seven was to be practically in charge of the government. A petition to Congress was read and approved.



MAP 7

1852—New Mexico and Utah territorial counties extended westward to California across the area now the State of Nevada.

Another meeting convened November 19, 1851, at which the petition to Congress again was read. A committee was appointed to draft bylaws. Assembling again the next day, the settlers agreed on a means of law enforcement and a court system.

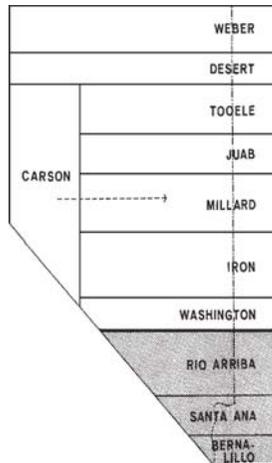
Carson County, Utah Territory

During the years 1852 and 1853, the influx of people into Carson Valley made it increasingly difficult for the provisional government to handle its many problems. Hence, some of the settlers started an agitation for annexation of the area by the State of California. The capital of California was much closer to Carson Valley than Utah government centers at Fillmore City or Great Salt Lake City. The Utah government organized Carson County as a result of agitation in California for the annexation of Carson Valley. It is also probable that Utah was influenced by the desire expressed by the people of Carson for a distinct territorial government. Many of these pioneers of far-western Utah were dissatisfied with the Utah government; consequently, in November 1851, they framed a petition to Congress for a separate government. In May 1852 they hoped that they would fall under the laws of California as part of Pautah County if Congress ceded the area to the Golden State. In 1853, they petitioned California to annex them.

Word of dissatisfaction, petitions and the annexation movements were an important motivating force in the creation of Carson County by the third annual session of the Legislative Assembly of the Territory of Utah.

Created on January 17, 1854, the new county of Carson extended from the California boundary to a line about 108 miles to the east; and from about 90 miles below the present northern boundary of the state it ran south some 215 miles. This was an area of over 20,000 square miles. The site of the county encompassed all of today's Douglas, Lyon, Ormsby and Storey Counties; major parts of Washoe, Pershing and Churchill Counties; most of Mineral County; the western corner of Esmeralda County; and a small portion of Nye County. Genoa became the county seat (see Maps 7 and 8).

Utah officials delayed organizing Carson County and sending officials to the western region of the territory. The Carson Valley residents once more tried to organize themselves and hired attorney William A. Cornwall to draft their own constitution for them. Very little is known about this document, which has been overlooked by generations of historians. Cornwall's constitution called for an elected three-man court, a president, secretary and sheriff to govern the valley. There is no evidence that this document was ever adopted or presented for a vote. The year following the creation of Carson County, the fourth annual session of the Legislative Assembly of the Territory of Utah provided for direct representation of Carson County in the Utah Legislative Assembly. Carson County had been attached, until organized, to Millard County by the Act of 1854. This session also provided a separate judicial district for Carson County, one of three for the entire territory.



MAP 8

1854—Carson County created out of western portions of Tooele, Juab, Millard and Iron Counties, Utah Territory, and attached to Millard County for election, revenue and judicial purposes until organized.

Following these two actions by the Utah Legislature, George P. Stiles, U.S. District Judge, was named to preside over Carson County; and Orson Hyde, one of the 12 apostles of the Mormon church, was named by the Governor as Probate Judge. Stiles, Hyde and J. L. Haywood, U.S. Marshal for Utah, accompanied by 36 other men, reached Mormon Station on June 15, 1855. They were followed by other Mormon colonizers.

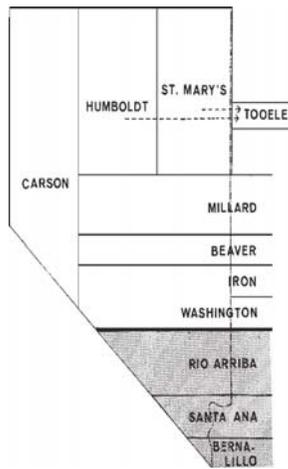
On September 20, 1855, Judge Hyde called an election to fill county offices and thus organized the county government. Mormon Station was renamed Genoa and designated the county seat. Election campaigning engendered considerable feeling between Mormon and non-Mormon candidates. The non-Mormons were dissatisfied with the election when several Mormon candidates were successful, so they proceeded to draw up another petition to Congress requesting incorporation into the State of California. On November 23, 1855, they again petitioned the California Legislature that the county become part of that state.

The fifth annual session of the Legislative Assembly of the Territory of Utah (1855-1856) convened December 11, 1855, and was the first to be held at Fillmore City. Carson County was represented by Enoch Reese in the House of Representatives; there was no one from Carson County in the Council, the upper house of the legislature. This session expanded the area of Carson County by extending its territory northward for its entire width to the Oregon line, at the expense of the western portions of Weber and Desert Counties. Possibly this act was influenced by continued agitation in Carson County for annexation to California (see Map 9). The addition to Carson County included much of what is now Humboldt County and the northern portion of Washoe and parts of Pershing counties, enlarging Carson County by half again its former size.

In addition to enlarging Carson County, the same act of 1856 provided for the establishment of three new counties in areas now a part of Nevada. Two of these, Humboldt and St. Mary's, though not extending as far south as Carson County, occupied that portion of northern Nevada from Carson County across Utah Territory to our present eastern boundary line with the state of Utah (Greenwich and Washington meridian differentials excepted). They were formed from the western parts of Weber, Desert, Tooele and Juab Counties. The area of these new counties, as first created, encompassed much of the rest of Utah Territory, which eventually was to become Nevada. They included all the area north of Millard County, east of Carson County, and west of 114° longitude. The 116th meridian divided the two counties into equal areas, with Humboldt on the west. Not much is known regarding the reason for their establishment. There were no important settlements and inhabitants were few. The census of 1860 showed Humboldt County with a total of 40 persons and

St. Mary's County with 105. Obviously for this reason they were attached by a separate act (oddly enough approved two days prior to their establishment), to Tooele County for government purposes (see Map 9). The population situation in Humboldt and St. Mary's counties is further emphasized by the fact that at no time during their period of existence were they organized or were county seats established.

The western portion of the third newly created county, Beaver County, extended into what is now Nevada and was formerly the northern part of Iron County (see Map 9). Also, the same act redefined the latitudinal line between Iron and Washington Counties, producing a minor change not readily defined on contemporary maps.



MAP 9

1856—Carson County extended north to the Oregon line, Humboldt and St. Mary's Counties created out of western portions of Weber, Desert, Tooele, and Juab Counties, Utah Territory, and attached to Tooele County for election, revenue and judicial purposes. Beaver County organized from northern part of Iron County.

The establishment of Carson County in 1854, followed in 1855 by its organization and direct representation in the Utah Territorial Legislature, represented a trend that led increasingly toward the formation of an independent political unit within the western portion of Utah Territory. This policy was fortified by the single county of Carson forming an entire judicial district through legislative action in 1855. The 1856 Territorial Session of Utah increased the size of Carson County. However, it also repealed the authorization for it to continue as a separate judicial district. Such action was the first indication of a policy of bringing the county more directly under authority of governing centers in the developed portion of the territory. This portended more

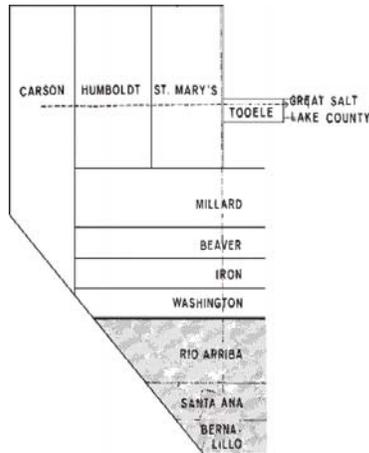
restrictive acts that followed in 1857. Legislation restricting the former individuality of Carson County as a separate judicial district, and combining it quite significantly with Great Salt Lake and other counties in a single district, was associated with the January 17, 1856, County Reorganization Act.

On the same date, two companion resolutions were approved. One assigned Honorable George P. Stiles, Associate Justice, to the newly defined third judicial district. The other specified the time of holding annual district courts in the several judicial districts in the Territory of Utah. This resolution set dates and named three locations in the third district, one on the first Monday of July in the county seat of Carson County.

Special acts were approved January 17, 1856, by the Utah Territorial Legislature for Carson County. One granted to Carson County “the revenue arising from the territorial tax levied therein for the years 1855 and 1856, to be used by the county court for improvements in said county.” Apparently this was unique to Carson County. Interestingly, another illustrated the obstacles to travel in those days. A special act appropriated \$1,200 “for mileage and payment of six guards from Carson county, to guard the representative from said county to Great Salt Lake City, and back again.” One other county was allowed three guards for its representative, San Pete County, to guard the representative “through an Indian country.”

When the next elections were held in Carson County, August 4, 1856, the Mormons clearly outnumbered the non-Mormons (or Gentiles as they were sometimes referred to by the Mormons). Every Mormon candidate was elected except one, the Assessor-Treasurer. The increase in Mormon population in Carson County followed a decision by Brigham Young to enlarge the proportion of Mormons by sending “colonizing” expeditions to the area from Great Salt Lake City to counter activities such as further petitions being drawn, as in 1855, for annexation to California.

With the Mormons, who arrived in 1856 from Salt Lake, came W. W. Drummond as U.S. Judge for the Third District of Utah. He held court in a barn at Mottsville. A grand jury was summoned and charged to bring in indictments against all citizens guilty of gambling, concubinage, or other minor frontier offenses. The jury, after some self-examination, adjourned, not caring to indict themselves. The jury did no better in indicting others. Judge Drummond, disgusted, returned to Washington, D.C. The probate court spent \$116 to convict a man for stealing \$12 in gold dust. The county court ordered the county divided into five school districts. However, the school system started coming to naught the following year, when the first school house was converted to a horse stable.

**MAP 10**

1857—Carson County attached to Great Salt Lake County, Utah Territory, for election, revenue and judicial purposes.

Other important events were transpiring in 1856, notable among these the action of armed Mormons in eastern Utah, where they drove U.S. District Judge W. W. Drummond from the bench. He fled from the territory and published scathing reports about the Mormons. The relations between the federal government and the Mormons became hostile, and newly-elected President James Buchanan sent a large military force under General Albert Sidney Johnston to Salt Lake to confront them.

Another matter also was developing in 1856, the final official action to abandon the idea of locating the territorial capital at Fillmore City. The Fifth Session was the only complete session of the legislature held at Fillmore. On two other occasions, the legislators assembled there and then adjourned to Salt Lake City. The executive and judicial offices of the territory were located in Fillmore only briefly. Technically, Fillmore was the capital of Utah only until the winter of 1856, for on December 15 of that year Salt Lake City was made Utah's capital by joint resolution of the legislature. The anticipated development of central Utah did not take place.

It is interesting to note that the Legislative Assembly adopted resolutions that had the full force and effect of an act. Such resolutions should not be confused with resolutions passed by contemporary sessions of the Nevada Legislature. These have no binding effect whatsoever. The Territorial Legislature of Utah used what they termed "memorials" for measures designed merely to express a desire on the part of the assembly.

Present and anticipated difficulties with the federal government led to new legislation early in 1857. This severely restricted the semi-independence of Carson County, Territory of Utah.

In mid-1857, due to the advance of Johnston's army into eastern Utah Territory, Brigham Young, even though relieved as territorial governor, called his followers from all parts to defend the City of Saints against the Gentiles. On July 16, 1857, P. G. Sessions began the exodus from western Carson County, taking with him 64 people. It is not absolutely clear that the departure of Sessions and his train was ordered by Brigham Young. In view of the fact that all Mormons later were definitely ordered to depart from western Utah, it appears most probable that Sessions set out in accordance with the known desires of the Salt Lake Mormon authorities. Most of the Mormons in Carson County responded to the call of their leader. Many of them left behind valuable farm land and buildings, which they sold for what they could obtain on short notice. Within two years the property was worth many times what these Mormons received because of the discovery of the fabulous Comstock Lode. The departure of the Mormons resulted in the almost complete depopulation of the Truckee Meadows and Washoe and Eagle Valleys.

The setback of local county government as a county attached to Great Salt Lake County sparked renewed activity by the factions who were pressing for even greater local autonomy than full county government. The attachment of Carson County to Great Salt Lake County was a particularly unacceptable situation in view of the fact that the two counties did not form a contiguous territory. This required residents in Carson Valley to travel over 500 miles to inspect the official county records (see Map 10).

Before the remainder of the Mormons departed for Salt Lake, a serious effort was made to persuade Congress to authorize and organize a new territory out of portions of Utah, California and New Mexico. The initiatory step was made at a public meeting held at Gilbert's saloon, Genoa, August 3, 1857. There, a committee of arrangements was appointed to prepare for a mass meeting ordered for August 8 at Genoa.

Resolutions adopted at this meeting based the demand for a territorial government on rapid increase of population; dangers threatening from Indians; absence of all law to restrain the vicious and to protect the upright; and the need for greater security of lives and property. It was provided that a memorial be drawn up to submit to the U.S. authorities reasons for this movement toward a territorial government. James M. Crane was selected, authorized and appointed by the citizens of the proposed territory "to visit the federal capital, to represent the interests, wants, and views of the people to the President of the U.S., and to both Houses of Congress." Crane, a native of Virginia, was the former editor of San Francisco's *California Courier*, a lecturer, outspoken advocate of state's rights and regional self determination, and author of *The Past, The Present, and the Future of the Pacific* (1856). Crane moved to Genoa in western Utah Territory at the behest of William M. Ormsby, the driving force behind the territorial initiative.

The meeting appointed 28 men "to manage and superintend all matters necessary and proper in the premises" and empower them, as a committee, to fill all vacancies and to increase their number when necessary. Particular members of the committee were assigned to the following districts: Honey Lake Valley, Eagle Valley, Carson Valley, Willow Town, Ragtown, Twenty-six Mile Desert, Humboldt Sink, Walker River and Valley, Hope Valley, and Lake Valley.

The memorial drawn up to accompany these resolutions repeated what was noted in the second paragraph above relative to the need for a territorial government, and added further details with certain other reasons for the granting of a new government:

In the winter time the snows . . . frequently interrupt all intercourse . . . between the Great Basin and the State of California, and the Territories of Oregon and Washington, for nearly four months every year. During the same time all intercourse and communication between us and the civil authorities of Utah are likewise closed.

Within this space of time, and indeed from our anomalous condition during all seasons of the year, no debts can be collected by law; no offenders can be arrested, and no crime can be punished except by the code of Judge Lynch, and no obedience to government can be enforced, and for these reasons there is and can be no protection to either life or property except that which may be derived from the peaceably disposed, the good sense and patriotism of the people, or from the fearful unsatisfactory, and terrible defense and protection which the revolver, the bowie knife, and other deadly weapons may afford us.

. . . The distance between the Great Salt Lake City and the innumerable fertile valleys which lie along the eastern spurs of the Sierra Nevada, where the most of the population of this section reside, is nearly 800 miles, and over this immense space there sweep two deserts. On this account no intercourse or communication of a legal or political nature is or can be held with the civil authorities of Utah. The only authority acknowledged in this part of Utah Territory, by any class of people, is that which the Church of the Latter-day Saints. . . . exercises over its votaries and disciples. Neither they nor the Gentiles appear to look to the Territorial Government of Utah for any statutory laws

. . . Nearly one half of the country . . . has but two Justices of the Peace and one Constable, and while no one even respects their authority, there are not perhaps fifty men in the whole country who know or care to know who they are or where they live. Should they attempt to exercise any authority, they would be regarded not as intermeddlers but intruders. Nearly the whole region . . . was once erected into a

county called "Carson" . . . but for some reason or reasons unknown to your petitioners, the . . . Legislature [of Utah] has abolished the county organization and has established in lieu of it an election precinct . . . in which nobody votes for an officer, and nobody cares to vote.

It has been noted that the Genoa meetings of August 3 and 8 were called after the departure of the first group of Mormons for Salt Lake. On September 5, 1857, the Conover Company Express arrived in Washoe Valley, bearing a dispatch calling in the Mormons en masse from western Utah. On September 26 the remaining Mormons, 450 in all, started for Salt Lake in obedience to the order. Western Utah was now largely in the hands of Gentiles and apostates from the Brigham Young theory of Mormonism, and was without settled institutions of any kind.

The desire for stable government persisted. On October 3, 1857, Mr. Crane addressed a meeting of the people at Honey Lake Valley. Resolutions were adopted endorsing the actions taken at Carson Valley and approving Mr. Crane's selection as the delegate of the proposed new territory. The creation of a new territory was advocated by the newspapers of California, and the California Legislature and Governor John B. Weller endorsed such a proposal the following year.

Utah Governor Alfred Cumming, successor to Brigham Young, received his appointment from President Buchanan July 11, 1857. It was hoped that the appointment of a non-Mormon would partially satisfy the restless "Gentiles" in Carson Valley. The new governor commissioned non-Mormon John S. Child Probate Judge to reorganize Carson County local government. This was the first step in reorganization, though elections and formal action re-establishing the local organization of Carson County by the Utah Territorial Legislature did not materialize until more than a year later. During this volatile period, one of the actions taken at the seventh annual session of the Legislature of the Territory of Utah again changed the capital of the territory, at least technically, from Salt Lake City to Iron County.

In Washington, the House Committee on Territories, chaired by William Smith of Virginia, reported favorably on a bill creating Nevada Territory on May 12, 1858; however, the bill was not taken up on the floor of the House of Representatives during the 35th Congress. Support for establishment of a new territory waned with the peaceful resolution of the "Utah War." At the same time, most southern congressmen opposed creating any new territories that would become states outlawing slavery.

In an attempt to reorganize local government in Carson Valley, Judge John S. Child called for an election to be held October 30, 1858. When the returns were counted, the votes of four of the six precincts were thrown out

because of alleged fraudulent voting. Perhaps one of the underlying reasons for the voiding of so many votes was that the anti-Mormon ticket had been defeated for most of the offices. The anti-Mormons were determined to prevent control of the local government from falling into the hands of Mormon sympathizers.

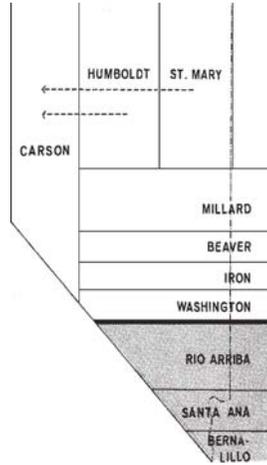
Previous to the election, and in the absence of courts, a committee of citizens had hanged "Lucky Bill" Thorington of Carson Valley for murder, the condemned man's guilt not being clearly established. This vigilante exercise of judicial functions by the followers of William Ormsby created a division of sentiment in western Utah.

The eighth annual session of the Legislature of the Territory of Utah took formal action re-establishing the territorial capital at Great Salt Lake City. The Legislature was to meet in Parowan, Iron County. However, apparently no meetings were held there, certainly no complete session.

In 1859, the Legislative Assembly of the Territory of Utah reactivated Carson County and provided that the county extend over its former enlarged area (north to the Oregon line). In addition, the counties of Humboldt and St. Mary's were to be attached thereto (see Map 11). With these attached counties, the new extent of the governmental jurisdiction of Carson County included all of the area that was shortly to be established as the Territory of Nevada, excepting the southeast portion, the whole extending even farther by one degree of latitude to the east.

Genoa was established as county seat for Carson County, a point not covered in former legislation. The original act of 1854, which organized Carson County, provided that the probate judge was to locate the county seat. A few days after the passage of the Reorganization Act for Carson County, the following act provided that Carson, Humboldt and St. Mary's Counties were organized into one judicial district.

A companion measure approved on January 21, 1859, assigned the Honorable John Cradlebaugh, Associate Justice, to the Second District. Another act of the same date reinstated a representative from Carson County in the Utah Territorial Legislature. Humboldt and St. Mary's received no direct representation at any time, since at one time or another for governmental purposes, they were attached either to Carson or Great Salt Lake Counties.



MAP 11

1859—Carson County reorganized and no longer attached to Great Salt Lake County, Utah Territory. Humboldt and St. Mary’s Counties attached to Carson County for election, revenue and judicial purposes.

Through no fault of his own, Judge Child had failed to satisfactorily reorganize Carson County. Many of the county’s residents favored a separate territorial organization. For their own purposes they were ready to use the popular feeling against the Mormons of eastern Utah. A mass meeting was called for June 6, 1859, at Carson City, the purpose of which was to take such action as would most likely reopen the territorial question.

The meeting of June 6 apportioned Carson County into voting precincts and called an election for July 14 to choose a delegate who would represent the proposed territory in Washington. It provided for a convention to convene at Genoa July 18 to count the votes for delegates and to give the successful candidate his credentials, and to take such other action as emergency demanded. The meeting further called for a nominating convention of regularly appointed delegates from the various precincts to meet at Carson City June 20. The sole purpose of this convention was to place in the field candidates from whom to choose delegates to the Genoa Convention to be held on July 18.

The convention of July 18 remained in session nine days. James Crane was re-elected delegate over his opponent Frederick Dodge, western Utah Indian Agent, in a closely contested election marked by charges of fraudulent voting on both sides. The convention determined upon separation from Utah:

. . . Such has been our patient sufferings, and such is now the necessity for dissolving all political relations [that] we deem it not only our right, but also our duty, to disown such a government, and such a people, and to form new guards for our future security.

...
 They have denied to the Judges of the United States a right to try in their courts the violators of the law, when such violations were numerous.

They have conferred upon Probate Judges the sole right to select juries in civil and criminal cases, in violation of all law and precedent. They have also given to said Judges, and Justices of the Peace, absolute jurisdiction in all civil and criminal cases.

...
 We have for the last two years invoked Congress to erect for us a Territorial Government, and that body has been deaf to our appeals.

Therefore, believing in the rectitude of our intentions and believing the time has arrived, we make known and declare our entire and unconditional separation from eastern Utah.

To provide for and secure our future protection, we pledge to each other our sacred obligations, to erect for ourselves a Territorial Government, founded upon the Republican principles of the *Constitution of the United States*, and that we will maintain and defend it to the best of our ability. And we look to the support and protection of the Federal Government, and our fellow citizens in every part of the Union.

Having decided to form a provisional government and secede from Utah Territory, the convention framed a constitution, which was submitted to the people on September 7, 1859. On the same date, an election was ordered to fill the offices created by the *Constitution*. No election returns were preserved. Apparently Isaac Roop was elected governor, for he served as such. None of the other officers elected ever served. A newspaper clipping found in Governor Roop's scrapbook indicated that the majority for the constitution was about 400 votes. Further, John J. Musser, President of the Convention and Chairman of the Board of Canvassers, certified that a large majority of the votes were in favor of the constitution, and that Roop was elected governor by a large majority. This "provisional" government was not recognized by the federal government, and thus was similar to the provisional government of 1851 as far as its authority was concerned.

After the foregoing election, Probate Judge Child attempted to re-establish the authority of the probate court by giving notice of a term commencing September 12, 1859, at Genoa. The only business was the appointment of a coroner and the granting of a divorce. The courts of Utah encountered continuing difficulties in Carson County. The U.S. Court fared no better, and the area remained in a state of political turmoil.

The great increase in population that followed the discovery of the Comstock Lode with its fabulous content of silver and gold in June 1859 made it imperative that effective government be restored to Carson County.

Judge Child made a further effort to reorganize Carson County by dividing the County into ten precincts and calling an election for October 8, 1859. Only three of the ten precincts opened the polls. Governor Cumming, anxious to aid reorganization, forwarded commissions to the successful candidates but said that a legal investigation would probably have to be made, since there was no authority for calling the election. Judge Child urged certain of the men elected to take the oath of office. None cared to qualify, so the attempt to organize failed and the county continued without a proper corps of officers.

John Cradlebaugh, District Judge assigned to western Utah (Carson County), arrived in Genoa in August 1859. A grand jury congratulated him for having organized a court of justice "under the immediate protection of the United States flag." He had the good wishes of the people, but "the so-called laws of Utah Territory . . . proved to him an insurmountable barrier," in the minds of the people, and probably in fact.

Besides the mining districts there were three different governmental jurisdictions attempting to operate in Carson County, none of them successfully. They were the federal government under Judge Cradlebaugh, the Utah Territorial Government represented by Judge Child, and the Nevada Territorial government with its Governor Isaac Roop.

Crane, who was re-elected congressional delegate, died September 26, 1859, and another election was called for November 12 to fill the vacancy. John J. Musser was chosen to take Crane's place. He left Carson City for Washington, D.C., December 12.

On December 15, 1859, the provisional legislature, elected the preceding September, met at a private house in Genoa. A committee of three was appointed to draft a memorial to Congress to expedite the organization of the new territory. In his message, Provisional Governor Roop noted recent discoveries of mines and the resultant influx of law-abiding men from California, and advised against further activities on the part of the provisional government. He urged his followers to rely on Congress for relief from their numerous evils, and to support the laws and government of the U.S. Only four members of the legislature were present. However, Governor Roop continued to exercise some authority until Congress officially created the Nevada Territory in 1861.

On January 18, 1860, the ninth annual session of the Legislative Assembly of the Territory of Utah (Chapter XIX) elected the following officers associated with Carson County: William H. Broomfield, District Attorney for the Second Judicial District; John S. Child, Probate Judge for Carson County; and William C. Campbell, Notary Public for Carson County.

In the absence of any workable government, Judge Child urged the people to avail themselves of such laws as were operative, by electing officers to execute them.

Carson County was entitled to one member in the Utah Legislature and on August 6, 1860, Carson residents elected John C. James as their representative, along with several local officers.

On September 3, following the election, Judge Child held the first session of the county court in three years. On September 19 the court, in session at Genoa, authorized the expenditure of \$750 to complete repairs on an old structure used as the courthouse. It was in the upper part of this building that Judge Cradlebaugh held his first U.S. District Court, access to his room was through the front door by means of a ladder from the street.

Mr. Musser, delegate to Washington, failed to obtain legislation creating Nevada Territory in the first session of the 36th Congress. The year 1860 was an important presidential election year, and the congressmen were attempting to finish their business before the party nominating conventions. The discovery of the Comstock Lode and the mineral discoveries at Aurora; the subsequent increase in population; the settlers' need for public safety after the Pyramid Lake War; and the impending break between the North and the South were factors in the successful drive for separate territorial status the next year. The residents of Carson County helped in the movement by signing petitions that were sent to the California Legislature requesting the support of its members. The two U.S. Senators from California, William Gwin and Milton S. Latham, introduced the Nevada territorial bill in Congress. A compromise Senate measure passed both houses and was signed by President Buchanan, one of the last acts of his administration, on March 2, 1861.

The 10th Annual Session of the Legislative Assembly of the Territory of Utah (1860-1861) was the last session to enact laws and pass resolutions affecting Carson County, since shortly after it adjourned the Territory of Nevada was established. The first act passed at this session assigned justices to the judicial districts. The Second District was composed of Carson, St. Mary's, and Humboldt Counties in western Utah Territory. The next month, two additional acts were passed with specific reference to Carson County, less than two months prior to separation of the area from Utah Territory.

On the same date an act was approved "Concerning Surveys of Mining Claims in Carson County." The act was a lengthy one for those days, containing six sections and covering such matters as "Aggrieved party may apply for an order of survey."

Two days later approval was given by the governor to an act passed by the Legislative Assembly of the Territory of Utah "To Incorporate Virginia City." Common to such incorporations, this was a long act covering 19 sections at law. Highly significant was the fact that a large measure of local government thereby was granted to the city, which had become the focal point of population influx

into Carson County. Side notes in the margin of the act identify the nature of the legislation as follows: Name and style, Powers, Area, Trustees, Officers; meetings. Quorums, Absentees, Duties of Trustees, Vacancies, Powers, Jail, Justice (of the) Peace, Constable, Fees, Other Officers, Powers of Justice (of the) Peace, Taxes, Bond, Accounts current to be published, Ordinances, Trustees to qualify, Election, Trustees may contract debts; issue scrip, and Qualifications of voters. These titles suggest the degree of self-government granted in the Incorporation Act.

On the same day that Virginia City was incorporated, an act was approved establishing Carson City as the county seat for Carson County, Utah Territory. This action moved the seat of government for western Utah Territory (Carson, Humboldt and St. Mary's Counties) from Genoa to the city that eventually was to become the governmental center for both the Territory and State of Nevada. The effective date of the act was March 1, one day prior to President Buchanan's signing of the congressional bill establishing the Territory of Nevada.

Several other special acts relating to Carson County were passed and approved, indicating the attention being paid to the "far west" portion of the territory by the Utah Legislature. Only one other county was recognized by a special act at this session, an organization act for Summit County. However, all of these acts and the assistance they were to Carson County by way of authorization and appropriations came too late to stem the tide for a separate territorial government.

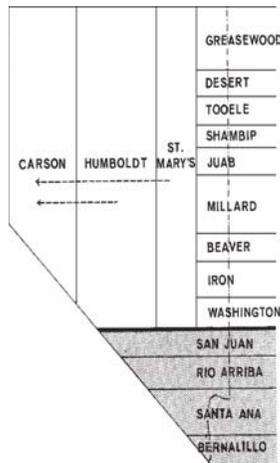
A few weeks prior to the establishment of the Territory of Nevada, the Legislative Assembly of the Territory of Utah enacted legislation that redefined the northern boundary of Carson County as extending to the Oregon line. This extension had been made in 1856. Possibly it was felt that since the county had been disorganized and then reorganized with counties attached to it without a definition of the boundaries, some re-statement of the matter was desirable. Also, this 1861 act specifically mentioned the employment of Greenwich longitude, a point not heretofore covered, thus eliminating possible conflict with Washington longitude, much in use at the time.

The same 1861 Western County Reestablishment Act provided for the extension of Humboldt and St. Mary's Counties through the complete latitudinal extent of Utah Territory. The act mentions their southern boundaries as California, though an extension southward to the limit of the territory gave no common boundary for St. Mary's County with California, and only a partial boundary for Humboldt County. The southern boundaries for these counties was actually the Territory of New Mexico (see Maps 11 and 12).

While St. Mary's County was extended south to the limits of the territory, its longitudinal extent was reduced from two degrees to only one degree of width.

It is interesting to note that the Legislative Assembly was following a pattern for the division of western Utah Territory into counties, the exact reverse of the system employed for eastern Utah Territory. Rather than counties with an east-west extension, common to most original Utah counties, the formation of Carson County followed a north-south extension, and Humboldt and St. Mary's Counties followed that policy.

The redefined county boundaries for the western part of Utah Territory were in effect from January 18, 1861, to March 2, 1861. On the latter date Congress organized western Utah into the Territory of Nevada. Carson and Humboldt Counties were no longer a part of Utah, and Carson was not defined as a county division for the new territory. However, St. Mary's County continued as a county of Utah Territory, since its area was not included at this time in the Territory of Nevada. The government of St. Mary's County was a questionable one because it was attached for governmental purposes to Carson County, a de facto government for a few months in Nevada Territory (see Maps 12 and 13).



MAP 12

1861, January—San Juan County created out of northern part of Rio Arriba County, New Mexico Territory. Humboldt and St. Mary's Counties, Utah Territory, extended south through Millard, Beaver, Iron and Washington Counties to New Mexico. St. Mary's County reduced in width by one degree. Greasewood, Desert, Tooele, Shambip and Juab Counties extended westward.

The 1860-1861 Legislative Assembly of the Territory of New Mexico created a new county in the area soon to become a part of the State of Nevada. Apparently the legislature of New Mexico was laboring under the handicap of a lack of accurate maps and information about the western portion of that territory. At the time, the latitudinal position of the San Juan River was shown by various maps in several locations that varied considerably as to its location north and

south. Some maps showed most of the lower course entirely in Utah Territory, others indicated the entire course within New Mexico Territory. In reality, the lower course of the San Juan River was not in New Mexico Territory, and its most southerly bend was not very far below the northern New Mexico line. When New Mexico Territory created the county San Juan, it was in reality a narrow strip of territory extending far to the west and across what is now part of southern Nevada (see Map 12).

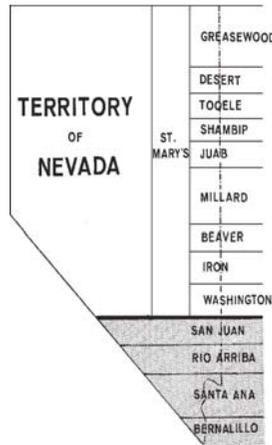
The Territory of Nevada

All things come to those who wait. Congress passed and, on March 2, 1861, President Buchanan signed, “An Act to Organize the Territory of Nevada.” Two days later Abraham Lincoln became President of the U.S. On March 22 the President commissioned James W. Nye of New York as Governor and Orion Clemens of Iowa as Territorial Secretary of Nevada. The Territorial Governor arrived at Carson City July 8, 1861, via the Isthmus of Panama. Secretary Clemens came by overland stage accompanied by his young brother Samuel, who was to become the immortal Mark Twain poking fun at the world, including the territorial politicians.

As was the case with many of Lincoln’s appointments, Nye was selected in part for patronage reasons. It seems that Nye, a former Whig political leader in New York, had stumped the Midwest for Lincoln in the 1860 election and was being rewarded for his services. However, Governor Nye had also served as Police Commissioner of New York City, and Lincoln needed a strong chief executive to ensure that Nevada Territory remained loyal to the Union. Orion Clemens was chosen to be Secretary of the Territory because of a political connection. Orion had studied in the St. Louis law office of Edward Bates, who later became President Lincoln’s Attorney General.

“An Act to Organize the Territory of Nevada,” approved by President Buchanan on March 2, 1861, established at the outset the boundaries for the new territory as follows:

. . . beginning at the point of intersection of the forty-second degree of north latitude with the thirty-ninth degree of longitude west from Washington; thence, running south on the line of said thirty-ninth degree of west longitude, until it intersects the northern boundary line of the Territory of New Mexico; thence due west to the dividing ridge separating the waters of Carson Valley from those that flow into the Pacific; thence on said dividing ridge northwardly to the forty-first degree of north latitude; thence due north to the southern boundary line of the State of Oregon; thence due east to the place of beginning . . . (See Map 2)

**MAP 13**

1861, March—Organization of Nevada from Carson and Humboldt Counties, Utah Territory.

Three important facts established by this organic act have led to an unusual amount of confusion regarding the boundary lines of Nevada. First, it will be noted that the act employed the term “longitude west from Washington.” Full numbered degrees west from Washington do not coincide with full numbered degrees west from Greenwich. A difference of approximately two miles, depending on the latitude, exists between Washington and Greenwich longitude, Washington longitude being farther to the west. Secondly, as originally constituted, Nevada Territory was relatively narrow and lacking, by two degrees, one-third of its longitudinal width, eventually attained by 1866 (see Map 13). A third reference has produced the most confusion. The act specifically mentioned the western line as a “dividing ridge,” which, by definition, is the crest of the Sierra Nevada. However, it should be pointed out that such a boundary line was contingent on the following action as provided in the first part of the act:

... Provided, That so much of the Territory within the present limits of the State of California, shall not be included within this Territory until the State of California shall assent to the same by an act irrevocable without the consent of the United States . . .

The State of California never legislated to “assent to the same.” This left the western boundary line for the newly-created Nevada Territory identical with the eastern boundary line of the State of California as established in 1850. Congress, realizing that California existed as a sovereign state and thus could not have territory taken from her, made the provision to establish the “intent” of Congress. No time was set as to when California should “assent.” Presumably this could be done even at this late date in history, an action not likely to be taken by it.

The area taken from Utah Territory to form the new Territory of Nevada was exactly coextensive with Carson and Humboldt counties of Utah Territory as they existed on the date the Territory of Nevada was created, Washington and Greenwich longitudinal differences notwithstanding (see Maps 12 and 13).

Among other things, the act provided for a governor who “shall commission all officers who shall be appointed to office under the laws of said territory,” as well as a “secretary of said territory” to “record and preserve all the laws and proceedings of the legislative assembly all the acts and proceedings of the governor,” and to transmit copies of the laws and executive proceedings to the President and Congress. The secretary was also “to execute and perform all the powers and duties of the governor” when the governor was absent from the territory. In this capacity the Territorial Secretary acted much the same as would a Lieutenant Governor.

In the act, a legislature was provided, consisting of a council and house of representatives. The council had 9 members and could be increased to 13. The house had 13 members and could be increased to 26. Term of office for the council was two years; for the house, one year. Apportionment of legislators was based on population for both houses of the territorial legislature.

Under the act, the governor was to “cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken.” This was done in July 1861, by Henry De Groot, and showed a population of 16,347, not including Indians. The governor was also to “declare the number of the members of the council and house of representatives to which each of the counties or districts” was entitled, and to set the time and place for the conduct of the first election. The time and place for the meeting of the first legislative assembly was to be established by the governor with a limit of 60 days, subsequent sessions being limited to 40 days.

The governor was granted authority to organize and appoint officers for the territory and to establish districts, until a legislative body could establish counties and provide for their organization.

The Organic Act provided that “judicial power of said territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.” It will be recalled that, at the time, an adequate court system was sorely lacking in Carson County. The supreme court was to consist of a chief justice and two associate justices, and the territory was divided into three judicial districts.

The following territorial officers received their appointments from the President of the U.S.: governor, secretary, chief justice, associate justices, attorney general, marshal and a surveyor-general. Annual salaries were as follows: governor, \$1,500 and \$1,000 as superintendent of Indian affairs; and supreme court justices and the secretary, \$1,800 each.

The territory was authorized to elect a delegate to Congress and the governor was to establish the time and places for the conduct of such election. The governor also was to define the judicial districts, appoint judges to them, and establish the times and places for holding court sessions.

Territorial officers were James W. Nye, Governor; Orion Clemens, Secretary of Territory; Benjamin B. Bunker, Attorney General; John T. Lockhart, Indian Agent; Perry G. Childs, Territorial Auditor; John H. Kinkead, Territorial Treasurer; S. C. Gallagher, Governor's Private Secretary; John W. North, Surveyor-General; Butler Ives, Deputy Surveyor-General; John F. Kidder, Chief Clerk; Julius E. Garret, Assistant Clerk Surveyor-General's Office; George Turner, Chief Justice Supreme Court; Horatio N. Jones, Associate Justice; Gordon N. Mott, Associate Justice; and J. McC. Reardon, Clerk.

The district courts were organized as follows: First District, Gordon N. Mott, Judge; David M. Hanson, Clerk; and Dighton Carson, District Attorney. Second District, George Turner, Judge; Alfred Helm, Clerk; and Marcus D. Larrowe, District Attorney. Third District, Horatio N. Jones, Judge; Alfred James, Clerk; and E. B. Zabriskie, District Attorney.

The following were later appointed probate judges: Chauncey N. Noteware, Douglas County; A. W. Oliver, Humboldt County; William Haydon, Lyon County; E. C. Dixson, Ormsby County; and L. W. Ferris, Storey County.

First Territorial Legislature

Governor Nye ordered that an election be held by districts, counties not yet being established, to select the legislators and a delegate to Congress; also, that a legislative session should assemble at Carson City October 1, 1861. The session convened on that date and ended November 29, 1861, lasting 60 days, as provided in the Organization Act of Congress.

In the election held in August 1861, John Cradlebaugh, the former federal judge, was elected as the first territorial delegate to Congress.

The first statute passed by the people of Nevada, as represented in the first session of the Nevada Territorial Legislature, was "An Act adopting the Common Law of England," which was signed by Governor Nye October 30, 1861. Nevada's original nine counties were established by an act approved November 25, 1861, replacing the temporary districts formed for census and election purposes. The nine counties, in order of their mention in the act, were Esmeralda, Douglas, Ormsby, Washoe, Lyon, Storey, Lake, Humboldt and Churchill.

Among other actions taken at this first session of Nevada's Territorial Legislature was "An Act to Prohibit Gambling," which provided that persons who were involved with games of chance were guilty of a felony and subject to imprisonment for two years and a fine of up to \$500.

Early action was taken to designate a seat of government for the newly-established territory. The legislators chose Carson City, which had been designated the new county seat for Carson County by the Utah Territorial Legislature earlier the same year.

The Legislature provided for an election to be held “on the second Tuesday in January, A.D. 1862, at which there shall be elected all territorial, county, and township officers authorized by the laws of this territory, and not otherwise provided for”; thus it provided for actual organization of the county governments in particular. In a separate act, boards of county commissioners to consist of three members were established for each organized county. The Nevada Militia was provided for in a lengthy 84-section act.

To provide for county representation in following territorial legislative sessions, an act was adopted stipulating that the several assessors in the counties enumerate their white inhabitants and transmit these “census” returns to the governor. Authority was given to the governor “to apportion the number of the members of the Legislative Assembly, to be elected in each county, according to the number of inhabitants as shown by the returns of the county assessors.” Another act provided for annual sessions of the Legislative Assembly of the Territory of Nevada to “convene on the second Tuesday in November of each year.” The first session also increased the size of the Territorial Legislature to 13 councilmen and 26 representatives, as provided for in the Organic Act.

An act approved November 29, 1861, divided the territory into three judicial districts, the first to embrace Storey, Washoe and Lake Counties; the second, Ormsby, Douglas and Esmeralda Counties; the third, Lyon, Churchill and Humboldt Counties. The same act provided county seats for the several counties as follows: Esmeralda County, Aurora; Douglas County, Genoa; Ormsby County, Carson City; Washoe County, Washoe City; Storey County, Virginia City; Churchill County, Buckland’s; Humboldt County, Unionville; Lake County, (decision of voters); and Lyon County, Dayton.

Territorial officers and local county and township officers were designated by this first session of the Territorial Legislature as follows: for the territory, in addition to top officials appointed by the president, were a treasurer, auditor and ex officio librarian, superintendent of public instruction, delegate to Congress, members of the Council, members of the House of Representatives, and an attorney for each judicial district; for each county, a county clerk and ex officio auditor, sheriff, tax collector, assessor, treasurer, recorder, county surveyor, county school superintendent and three commissioners; for each township, a justice of the peace and ex officio coroner and a constable. District attorneys and probate judges were to be nominated by the governor and confirmed by the legislative council. Territorial officers not appointed by the President were to be appointed by the governor, with confirmation by the legislative Council. Road supervisors were to be elected in the road districts of the territory.

Territorial officers appointed by the governor, county officers and members of the legislative Council were to hold office for two years. Members of the House of Representatives and township officers were to hold office for one year. The governor was authorized to appoint a number of notaries public to hold their offices at the pleasure of the executive.

Many other acts of this first territorial session were lengthy, some running to six and seven hundred sections, and laid a firm foundation of law on which the future was to build. The first Nevada Territorial Session ended November 29, 1861, and shortly thereafter the Utah Territorial Legislature convened for its 11th annual session (1861-1862). An examination of some Utah county organization is continued at this point in recognition of the fact that eastern Nevada areas which were attached to Nevada in 1862 and 1866 were still under the jurisdiction of Utah.

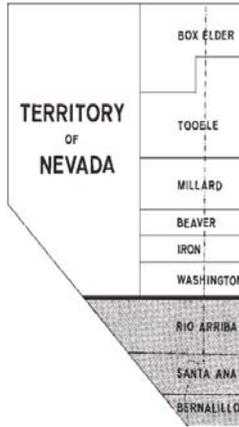
By act of the Utah Territorial Legislature, approved January 17, 1862, the boundaries of all counties in the territory were completely redefined. Since Carson and Humboldt Counties had been lost in forming the Territory of Nevada, March 2, 1861, no mention of these is made. Likewise, no reference is made to St. Mary's County, its area absorbed by other Utah counties (see Maps 13 and 14). Contemporaneous almost to the day with Utah county changes, New Mexico acted as follows: San Juan County of New Mexico Territory, which extended into what is now part of southern Nevada, had been established in 1861. Possibly in recognition of the difficulty in geographically locating San Juan County, the next session abolished it.

Prior to the Second Session of the Nevada Territorial Legislature, Congress, at the urging of Territorial Delegate John Cradlebaugh, provided for an extension of the Territory of Nevada eastward at the expense of Utah Territory. The addition was made July 14, 1862, extending Nevada Territory to include what had formerly been St. Mary's County of Utah Territory (see Map 15).

As last defined by legislative act January 18, 1861, the total area of St. Mary's County was precisely coextensive with the area attached to the Territory of Nevada in 1862 (Washington and Greenwich longitudinal differentials notwithstanding). At the time of this extension of Nevada Territory, St. Mary's County had been out of existence for several months (see Maps 13, 14 and 15). This new eastern boundary line fell slightly west of the present location of Wells, and incorporated into the Territory of Nevada an area of 18,325 square miles where both Elko and Eureka, Nevada, are now located.

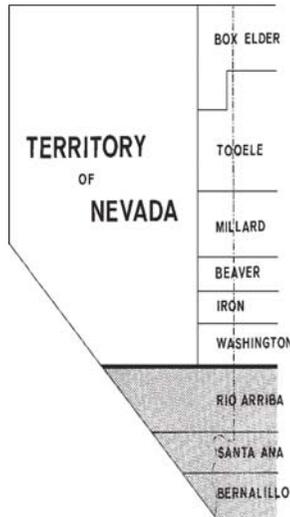
With this first addition of territory to Nevada, the development of Carson County and two other Utah unorganized counties, into a new state in the union can be traced through the following events: (a) Establishment of Carson County in 1854; (b) enlargement of Carson County in 1856; (c) attachment of Humboldt

and St. Mary's Counties to Carson County in 1859; (d) extension of these attached counties to the south in 1861; (e) creation of Nevada Territory in 1861; (f) addition of area to Nevada Territory in 1862; and (g) establishment of the State of Nevada in 1864.



MAP 14

1862, January—Extensive reorganization of Utah Territory Counties. St. Mary's County abolished. Box Elder and Tooele Counties expanded to absorb Greasewood, Desert and Shambip. Juab County withdrawn eastward. Millard, Beaver, Iron and Washington Counties extended to Nevada line. San Juan County, New Mexico Territory, abolished.



MAP 15

1862, July—Nevada Territory extended eastward one degree of longitude. Area taken from western portions of Box Elder, Tooele, Millard, Beaver, Iron and Washington Counties, Utah Territory.

Second Territorial Legislature

The Second Regular Session of the Legislative Assembly of the Territory of Nevada convened November 11, 1862, and adjourned December 20, 1862, lasting the 40 days provided by the Organic Act for sessions subsequent to the first. Among the early actions taken at this session was the changing of the name of Lake County to Roop County.

Another action taken at this session provides an explanation of why no records are found for a Territorial Session of the Nevada Assembly in 1863, though annual sessions were provided for by law during the time Nevada was a territory. At the First Session in 1861, an act (Chapter LXV) provided for annual sessions to “convene on the second Tuesday in November, of each year.” At the Second Session in 1862, Chapter XVIII changed the time of convening annual sessions of the Legislative Assembly to “the second Tuesday in January, of each year.” Provision was made that the act was not to become effective until the “first day of March . . . one thousand eight hundred and sixty-three.” This was necessary to prevent another session falling upon the heels of the Second Session of 1862, in January of 1863. This resulted in the calendar year of 1863 being without a session of the Legislative Assembly, creating a period of not quite 13 months between adjournment of the Second Session, December 20, 1862, and the convening of the Third Session, January 12, 1864.

The town of Gold Hill was the first municipality to be incorporated under laws of the Territory of Nevada by an act approved December 17, 1862, at the Second Session. Two days later, Virginia City, formerly incorporated under the laws of Utah Territory, was reincorporated under Nevada law as the city of Virginia.

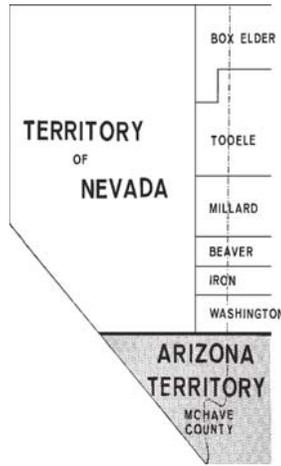
From the eastern portions of Humboldt and Churchill Counties, the Second Territorial Session created a new county known as Lander. The act provided that the county seat for Lander County be “Jacob’s Springs, on Reese River, until the permanent location shall have been determined” by an election in the county.

Carson County records of the Probate Court were transferred to the custody of Secretary of the Territory to provide a continued validity of judicially settled conflicts from Utah to Nevada Territory. One of the last acts of the Second Territorial Session was a resolution asking California to adopt the crest of the Sierra Nevada as a western boundary for Nevada.

The Second Territorial Legislature also continued the pursuit of complete citizenship by passing “An Act to frame a Constitution and State Government for the State of Washoe,” Chapter CXXIII, introduced by Isaac Roop and approved by Governor Nye December 20, 1862. This act set the first Wednesday of September 1863 as the time of election, at which the question of state

government would be voted upon and 39 delegates to a Constitutional Convention chosen.

No significant action was taken at the 12th annual session of the Territory of Utah (1862-63) affecting areas eventually to become part of Nevada. However, events were taking place to the south in an area eventually to be offered to Nevada by Congress. On February 24, 1863, President Lincoln approved the formation of Arizona Territory from the western portion of the Territory of New Mexico. The northwestern part of this new Arizona Territory eventually was to become part of Nevada, including the locale of Las Vegas (see Map 16).



MAP 16

1863—Territory of Arizona organized from western portion of New Mexico Territory. By 1864, New Mexico counties replaced with Arizona’s Mohave County.

Later the same year, September 1863, in Nevada the voters overwhelmingly (better than four to one) approved of statehood for Nevada Territory, and the following delegates were selected to convene at Carson City in November:

- Kinhead, John H. (later Governor of Nevada)Ormsby County
- Gibson, George L.Ormsby County
- Wasson, Warren (long an Indian Agent)Ormsby County
- Johnson, J. Neely (later Justice of Supreme Court).....Ormsby County
- Dorsey, Edward B.Ormsby County
- Noteware, Chauncey N. (later Secretary of State)Douglas County
- Haines, James W. (V-flume inventor and later State Senator).....Douglas County
- Small, James W. (later State Assemblyman and State Senator)Douglas County
- Stark, James.....Esmeralda County
- Bechtel, Frederick K.Esmeralda County
- Youngs, Samuel.....Esmeralda County
- Stearns, L. O.Esmeralda County

Connor, Henry	Esmeralda County
Epler, William	Humboldt County
Nightingill, Alanson W. (later State Controller)	Humboldt County
Harrison, W. R.	Humboldt County
Ralston, James H. (Valley, site of death).....	Lander County
Larrowe, Marcus D. (later State Senator).....	Lander County
Kennedy, Frank H.	Lyon County
Hickok, William B.	Lyon County
Hudson, George A. (later State Assemblyman)	Lyon County
Virdin, William H.	Lyon County
McClure, James B.	Lyon County
Stewart, William M. (later U.S. Senator).....	Storey County
Chapin, Samuel A.	Storey County
Mitchell, Miles N. (later State Assemblyman).....	Storey County
Plunkett, Joseph R.	Storey County
Brosnan, Cornelius M. (later justice of Supreme Court)	Storey County
Collins, John A. (mine superintendent).....	Storey County
Ball, Nathaniel A. H.	Storey County
Alban, Win. G.	Storey County
Corey, James C. (Aurora discoverer).....	Storey County
Hite, Levi	Storey County
North, John W. (Justice of Territorial Supreme Court).....	Washoe County
Ing, Edward C.	Washoe County
Potter, Charles S.	Washoe County
Shamp, Thomas B. (later State Senator)	Washoe County
Ent, Frederick A.	Washoe County

First Constitutional Convention

The first Constitutional Convention was called to order by Territorial Secretary Clemens November 2, 1863, at Carson City. Its session of 32 days was presided over by John W. North, with William M. Gillespie acting as secretary. A report of its proceedings was not published until 1972 by the Legislative Counsel Bureau. There was a spirited contest over the naming of the state. The act creating the convention referred in the title, and again in the body of the act, to the “State of Washoe.” But the delegates apparently did not consider the state already branded, so Esmeralda, Humboldt and Nevada were offered with Washoe as prospective titles for the coming commonwealth. Each name received votes and a eulogy, but the name “Nevada” was approved. A list of state officers was nominated for the ensuing election of January 19, 1864, as follows:

Representative in Congress.....	John B. Winters of Lyon County
Governor	Miles N. Mitchell of Storey County
Lieutenant Governor	M. S. Thompson of Humboldt County
Attorney General.....	Henry G. Worthington of Lander County
Justices of Supreme Court (3).....	J. B. Harmon of Storey County
	M.D. Larrowe of Lander County
	Richard S. Mesick of Esmeralda County
Clerk Supreme Court.....	Alfred Helm of Ormsby County

Secretary of State.....	Orion Clemens of Ormsby County
State Treasurer.....	William B. Hickok of Lyon County
State Controller	Edwin A. Sherman of Esmeralda County
Superintendent of Public Instruction.....	A. F. White of Ormsby County
State Printer	George W. Bloor of Storey County

Of the 39 delegates to the Constitutional Convention, all but five had come from California, all but five were under 50 years of age, and all but two had been in the territory less than five years. Thus, it was only natural that the *Constitution* was based largely on the *Constitution of the State of California*, which in turn was similar to the *New York State Constitution*. The most important member of the convention was William Stewart, a Virginia City lawyer identified closely with leading Comstock mining corporations. Stewart fought a losing battle during the debates against the taxation article that provided for the taxation of the shafts, drifts and bedrock tunnels of mines, regardless of whether they were productive or not. He wanted taxation only of the net proceeds of productive mines. Ironically, Stewart supported the proposed *Constitution* on the presumption that the First State Legislature would amend the new *Constitution* to provide taxation only of the net proceeds of productive mines.

The *Constitution* was opposed by a large group of disappointed candidates who had been defeated at the Union Party nominating convention. Since the Union Party was the only important political organization in the territory, these losing candidates hoped to have another chance by defeating the *Constitution* and thus voiding the election of officials to serve under the provisions of the document. The Union Party split, and the mining tax provision, together with public mistrust of the ambitious Stewart's motives in supporting statehood, appear to be the main reasons why the voters turned down the proposed *Constitution* by better than a 4 to 1 majority.

The 13th annual session of the Utah Territorial Legislature (1863-1864) did not enact any important measures affecting areas of Utah eventually to be attached to Nevada.

Third Territorial Legislature

Several actions were taken at the Third Legislative Session of the Territory of Nevada that are of interest concerning further development of county government, incorporation of municipalities and memorials to the Congress.

This last session of the Territory of Nevada, which met January 12, 1864, and adjourned at the end of the 40 days allowed by the Organic Act, February 20, 1864, extended local governing authority to several other communities. The session passed acts incorporating the city of Austin in Lander County (Chapter LXXIII); the city of Aurora in Esmeralda County (Chapter LXXIV), previously granted a charter as the town of Aurora by

the Board of Supervisors of Mono County, State of California, when the location was in dispute between California and Nevada; and the city of Star in Humboldt County (Chapter LXXV). The city of Virginia was reincorporated at this session, having been incorporated as Virginia by Nevada Territory in 1862, and formerly incorporated as Virginia City by Utah Territory in 1861. With the 1862 incorporation of Gold Hill, the three sessions of the Territory of Nevada established five incorporated cities and towns: Aurora, Austin, Gold Hill, Star, and Virginia.

An additional county was formed by the Third Session when Nye County was created out of the eastern part of Esmeralda County, reducing that county to less than half its former size (Chapter CII). Nye County was attached to Lander County for district judicial purposes. The county seat was to be located at a point selected by the voters. However, until such selection the Governor was authorized to name the county seat. The same session provided for the organization of Churchill County, one of the original nine created in 1861 and formerly attached to Lyon County for judicial, county and revenue purposes (Chapter LXII). Also, the boundary lines for Lander County (Chapter CVIII) and Lyon County (Chapter CIX) were changed at the session.

One of the original nine counties, Roop County (formerly Lake County), was attached to Washoe County for certain purposes at this last Territorial Session. Roop County was not abolished until 1883, when its area, along with the original area of Washoe County, formed one county from that date on. This 1864 attachment led to the final absorption in 1883 that gave Washoe County its unique elongated area reaching north to Oregon.

The third and last session of the Territorial Legislature made no mention of statehood, which may indicate that it had some premonition as to what was going to happen. Statehood was coming to a head. A writer on the subject said, somewhat bitterly, that "agitation continues, particularly by aspiring politicians." The determining causes were not personal, however, nor in the interests of aspiring politicians, but were reasons of state. Moderate Republican forces in Congress, recognizing presidential need for support in the 1864 election (a three-way race pitting Lincoln against General John C. Frémont, candidate for the radical Republicans, and General George McClellan, a Democrat), soon passed an enabling act that paved the way for statehood.

Second Constitutional Convention

The First State Constitutional Convention had been authorized only by the Territorial Legislature of 1862 and did not have the sanction of Congress. A statehood bill for Nevada had been introduced in Congress in 1863 and had been passed by the Senate on March 3 by a vote of 24-16 after debate, which had centered around the population of the territory. However, the

37th Congress expired at midnight the same day, and the statehood bill was lost in the House of Representatives when a motion to suspend the rules and take up the bills to admit Colorado and Nevada into the Union failed to obtain the necessary two-thirds majority.

In February 1864, Senator James Rood Doolittle of Wisconsin introduced another Nevada statehood bill. However, Nevada was not the only territory being considered for statehood in 1864. Enabling acts were also passed for Nebraska and Colorado Territories. Nevada's statehood bill was part of a national plan to secure more Republican votes for President Lincoln's reelection and for Congress to have a model constitution for the reconstruction of the southern states. The bill was passed by both houses and signed by President Lincoln on March 21, 1864.

The usual procedure for the acceptance of a new state into the union is for Congress to pass an enabling act that specifies the steps which the prospective state must follow before final admission. In the case of Nevada, the following steps were among the instructions contained in the Enabling Act: (1) the new *State Constitution* must be republican in nature and not repugnant to the *U.S. Constitution* or the *Declaration of Independence*; (2) there shall be no slavery or involuntary servitude, other than for punishment of crimes, without the consent of the U.S. and the people of Nevada; (3) the Constitutional Convention must disclaim all rights to unappropriated public lands in Nevada; (4) land owned by U.S. citizens outside Nevada must not be discriminated against in taxation; and (5) there must be no taxation of federal property by the State.

Until the next general census could be taken, the State of Nevada was to have one member in the National House of Representatives. Thereafter, at least one representative was guaranteed to Nevada by the *Constitution of the United States*. As fast as they were segregated by survey, sections numbers 16 and 36 in every township were granted to Nevada for the support of common schools. Lands were also granted to the state as sites for public buildings, including a state prison. Five percent of the net proceeds of the sales of all public lands in Nevada, subsequent to its admission into the Union, was to be given to the state for internal improvements. Nevada was to constitute one judicial district, to be called the District of Nevada.

Since the presidential elections were to be held in the fall of 1864, the Enabling Act stipulated that the President could examine the *Nevada State Constitution* after its ratification by the people of Nevada and decide whether or not the state had complied with the instructions of Congress. If everything was in order, the President could then declare Nevada a state without any further action on the part of Congress.

Governor Nye issued a proclamation that called for an election to be held in June 1864 for delegates to another State Constitutional Convention. The convention of 1864 was composed of a remarkably able group. A study of the proceedings as reported discloses wisdom, foresight and a power of expression that would be a credit to any parliamentary body. A chart prepared by Andrew J. Marsh, the official reporter of the convention, shows that 35 of the total membership of 39 were in attendance. They ranged in age from 26 to 64 years. Twenty were married men and one was a widower. One was a native of England, one of Canada, one of Ireland, and the rest were American born. Eleven were born in the state of New York. There were 11 lawyers (3 later became members of the Nevada Supreme Court), 1 doctor, 2 editors, 7 miners, 2 farmers and 12 of various other occupations. Thirty-three had come to Nevada from California. Politically, all were registered as Unionists, except one lonely Democrat—Francis Proctor of Nye County. In the election of 1860, 14 had favored Lincoln, 13 were for Douglas, 6 for Bell and 2 for Breckenridge. They well and truly represented the people of Nevada and the 10 organized counties of the Territory—Churchill, Douglas, Esmeralda, Humboldt, Lander, Lyon, Nye, Ormsby, Storey and Washoe.

The President of the 1864 Convention, J. Neely Johnson, previously had served as Governor of the state of California between 1856 and 1858.

Nevada Constitutional Convention of 1864

<i>Name</i>	<i>County</i>	<i>Profession</i>	<i>Age</i>	<i>State in Life</i>	<i>Place of Nativity</i>
Ball, Nathaniel A. H.	Storey	Banker	37	Single	NH
Banks, James A.	Humboldt	Mining supt	36	Single	PA
Belden, W. W.	Washoe	Lumber dealer	30	Married	VT
Brady, H. B.	Washoe	Mechanic	28	Single	CT
Brosnan, Cornelius M.	Storey	Lawyer	49	Married	Ireland
Chapin, Samuel A.	Storey	Miner	52	Married	MA
Collins, John A.	Storey	Miner	50	Married	VT
Crawford, Israel	Ormsby	Editor	42	Married	NY
Crosman, J. S.	Lyon	Miner	44	Married	NY
De Long, Charles E.	Storey	Lawyer	32	Married	NY
Dunne, E. F.	Humboldt	Lawyer	28	Single	NY
Earl, Josiah	Storey	Lumber dealer	42	Married	OH
Fitch, Thomas	Storey	Lawyer	29	Married	NY
Frizell, Lloyd	Storey	Attorney	40	Single	OH
Folsom, Gilman N.	Washoe	Lumberman	35	Married	ME
Gibson, George L.	Ormsby	Merchant	40	Married	ME

<i>Name</i>	<i>County</i>	<i>Profession</i>	<i>Age</i>	<i>State in Life</i>	<i>Place of Nativity</i>
Haines, J. W.	Douglas	Farmer	39	Married	Canada
Hawley, Albert T.	Douglas	Lawyer	33	Single	KY
Hovey, Almon	Storey	Merchant	45	Married	NY
Hudson, George A.	Lyon	Mill owner	54	Single	MA
Johnson, J. Neely	Ormsby	Lawyer	38	Married	IN
Jones, William H.*	Humboldt				
Kennedy, Francis H.	Lyon	Lawyer	25	Single	PA
Kinkead, J. H.	Ormsby	Merchant	37	Married	PA
Lockwood, A. J.	Ormsby	Mechanic	30	Single	NY
Mason, B. S.	Esmeralda	Physician	47	Widower	NY
McClinton, J. G.	Esmeralda	Editor	26	Single	IL
Morse, E. A.*	Lander				
Murdock, Nelson E.	Churchill	Millwright	64	Single	NY
Nourse, George A.	Washoe	Lawyer	39	Married	ME
Parker, H. G.	Lyon	Mining supt	35	Married	VT
Proctor, Francis M.	Nye	Lawyer	36	Married	KY
Sturtevant, James H.	Washoe	Farmer	36	Married	NY
Tagliabue, Francis	Nye	Surveyor	31	Single	England
Tozer, Charles W.	Storey	Mining, milling	32	Single	NY
Warwick, J. H.	Lander	Lawyer	38	Married	CT
Wellington, D.*	Esmeralda				
Wetherell, William	Esmeralda	Mining	44	Single	PA
William, R. H.*	Lander				
Johnson, J. Neely	Ormsby	President	38	Married	IN
Gillespie, William M.	Storey	Secretary	26	Single	NY
Whitford, Andrew	Storey	Asst. Secretary	32	Single	RI
Marsh, Andrew J.	California	Official Reporter	38	Married	NY
Carson, T. M.	Ormsby	Sgt.-at-Arms	38	Single	MA
Skeene, William E.	Ormsby	Doorkeeper	36	Married	IN
Richards, George	Ormsby	Page	12	Single	CA

*Did not attend.

(Information extracted from a chart prepared by Andrew J. Marsh)

The delegates met at Carson City on July 4 to draw up a constitution, which was very similar to the one which had been turned down by the people six months before. The name Nevada was firmly and permanently decided upon after a warm debate. The wording “all property including mines and mining property,” as in the *Constitution* of 1863, was changed to remove the objections

of mine owners so as to read “all property excepting mines and mining claims, the proceeds of which alone shall be taxed.” There was a discussion lasting several days concerning this question, but it was inconclusive, and the wording remains to this day.

There was some objection to statehood itself. The few against it contended that the cost of state government would be too great to be borne by the limited population. This was the view of those who doubted the permanence of the mines and feared that eventually the bulk of the cost would fall upon the shoulders of agriculture. This gloomy opinion dissolved in a growing faith in mining developments and the expectation of benefit from the overland railway then being built. Loyalty to the Union was a force in favor of statehood, it being generally known that the new state was desired by and would be of strategic value to the national government at Washington. At the end of the 21-day session, July 27, 1864, the *Constitution* was adopted by a vote of 19 to 2.

The Constitutional Convention passed the following resolutions in order to comply with the congressional instructions contained in the Enabling Act. The original ordinance was amended in 1956 by adding the last phrase, “unless otherwise provided by the Congress of the United States!” This change was effected so that Nevada may take advantage of any future congressional action allowing state taxation of certain types of federal property. Since the federal government owns about 86.5 percent of the land in Nevada, the state is limited in its taxable resources.

Nevada’s preamble is very similar to the preamble to the *Constitution of the United States*, although the latter does not contain a reference to deity. The preamble is usually a short statement in general terms of the reasons for establishing a constitution.

William Stewart worked as hard for the second *Constitution* as he had for the first, striving to convince Nevadans that statehood was in their own best economic interest. State officials were not to be elected at the same time with the vote on the *Constitution*, so there would be no disappointed officeseekers to oppose the document on purely personal grounds. Finally, the voters were encouraged by a large group of citizens to vote for the *Constitution* and statehood so that the allegedly corrupt judiciary of the Territory could be replaced.

An amendment to the Enabling Act directed that the *Constitution* should be submitted to the people for ratification on the first Wednesday of September. The provisions originally stipulated the second Tuesday of October. This was done and it was accepted with enthusiasm, the vote being 10,371 for and 1,284 against. Storey County, including Virginia City and Gold Hill, cast nearly one-half the total vote and gave 5,448 for and 142 against. Out of the three territories granted enabling acts in 1864, Nevada, Nebraska and Colorado, Nevada was the only one that became a state that year.

Admission of Nevada as a State

The Enabling Act directed that the *Constitution*, when ratified, should be submitted directly to the President. No approval or other action was required of Congress. No authority of rejection appears in the act, though it may be assumed that such power existed. Governor Nye sent two certified copies of the *Constitution* to President Lincoln—one by overland mail and one by sea. On October 24, Secretary of State William Seward notified Nye that the *Constitution* had not arrived. Nye ordered the *Constitution* wired to Washington, D.C. The 16,543-word document was sent by telegrapher to stations in Chicago, then to Philadelphia and on to the U.S. Military Telegraph of the War Department in Washington two days later. The cost was \$4,303.27. It was the longest telegram sent up to that time. It was costly, but the hard-earned prize well deserved the exulting gesture. A weary President gave it his approval, and, on October 31, 1864, he issued the following proclamation, declaring Nevada admitted as the 36th member of the United States of America.

By the President of the United States of America: A Proclamation

WHEREAS, The Congress of the United States passed an Act, which was approved on the 21st day of March last, entitled "An Act to enable the people of Nevada to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States:"

And whereas, the said Constitution and State Government have been formed, pursuant to the conditions prescribed by the fifth section of the Act of Congress aforesaid, and the certificate required by the said Act, and also a copy of the Constitution and ordinances, have been submitted to the President of the United States;

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States, in accordance with the duty imposed on me by the Act of Congress aforesaid, do hereby declare and proclaim that the said State of Nevada is admitted into the Union on an equal footing with the original States. In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this thirty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States the eighty-ninth.

(L. S.)

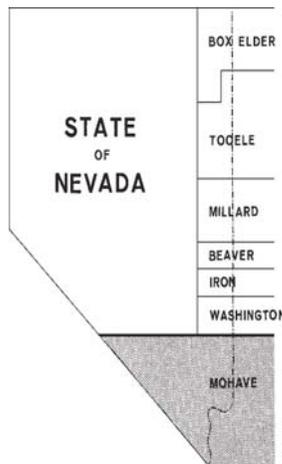
ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, Secretary of State.

Frequent references are made to the effect that area was added to Nevada when it became a state. No additions of territory were made in 1864 (Maps 16 and 17), and the common error possibly stems from the fact that the Enabling Act of Congress of March 21, 1864, redefined the area to be included (*U.S. Statutes at Large*, Vol. 13, page 30, Chapter XXXIV). A comparison of this 1864 description with that of the smaller and original Territory as created in 1861, without consideration of the the intervening 1862 addition to the Territory, naturally would lead to the false assumption that some addition was being made in 1864. The 1862 addition did not redefine the limits of the Territory of Nevada, it only described the area to be added. When the 1862 addition is correctly appraised along with the 1861 creation, it is easily ascertained that the Territory of Nevada and the new State of Nevada were exactly coextensive at the time the form of government was changed in 1864.

Governor Nye and the territorial administration carried on for the first five weeks of statehood, since state elected officers did not enter upon the duties of their respective offices until the first Monday of December 1864.



MAP 17

1864—State of Nevada created from Nevada Territory. No addition made to Nevada at this time.

In the election held on November 8, 1864, the Republican and Democratic parties of the state entered full slates of candidates. As expected, President Lincoln won the electoral votes of Nevada—Frémont dropped out of the race in September—and the Republicans came close to a clean sweep of the contested offices. The Democrats won only two legislative seats—Frank Proctor of Nye County was elected to the Senate, Henry G. Blasdel was elected the first Governor of the State of Nevada, and Henry G. Worthington was chosen to be the first Member of the House of Representatives from the new state.

The First Nevada Legislature met on December 12, 1864. In joint session the members balloted for two U.S. Senators. William Stewart was elected on the first ballot with 33 out of 52 votes. However, no other candidate received a majority after a number of ballots and the Legislature adjourned. The next day the Legislature selected James W. Nye, the Territorial Governor, as the second U.S. Senator.

Thus, Nevada, with a population less than required for statehood by the Northwest Ordinance, entered the Union as the 36th state. The designation “Battle Born State” is appropriate inasmuch as Nevada’s entry was a result of the Civil War and the accompanying problems.

Additions of Territory to Nevada After Statehood

Arizona Territory counties were established in 1864 following the separation of Arizona from the Territory of New Mexico in 1863. In place of the elongated portions of three New Mexico counties extending over southern Nevada, Arizona created Mohave County, a large part of which covered all of that portion of Arizona Territory attached to Nevada in 1867 (see Maps 15 and 16).

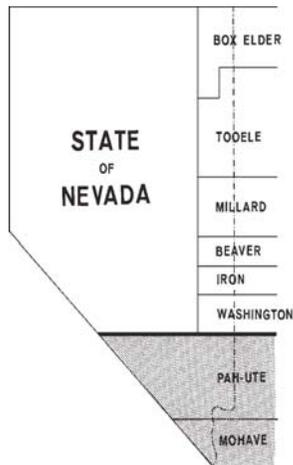
The 14th Utah Territorial Session (1864-1865) and the 15th Session (1865-1866) did not pass any significant acts affecting the area to be added to the State of Nevada in 1866. An act to establish a county of Rio Virgin in 1869 out of the western portion of Washington County, Utah Territory, was repealed in 1872 when apparently it was realized that a definition of the boundaries of the county placed most of its area in the State of Nevada.

The Second Session of the Territory of Arizona, meeting at Prescott in December of 1865, established Pah-Ute County in the area later attached to Nevada (see Map 17). The county seat, Callville, was located on what is now the Nevada side of the Colorado River at what was then the head of navigation. Shortly after the establishment of Pah-Ute County, Congress provided that Nevada could, through consent of its Legislature, acquire most of the county. This led to Arizona appeals to Congress that such authorization be withdrawn.

A resolution passed at the Third Legislative Assembly of the Territory of Arizona (1866) mentioned the Pah-Ute county seat and river port of Callville, associated with steamship navigation from the open seas into what is now Nevada above Hoover Dam.

In 1866, Congress took action again to enlarge Nevada, this authorization following the first attachment of additional area to Nevada in 1862, when still a territory. The congressional act and the events that followed have created much confusion among historians and caused mapmakers and legislatures considerable concern. This is probably due to the separate nature of the last

two additions and confusion between these 1866 and 1867 additions and the former one made in 1862, along with conflicting references to the times at which these last additions became effective.



MAP 18

1865—Pah-Ute County, Arizona Territory, created from northern Mohave County.

This new eastern line is the same as the present eastern boundary of the State of Nevada. The area was taken from the western portions of Box Elder, Tooele, Millard, Beaver, Iron and Washington counties of the Territory of Utah (see Maps 18 and 19). The 1866 addition incorporated within the State of Nevada another area of 18,325 square miles where now are located Wells, Ely, Pioche and Caliente, Nevada. The 1866 line established by this addition gave a third definition for an eastern boundary for Nevada (1861, 1862 and 1866).

The present eastern boundary line for the State of Nevada does not fall on the 114° of longitude west of Greenwich because of the differential between Washington and Greenwich longitudes, at this latitude amounting to approximately two miles, and evidently not recognized at the time Congress employed Washington longitude for defining boundary lines. Thus we inherit the peculiar situation whereby Congress defined six full degrees of longitudinal width for Nevada, but we do not have such area secured to us, being squeezed by California on the west or Utah on the east.

The second section of the congressional act required specific action on the part of Nevada before the northwestern portion of Arizona Territory could be embraced within the State, there being no provision in the *Constitution* for acceptance. Although many histories and maps show the wedge-shaped section, now southern Nevada, as having been attached to the State in 1866, obviously such is not the case.

When the Third Session of the Nevada Legislature convened in 1867, Governor Blasdel included in his biennial message to the body the following recommendations relative to the congressional authorization for more territory:

Biennial Message

STATE OF NEVADA, EXECUTIVE DEPARTMENT
CARSON CITY, January 10th, 1867.

Gentlemen of the Senate and Assembly: . . .

EASTERN AND SOUTHERN BOUNDARIES

By Act of Congress, approved May 5, 1866, there was added to this State on the east all the territory lying between the 37th and 38th degrees of longitude, west from Washington, extending from the 37th to the 42d degree of north latitude, embracing 18,000 square miles, or 11,530,000 acres. This grant was anticipated and provided for in the formation and adoption of the State Constitution, and, therefore, no further action is required. A further addition "commencing on the 37th degree of north latitude at the 37th degree of longitude, west from Washington, and running thence south on said degree of longitude to the middle of the river Colorado of the West; thence down the middle of said river to the eastern boundary of the State of California; thence northwesterly, along said boundary of California, to the 37th degree of north latitude; and thence east, along said degree of latitude, to the point of beginning," was contingently made to become effectual upon the acceptance of the State, through its Legislature. This grant, connecting us as it does with the navigable waters of the Colorado River, and embracing extensive and valuable agricultural and mineral lands, is of great importance to the State, and should be promptly accepted. Looking alone to the Act of Congress, it would seem that all the action necessary on the part of the State, for a full and final acceptance of this last named cession, would be that of the Legislature in the form of an Act or joint resolution. But the establishment of boundary lines by the Constitution would seem to leave the Legislature without present authority to bind the State in the premises. In order that no misapprehension may arise from a failure to comply with the Act, I suggest the propriety of immediate legislative acceptance as therein contemplated. And in order to legally and fully extend the jurisdiction of the State over the ceded territory, I suggest the propriety of proposing and submitting to the people, for their ratification, an amendment to the Constitution conforming our southern boundary to the lines designated in the grant. . . .

H. G. BLASDEL (From Senate Journal and Appendix, Third Session, 1867)

**MAP 19**

1866—State of Nevada extended eastward one degree of longitude. Area taken from western portions of Box Elder, Tooele, Millard, Beaver, Iron and Washington Counties, Utah Territory.

A few days later the Legislature passed a resolution accepting this additional territory, ceded to the State of Nevada.

Later in 1867, the Fourth Legislative Assembly of the Territory of Arizona reacted to the acceptance by Nevada of part of Arizona Territory as apparently not granting de facto control to Nevada, Pah-Ute County was not abolished though most of its area was absorbed by Nevada. Arizona did not recognize the Nevada acceptance resolution as incorporating most of that county. The Arizona Legislative Assembly passed the following act moving the Pah-Ute county seat from Callville on the Colorado River north to St. Thomas, a location within the area Nevada had accepted by resolution.

Evidently Arizona's pleas to Congress fell on deaf ears. The authorization granted Nevada to absorb the northwestern part of Arizona Territory was never repealed. Apparently in recognition of Congress having failed to reverse itself on the issue, and in view of the fact that most of Pah-Ute County was lost, along with a small portion of Mohave County, to the State of Nevada, the Sixth Legislative Assembly of the Territory of Arizona, meeting in Tucson in 1871, repealed the act creating Pah-Ute County (see Maps 19 and 20).

This last addition of territory to Nevada, 12,225 square miles, was made in 1867. This area, which now contains over half of Nevada's population, includes all of Clark County, with Nevada's first and second largest cities, Las Vegas and Henderson, as well as North Las Vegas, Boulder City, Mesquite, part of Hoover Dam, a strip of southern Lincoln County, Nye County from Beatty south, and the southernmost tip of Esmeralda County.

The 1979 Session of the Nevada Legislature approved Assembly Joint Resolution No. 24 to conform the constitutional boundary of the State to its actual boundary. This measure subsequently was approved by the 1981 Legislature and was ratified by the people at the 1982 general election.

From the foregoing history of Nevada, it can be seen that the Territory of Nevada existed between 1861-1864, covering two different territorial extents. The State of Nevada, as it existed between 1864-1867, covered three different territorial extents. The five different possible sets of boundary extensions and terminology, a territory of two shapes and a state with three undoubtedly have in large measure contributed to the confusion existent today in regard to the origin and development of Nevada (see Map 21). Not only were there numerous changes after Nevada was first organized, but the foundation of Carson County, which represented the nucleus of Nevada, underwent vast modifications between 1854 and 1861 by means of various enlargements, attachments, modifications and reestablishments. The entire period from 1854 (Carson County created) to 1867 (last addition to the State of Nevada) presents a complex problem in the geopolitical history of Nevada.

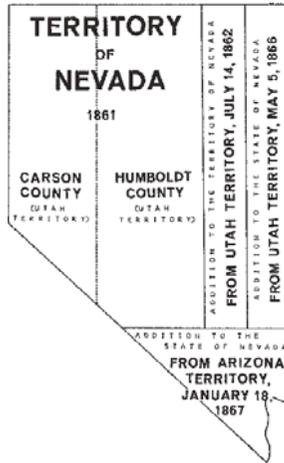
Seat of Government

The original territorial capital of Utah was Fillmore City in Millard County. During the time Carson County was attached to Millard County, prior to its organization in 1855, Fillmore City also served as the county seat of Carson County. This location was about 150 miles south of Great Salt Lake City and about 500 miles east of the populated part of Carson County. So far as Carson County was concerned, the situation was not improved any when, in 1856, the capital was moved to Great Salt Lake City, Utah Territory, although Genoa had been designated county seat the year before.



MAP 20

1867—State of Nevada extended south to Colorado River. Area taken from Pah-Ute and Mohave Counties, Arizona Territory. State attains final limits.



MAP 21

1861-67—Territory of Nevada formed in 1861 from Carson and Humboldt Counties of Utah Territory. In 1862, Nevada Territory enlarged by extension eastward one degree into Utah Territory. Enlarged territory and state as created in 1864, coextensive in size. Additional extension eastward one degree into Utah Territory in 1866 by State of Nevada. Extension south into Arizona Territory to the Colorado River by State of Nevada in 1867. Nevada Territory existed in two different sizes, the State of Nevada in three different sizes.

The Utah Territorial Assembly designated Carson City the county seat of Carson County in place of Genoa, effective on what proved to be one day prior to the formation of the Territory of Nevada. The Nevada Territorial government selected the same location for the capital of the Territory of Nevada in 1861, and Carson City was designated the capital for the State of Nevada in 1864 by the *State Constitution*, although no Capitol building could be constructed for three sessions of the Legislature perchance the legislators decided to move the State capitol. The Capitol was completed in 1871. Carson City has thus served as Nevada's capital continuously since 1861. Nevada is among a small number of states that has had only one capital during its territorial period and statehood.

The Physical Area of Our State

Naturally, the estimates of the area of Nevada changed with each addition of land from 1862 to 1867. The table below shows the area of the original Territory of Nevada in 1861 and the area of the State after each addition was made. The estimate made after the last addition of territory in 1867 stood until 1910, after which there have existed other estimates, as explained in the following table.

<i>Estimated total area (square miles)</i>		<i>Year</i>
Territory of Nevada, original size	63,214	1861-1862
Enlarged Territory, 18,325 square miles added from Utah Territory, original State	81,539	1862-1866
First enlargement of Nevada as a State, 18,325 square miles from Utah Territory	99,864	1866-1867
Second enlargement of Nevada as a State, 12,225 square miles from Arizona Territory	112,089	1867-1910

In 1910, the estimated area of Nevada was reduced to 109,512 square miles and revised shortly thereafter with an increase to 110,690 square miles. The present figures for the State of Nevada are 110,540 square miles of total area with 109,894 square miles of land area. The figure for land area does not include the areas of large water bodies found partly or entirely within the boundaries of the State, such as lakes Tahoe, Mead, Pyramid and Walker. The land area is a fluctuating figure and subject to change from year to year in response to the ephemeral status of Nevada’s water bodies, due to variations in runoff and evaporation rates.

Area and Population

<i>County</i>	<i>1976 land area (square miles)</i>	<i>1990 Census population</i>	<i>2000 Census population</i>	<i>2010 Census population</i>
Carson City	153	40,443	52,457	55,274
Churchill	4,913	17,938	23,982	24,877
Clark	8,084	741,459	1,375,765	1,951,269
Douglas	751	27,637	41,259	46,997
Elko	17,181	33,530	45,291	48,818
Esmeralda	3,570	1,344	971	783
Eureka	4,182	1,547	1,651	1,987
Humboldt	9,704	12,844	16,106	16,528
Lander	5,621	6,266	5,794	5,775
Lincoln	10,650	3,775	4,165	5,345
Lyon	2,024	20,001	34,501	51,980
Mineral	3,837	6,475	5,071	4,772
Nye	18,064	17,781	32,485	43,946
Pershing	6,031	4,336	6,693	6,753
Storey	262	2,526	3,399	4,010
Washoe	6,608	254,667	339,486	421,407
White Pine	8,905	9,264	9,181	10,030
Total	110,540	1,201,833	1,998,257	2,700,551

Boundary Lines

Nevada's western boundary line was not easily established with statehood. The establishment of Lake (later, Roop) County in northwestern Nevada aroused a boundary dispute with California. This skirmish has been called the Roop County War, the War of Injunctions and the Sagebrush War. The conflict resulted from an unusual boundary provision in Nevada's Organic Act, which virtually invited controversy with California, and the fact that geography joined Honey Lake residents with Carson Valley.

Instead of simply stating that the new territory's western boundary would be the eastern boundary of California, the Nevada Organic Act specified that the boundary between California and the proposed territory would be the "dividing ridge separating the waters of Carson Valley from those that flow into the Pacific," or the crest of the Sierra Nevada. In addition, the Act provided that "the Territory within the present limits of the State of California shall not be included within this Territory until the State of California shall assent to the same by an act irrevocable without the consent of the United States." Understandably, California never agreed to the dividing ridge as a boundary, although Territorial Governor James Nye led a Nevada delegation to persuade the California Legislature to cede the area east of the ridge to its "weaker neighbor." Apparently, there was some support within the California Legislature for the proposal, but it was discouraged by the fact that the mineral discoveries at Aurora in Esmeralda County, Nevada Territory, might lie in California. The Golden State did not wish to lose the possible tax revenues from that area.

In fact, both Esmeralda County of Nevada and Mono County of California claimed Aurora, and each named it as the seat of government for their respective counties. It was the only known double-headed county seat, with one good courthouse and two sets of county officers. In 1862, an election was held in Aurora to select officials for each of the two counties. They had separate polling places, but the same voters.

During that year, many Aurora citizens participated in the politics of both counties and states. Dr. John W. Pugh was elected to the Nevada Territorial Legislature and became the President of the Council (similar to the current State Senate). Thomas N. Machin was Mono County's choice for the California Assembly, of which he became Speaker. Both elected officials were residents of Aurora.

Although Aurora seemed to exist peacefully in both states, the Honey Lake area overlapped by Roop County, Nevada, and Plumas County, California, did not. The boundary dispute accelerated early in 1863 when officials from each of these two counties attempted to exercise jurisdiction over the same area. From injunctions issued and arrests made by each side upon the other, the conflict

erupted into physical violence between the supporters of the Roop County officials and the Plumas County Sheriff, who brought a posse with him to enforce the decrees of the Plumas County courts. A couple of people were wounded in the ensuing scuffle, but none were killed. An armistice was agreed upon and a procedure established whereby each side sought the aid of its respective governor to settle the claims.

The result was the appointment of a joint boundary survey, with Surveyor-General Houghton acting for California and Butler Ives, the Territory of Nevada. The final report, accepted by California on April 4, 1864, and by Nevada on February 7, 1865, proved that the Honey Lake area was in California. As a result, the political ties that had connected those residents with Carson Valley since the 1850s were broken, although their economic ties continued. The report just as definitely concluded that Aurora was in Nevada, thus eliminating the dual county seats. Mono County moved its county seat to Bridgeport, California.

Population of Nevada (1860-2010)

<i>Federal Census Date</i>	<i>Population</i>	<i>Increase or Decrease Over Preceding Census (Percent)</i>
1860*	6,857	-----
1870	42,491	519.7
1880	62,266	46.5
1890	47,355	-23.9
1900	42,335	-10.6
1910	81,875	93.4
1920	77,407	-5.5
1930	91,058	17.6
1940	110,247	21.1
1950	160,083	45.2
1960	285,278	78.0
1970	488,738	71.3
1980	800,508	63.8
1990	1,201,833	50.1
2000	1,998,257	66.3
2010	2,700,551	35.1

*1860 figure is the population for the area taken to form Nevada Territory in 1861.

These figures provide important information about the number of people in early Nevada. However, the census figures for 1860 do not include those Indians who were not living among the general population of the territory. The Annual Reports of the Commissioners of Indian Affairs made in 1859 give an estimate of 6,900 Washoe and Paiute Indians as residents of the general area of western Utah Territory. In 1861, an estimate of Indian population residing in the Territory of Nevada was made by Mr. Warren Wasson, Acting Indian Agent, Carson Valley Agency. This estimate arrived at a figure of 7,550 Washoe and Paiute Indians for the territory. It was indicated that recognition was not made of the Shoshone population in either estimate, a large portion of which was known to be in the territory. Another estimate was made in 1861, which did consider the Shoshone population and was given as "not far from 10,000" for the total Indian population for the Territory of Nevada. This estimate was on the conservative side, since the 1870 report showed for Shoshone alone a population of 5,325.

A census taken in 1861 by Henry DeGroot enumerated the inhabitants of Nevada by 12 districts. This census was taken in order to establish a basis for a determination of representation to the Territorial Legislature. Since counties had not been formed for the territory, 12 arbitrary districts were set up as "census tracts." From these districts and based on the inhabitants enumerated, 9 districts were formed from which representatives were sent to the Legislature. The census, however, was to exclude the Indian population. The final total population figure for the Territory of Nevada by DeGroot was 16,734, which most authorities consider to be on the high side. This theory is substantiated when the federal census figure for 1860 (6,857) and the estimated Indian population (10,000) are considered as a total population of 16,857 for Indians and whites. Therefore, it is difficult to determine if the DeGroot census was accurate and excluded Indians. It is true that DeGroot took his census a year later than the federal census, and the settlement of the territory was in a progressive stage. However, it is still difficult to correlate his findings with the federal estimate for the year 1861, which was only 10,717 on July 1 of that year.

Consideration must be made of federal census figures for any period from 1860 through 1880, since the enumeration of Indians for these census years was confined to those found living among the general population. Those of reservations were excluded from federal census totals and were reported separately by the Office of Indian Affairs. The following reports on Indian population should therefore be added to the three census years of 1860, 1870, and 1880 in order to arrive at true population data for Nevada.

<i>Year</i>	<i>Indian Population</i>
1959	6,900—not including Shoshone
1861	7,550—not including Shoshone
1861	10,000—conservative, including Shoshone
1870	16,150—accurately enumerating Shoshone
1880	6,800—accurately enumerating Shoshone

The following estimates as of July 1 for each year are provided by the Bureau of the Census for Nevada’s early years. Indians not living among the general population are not included.

<i>Year*</i>	<i>Population</i>
1860	7,154
1861	10,717
1862	14,280
1863	17,843
1864	21,406
1865	24,969
1866	28,532
1867	32,096
1868	35,660
1869	39,224

*Estimated July 1 of each year.

A state census was conducted in 1875 that gave a total population for the State (evidently not including reservation Indians) as 52,540. This closely correlates with the federal estimate on July 1 for that same year, which was 52,541 and did not include Indians not living among the general population.

Adjusted population figures for Nevada, adding to the decennial census totals the Indians living on reservations or otherwise not among the general inhabitants, are as follows for the three decennial census years when such Indians were excluded from population totals.

<i>Year</i>	<i>Adjusted Population</i>
1860	16,857
1870	58,641
1880	69,066

Forming the State's Counties

While legislative acts and the electoral process served as the main agents of change for the formation and transformation of Nevada's counties, the process was also marked by heated debate within the press, and in one case, arson and assault.

The first Nevada Territorial Legislature established nine counties on November 25, 1861, including Churchill, Douglas, Esmeralda, Humboldt, Lyon, Ormsby, Storey and Washoe. Only Humboldt County, which existed as a county within the Utah Territory, was retained and established as a county within both the Nevada Territory and, subsequently, the State of Nevada. The largest territorial county was Esmeralda, which along with Churchill and Humboldt, comprised four-fifths of the Nevada Territory. Also included among the original counties was Lake County, renamed Roop County on December 5, 1862. Roop County was abolished in 1883 because of its very small population. Its territory was made a part of Washoe County.

Two more counties—Lander and Nye—were organized when Nevada was a territory, so that the total number of counties in Nevada when it became a state was 11. Within ten years of Nevada became a state, four more counties were organized: Elko, Eureka, Lincoln and White Pine. Over three decades passed before the organization of any additional counties.

After the turn of the century, the last three counties were created: Clark, Mineral and Pershing. In 1969, Ormsby County and Carson City were consolidated into one municipal government known as Carson City.

In 1987, the Legislature created Bullfrog County, a 144-square mile enclave within southern Nye County. The purpose of Bullfrog County was to enhance the State's ability to receive funds from the federal government pursuant to the "Grants Equal To Taxes" provisions of the Nuclear Waste Policy Act. Following a challenge by Nye County in the Nevada district court, the legislation was judged to be unconstitutional and subsequently was repealed by the Legislature in 1989.

The 17 counties of the State, with years of creation and the original and present county seats, are as follows.

<i>County</i>	<i>Year of Creation</i>	<i>Original County Seat</i>	<i>Present County Seat</i>
Carson City*	1969	Carson City	Carson City
Churchill†	1861	Buckland's	Fallon (1904)
Clark	1909	Las Vegas	Las Vegas

<i>County</i>	<i>Year of Creation</i>	<i>Original County Seat</i>	<i>Present County Seat</i>
Douglas	1861	Genoa	Minden (1916)
Elko	1869	Elko	Elko
Esmeralda [‡]	1861	Aurora	Goldfield (1907)
Eureka	1873	Eureka	Eureka
Humboldt	1861	Unionville	Winnemucca (1873)
Lander [‡]	1862	Jacob's Spring	Battle Mountain (1979)
Lincoln [‡]	1866	Crystal Springs	Pioche 1871)
Lyon	1861	Dayton	Yerington (1911)
Mineral	1911	Hawthorne	Hawthorne
Nye [‡]	1864	Ione City	Tonopah (1905)
Pershing	1919	Lovelock	Lovelock
Storey	1861	Virginia City	Virginia City
Washoe	1861	Washoe City	Reno (1871)
White Pine	1869	Hamilton	Ely (1887)

^{*}Carson City became a county as the result of consolidation with Ormsby County in 1969. Ormsby County was created in 1861, and Carson City always served as its county seat.

[†]Churchill County was not formally organized in 1864, and its intermediate county seats were LaPlata (1864-1868) and Stillwater (1868-1904).

[‡]Lander County also had an intermediate county seat at Austin (1863-1979); as did Lincoln County at Hiko (1867-1871); Esmeralda County at Hawthorne (1883-1907); and Nye County at Belmont (1867-1905).

Nevada's counties were named for a variety of persons or other features. The following table summarizes the naming of Nevada's 17 counties, plus the former counties of Lake, Ormsby and Roop. Other historical information also is included.

<i>County</i>	<i>Named For</i>
Carson City	Named by Frank M. Proctor, one of the founders of Carson City in 1858, directly or indirectly for Christopher "Kit" Carson, the famed explorer and guide who first entered western Nevada in the winter of 1843-1844.
Churchill	Fort Churchill, Nevada, which had been named for General Sylvester Churchill, a Mexican War hero who was Inspector General of the U.S. Army in 1861.
Clark	William A. Clark, former U.S. Senator from Montana, and the builder of the railroad line through the area.

County	Named For
Douglas	Stephen A. Douglas, former U.S. Senator from Illinois. Douglas is best remembered for his debates with Abraham Lincoln. Douglas was re-elected U.S. Senator from Illinois over Lincoln in 1858, but was defeated by Lincoln for the Presidency in 1860.
Elko	Several explanations have been offered, including an Indian word meaning either “white woman” or “beautiful.” Another explanation credits railroad owner Charles Crocker with the naming of a railroad station after elk roaming in the area and adding an “o” to form “Elko.”
Esmeralda	Esmeralda is the Spanish word for emerald. An early Nevada miner, J. M. Corey, named the Esmeralda Mining District. It is believed that Corey may have named the district after the gypsy dancing girl, Esmeralda, from Victor Hugo’s book, <i>The Hunchback of Notre Dame</i> .
Eureka	The ancient Greek term, Eureka, meaning “I have found it.” This term was used earlier in California and other locations.
Humboldt	Baron Friedrich Heinrich Alexander von Humboldt, a German naturalist, traveler and statesman.
Lake	Several lakes in the area, including Honey, Pyramid and Winnemucca.
Lander	Fredrick W. Lander, chief engineer of a federal wagon route through the area. He later served as Special Indian Agent in the area, and died in the Civil War in Virginia in 1862 at the rank of brigadier general. Created in 1862, Lander County sprang forth as the result of a mining boom on the Reese River, taking a considerable portion of Churchill and Humboldt counties with it. Eventually, Lander would be known as the “mother of counties” because so many were carved out of it.
Lincoln	Abraham Lincoln, 16th President of the U.S.
Lyon	General Nathaniel Lyon, who died in the Civil War in Missouri in 1861.
Mineral	The surrounding area, which is heavily mineralized.
Nye	James W. Nye, Governor of Nevada Territory and later U.S. Senator from Nevada.
Ormsby	Major William M. Ormsby, one of the original settlers of Carson City, who was killed in 1860 in the Pyramid Lake Indian War.
Pershing	General John J. Pershing, commander-in-chief of the American Expeditionary Force (1917-1919) in Europe during World War 1.
Roop	Issac N. Roop, the Governor of the provisional territory of Nevada, 1859-1861.
Storey	Captain Edward F. Storey, who was killed in 1860 in the Pyramid Lake Indian War.
Washoe	A small Indian tribe that inhabits the area.
White Pine	Heavy growth of pine trees in the area, thought to be white pine.

County Seats

In his thesis, “Significant County Seat Controversies in the State of Nevada,” author Stanley W. Paher writes of battles in the newspapers, threats on the lives of elected officials and possibly arson. Of Nevada’s 17 counties, all but 4 experienced serious struggles concerning their county seats. Only two seats have remained since the establishment of the Nevada Territory—Carson City and Virginia City, respectively for Carson City and Storey County. In the State, 32 cities or towns have served as county seats since 1861.

Towns desired county seats, according to Paher, because the designation brought increased status for the town through the presence of a courthouse. In addition, it brought commercial and economic advantages through administrative and judicial activities. County seat status boosted a growing town and slowed the decay of a declining community.

As a result, towns used legal and occasionally illegal methods to shift seats. History shows two cases of election irregularities and a burned courthouse. For example, Governor Tasker Oddie approved the bill creating Mineral County on February 10, 1911. When he appointed a county commission, he received an insulting letter from an irate constituent. State Senator Fred Balzar of Mina received letters vowing vengeance for his part in the division of Mineral County from Esmeralda County. His brother was assaulted in Mina. The saloon of his brother-in-law was burned to the ground. A letter sent to Senator Balzar threatened that he and his family would be killed and his home blown up after his return to Mina.

The battles concerning the removal of the White Pine County seat from Hamilton to a more desirable location may have resulted in the burning of the courthouse there in early 1885. Six men, including the sheriff, who were sleeping in the courthouse were awakened by smoke and a roaring noise. County records were not saved because the fire originated in the recorder’s office. An investigation revealed the fire was arson. The editor of the *Eureka Evening Leader* believed that someone burned the building to conceal fraud, since the county had been on the verge of bankruptcy. The State Legislature allocated \$5,000 for building another courthouse. In 1887, White Pine lawmakers successfully pushed through the Legislature an act that moved the county seat from Hamilton to Ely, where the new courthouse was erected.

But, despite these incidents, the war over county seats was largely conducted legally through the Legislature and at the ballot box. Among the determining factors for county seats were a population shift, a desire for a central location, and the building of a railroad.

The completion of the Central Pacific Railroad removed the county seat of Washoe County from Washoe City to Reno. Unionville also lost out to Winnemucca for the Humboldt County seat because of the railroad.

The Lyon County Courthouse in Dayton burned down in 1909, and the Douglas County Courthouse in Genoa was badly damaged by fire in 1910. These disasters, coupled with the population decline in both of these communities and the growth of Yerington and Minden, contributed to the change of these two county seats.

Mining also exerted influence. All the county seats but Carson City and Genoa were milling or mining towns among the original Nevada counties formed at statehood. Mining booms helped create six Nevada counties. The rise of new mining towns caused some older towns to lose their county seat status. This is the primary reason why the county seat of Esmeralda County was moved from Hawthorne to Goldfield and the Nye County seat was moved from Belmont to Tonopah.

Much of the fighting took place in vitriolic newspaper battles that heated up as the press supported contending towns fighting for county seat status. Papers frequently agitated battles and rekindled old controversies.

The lengthiest controversy involved Lander County, which lasted more than 50 years as Austin and Battle Mountain fought a duel over the county seat that finally ended at the ballot box when the seat was moved from Austin to Battle Mountain in 1979.

Changing the county seat is accomplished within Nevada either by an act of the Legislature or by special county elections. As a result, the Legislature changed county seats 13 times while the voters cast their ballots in three special elections held at the county level. The Nevada Legislature enacted legislation on three different occasions to provide for the moving of a county seat by means of a special county election, including:

1867	Three-fifths of voters must petition a board of county commissioners, who in turn must hold a special election within 50 days.
1877	Legislature repealed the 1867 law and passed another law requiring the signatures of three-fifths of the voters, who must also be taxpayers. The board of county commissioners, upon receipt of a valid petition, must hold a special election within 60 days.
1955	Legislature repealed the 1877 law and passed an even stricter law requiring the petition to be signed by electors who are taxpayers, equal in number to at least 60 percent of the legal votes cast within the county at the last preceding general election. A simple majority is then required in the general or special election to move the county seat.

Since statehood, numerous boundary changes have also taken place among Nevada counties.

1865	Nye County northern boundary enlarged and western boundary moved about three miles eastward.
1866	Lincoln County was created out of Nye County.
1867	Lincoln County extended to the Colorado River. A small triangle of land added to southern Nye County.
1869	Western boundary of Churchill County moved to include taxable railroad property in northwest portion of county. Also changed was the western boundary of Lander and Nye Counties. Elko and White Pine Counties were created out of Lander County.
1871	Addition made to northwestern portion of Elko County.
1873	Eureka County created from Lander County while Lander County was enlarged along its western edge with land from Humboldt County.
1875	Final change in western boundary of Nye County. Lincoln and White Pine Counties enlarged with land from Nye County going to Lincoln County.
1877	Southwest portion of Elko County known as Mineral Hill Strip was added to Eureka County, which paid \$1,200 to Elko County for the acquisition. The original boundary change was passed by the State Legislature in 1875, but a technical error caused the bill to be declared unconstitutional, requiring reenactment in 1877.
1881	Boundary of Eureka County extended eastward to summit of Diamond Mountain Ridge.
1883	Area in which Yerington is now located was taken from Esmeralda County and added to Lyon County. Roop County, which had unofficially functioned as part of Washoe County, was officially annexed to Washoe County.
1909	Clark County created out of Lincoln County.
1911	Mineral County created out of Esmeralda County.
1913	A new county boundary between Esmeralda and Nye Counties was established when a portion of Esmeralda County was added to Nye County.
1919	Pershing County created out of Humboldt County.
1924	The Washoe County Commission adopted a new eastern boundary by ordinance. This unilateral act of Washoe County was accepted by Humboldt and Pershing counties from 1924 until 1983, when this boundary was placed into State law.
1925	Boundary line between Elko and White Pine Counties was redefined.
1929	A new boundary between Eureka, Lander and Nye Counties was established.
1933	A portion of the western part of Mineral County was added to Lyon County.
1963	Storey County's northern boundary was established, effective January 1, 1963, to a permanent location that would not be affected by future course changes, man-made or natural, of the Truckee River.

1965	The boundaries of Douglas and Ormsby Counties and Lyon and Washoe Counties were realigned.
1967	The boundaries between Douglas and Lyon Counties and Ormsby and Washoe Counties were realigned.
1969	Boundary lines were officially established between Eureka and Lander Counties and Churchill and Lyon Counties. Ormsby County and Carson City consolidated into one municipal government known as Carson City; Washoe County boundary was changed to conform with the new Carson City boundary.
1973	Storey County's northern boundary changed from the 1963 location to the centerline of the Truckee River as it existed in 1861.
1983	Boundaries of Churchill, Humboldt, Pershing and Washoe Counties realigned to follow section, township and range lines.
1985	Boundary line between Clark and Nye Counties was realigned.
1987	Bullfrog County created out of a portion of southern Nye County.
1989	Bullfrog County abolished and Nye County boundary restored.
2001	Adjusts the boundary line in the Pahrump Valley to transfer a strip of land approximately 2.5 miles wide from Clark County to Nye County.
2005	Adjusts the boundary line between Lyon County and Washoe County to provide for the transfer of 5,100 acres of undeveloped land adjacent to the City of Fernley.

Nevada's Ratification of Amendments to the *United States Constitution*

Except as otherwise noted, amendments to the *United States Constitution* are ratified by a vote of the State Legislature once the amendment has been proposed by the Congress. Ratification by two-thirds of the states is required for adoption.

<i>Amendment</i>	<i>Congressional Action</i>		<i>Ratified in Nevada</i>
	<i>Proposed</i>	<i>Ratified</i>	
13	1865	1865	February 16, 1985
14	1866	1868	January 22, 1867
15	1869	1870	March 1, 1869
16	1909	1913	February 8, 1913
17	1912	1913	February 19, 1913
18	1917	1919	January 27, 1919
19	1919	1920	February 7, 1920
20	1932	1933	January 28, 1933
21	1933	1933	September 5, 1933 (repeal convention)
22	1947	1951	March 6, 1951

<i>Amendment</i>	<i>Congressional Action</i>		<i>Ratified in Nevada</i>
	<i>Proposed</i>	<i>Ratified</i>	
23	1960	1961	February 2, 1961
24	1962	1964	March 25, 1963
25	1965	1967	February 10, 1967
26	1971	1971	June 8, 1971* (special election)
27	1789	1992	May 3, 1989

*While Nevada held a special election on June 8, 1971, to change the *State Constitution* to allow 18-year-olds to vote, the 26th Amendment was not ratified until June 17, 1987, when it was done ceremoniously.

