

### 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 had 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 had 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 [Map 7](#) and [Map 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 and 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.

Following these two actions by the Utah Legislature, George P. Stiles, United States 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, United States 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 (1855-56) 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.

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 Hon. 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 United States 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.

Other important events were transpiring in 1856, notable among these the action of armed Mormons in eastern Utah, where they drove United States 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 United States 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 United States, 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.

Despite this agitation, the Utah Territorial Legislative Assembly did not reactivate Carson County until 1859, when it enlarged the governmental jurisdiction of the County to include the area that was shortly to be established as the Territory of Nevada, with Genoa as the county seat. By this time Carson County residents were ready to take action to reopen the question of establishing Carson County as the separate Territory of Nevada. A convention was held in Genoa on July 18 and the delegates agreed to form a provisional government and secede from Utah Territory. They framed a constitution submitted to voters on September 7, 1859 but the federal government did not recognize this provisional government.

Meanwhile the vastly increased population following the discovery of the Comstock Lode in June 1859 made effective government imperative. Besides the mining districts there were three different governmental jurisdictions attempting to operate in Carson County, none of them successfully. There was the federal government under Judge Cradlebaugh; the Utah Territorial Government, represented by Judge Child; and the Nevada Territorial government with its Governor Isaac Roop. John J. Musser was elected to serve as a Congressional delegate in December 1859 but it was not until 1861 that he was successful in getting Congress to enact legislation making Nevada a Territory. President Buchanan signed the law making Nevada a territory on March 2, 1861, one of the last acts of his administration.

At nearly the same time, the Utah Territorial Legislature passed several acts related to Carson County: justices were assigned to Nevada judicial districts, a second judicial district was created, procedures for mining claim surveys were enacted, Virginia City was incorporated, Carson City was named the county seat of Carson County, and several county boundaries were extended.

With the achievement of territorial status, what had been the western portion of Utah Territory, generally known as Carson County, became Nevada Territory, with a government in part of officials appointed by the U.S. President and in part elected by Nevada territorial voters.