

Auditor

Among the officers designated by the first territorial legislature was the Auditor. The Auditor of the Territory was elected for a period of two years and served as a member of the Board of Military Auditors, Board of Prison Commissioners, secretary and member of the Board of Education, and Board of Examiners, and was the ex-officio Librarian. Upon statehood the position of Auditor of the Territory became the elected position of State Controller.

The Auditor was the general accountant of the Territory and keeper of all accounts: public account books; vouchers; documents and papers related to accounts and contracts of the Territory; and its revenue, debt, and fiscal affairs not required by law to be kept by some other office. His duties required him to prepare detailed reports to the legislative assembly at the beginning of each session, provide estimates of revenues and expenditures for the coming year, promote frugality and economy in public offices, audit and settle all claims against the Territory, draw warrants upon the treasury, procure an abstract of all taxable lands and distribute a report to respective counties, keep accounts and prepare reports about the common school fund, and assign prorated fees to each county for reimbursement for military arms and supplies.

Perry G. Childs served as the first Territorial Auditor from 1861-1863. Childs was a native of New York and first came to Governor Nye's attention in a letter of recommendation from a mutual acquaintance. Childs resigned on September 4, 1863, citing "urgent and private business, [which] rendered it imperative...to give my whole attention to these affairs of my own." Governor Nye appointed William W. Ross in 1864 to serve as Auditor of the Territory until statehood.

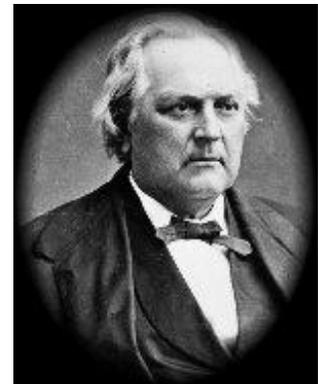
Governor

The 1861 Federal act to organize Nevada Territory provided for a territorial governor, appointed by the U.S. President, who would

- Commission all officers who would be appointed to office under the laws of said Territory
- Cause a census of the Territory to be taken
- Declare the number of members of the House of Representatives and Council to which each of the districts was entitled
- Set the time and place for the meeting of the first Territorial Legislature
- Define the judicial districts, appoint judges, and establish the time and place for holding court sessions
- Establish the time and places for the conduct of elections of a delegate to the U.S. Congress
- Appoint notaries public

James Warren Nye, 1861-1864

James Nye was the only governor of Nevada Territory. He was born in DeRuyter, Madison County, New York, on June 10, 1815. Raised in New York, he was President of the New York Metropolitan Board of Police when he received his appointment from President Abraham Lincoln. He left his family in New York during his term in office in Nevada, 1861-1864, but was frequently in the east, leaving Territorial Secretary Orion Clemens as acting governor. Nye was permanently reunited with his family when he was chosen one of Nevada's first U.S. Senators. He served from 1864-1872. Nye died on December 25, 1876 in White Plains, New York.



Prison Commissioners

(Board of Commissioners for the Territorial Prison)

Under the Territorial laws of Nevada enacted in 1861 the Board of Prison Commissioners was comprised of the Governor, the Secretary of the Territory, and the Surveyor-General. The Board was empowered to "lease, purchase, or build, at the expense of the Territory, a suitable building, for the use of the Territory as a territorial prison" and to report to the next session of the legislative assembly, what property it advised to purchase for a territorial prison. In 1864 the composition of the Board was changed to the Secretary of the Territory, the Territorial Auditor, and the Territorial Treasurer. The Commission continued to function after statehood and the composition of the board then included the Governor, Secretary of State, and the Attorney General.

The Territorial Commissioners initially entered into a contract with Abraham Curry to act as the prison warden and to secure a safe place in which to house prisoners. In 1862 for \$6,000 a year, Curry supplied stone prison buildings and provided room, board, and clothing for up to 18 prisoners. The following year the Commissioners recommended to the Legislature that they purchase Curry's facility, and in 1864 the transaction was authorized and completed. The Territory procured Curry's property, including the stone buildings, for \$80,000, payable in \$20,000 installments over 4 years at 10% per annum. This facility was the basis for the current Nevada State Prison on East 5th Street in Carson City.



Secretary of the Territory

The office of secretary of the Territory of Nevada was created by the Organic Act. This Act, signed by President James Buchanan, became effective March 2, 1861 (U.S. Statutes at Large, 1863, v. 12 pp. 209-214). The Territorial Secretary was appointed by the President for a term of four years unless sooner removed by the President. His duties included recording and preserving all the laws and proceedings of the legislature and all acts and proceedings of the governor; transmitting copies of the laws and executive proceedings to the appropriate governmental bodies according to this section; and, in the case of death, removal, resignation, or other necessary absence of the governor from the Territory, he was authorized and required to execute and perform all the powers and duties of the governor until the governor returned or the vacancy was otherwise filled. Orion Clemens was the only Secretary of Nevada Territory.

Orion Clemens was born in Tennessee in 1825 and trained as a journeyman printer in Missouri. He returned to Tennessee in 1857 and by 1860 was practicing law in Memphis. Clemens knew Edward C. Bates in St. Louis and when President Lincoln appointed Bates U.S. Attorney General, Clemens sought a federal appointment. With Bates' favorable recommendation, Lincoln appointed Orion in 1861 as Secretary of Nevada Territory. Orion's brother, Samuel Clemens, better known as author Mark Twain, accompanied his brother to Nevada and was given a minor position in Orion's office. Twain's experiences in Nevada became the basis for his bestseller, *Roughing It*. In Nevada, Orion's duties as Territorial Secretary were stretched to frequently include those of treasurer, comptroller, and acting governor in the absence of Governor Nye, who spent much of his own term on the east coast with his family.

Although Orion tried his hand at various enterprises, mostly unsuccessfully, he was at least competent in his role as Territorial Secretary. His brother Samuel said of Orion, "He was always truthful; he was always honest and honorable." Neighbors remembered him for his delightfully gentle and charming personality, spiced with a humorous and at times apologetic acceptance of this absent-mindedness. Clemens served as secretary until Nevada's statehood, then practiced law in 1865 and served as an assemblyman from Ormsby County in the 1866 legislature. He returned to the mid-west in 1866 and eventually to Keokuk, Iowa, where he pursued a number of enterprises unsuccessfully. He died in December 1897.

Supreme Court

The Supreme Court of the Territory of Nevada was created by the Act of Congress Organizing the Territory, section 9. This Act, signed by President James Buchanan, became effective March 2, 1861 (U.S. Statutes at Large, 1863, v 12, pp. 209-214), and provided that the judicial power of the Territory was vested in a Supreme Court, district courts, probate courts, and justices of the peace. The Supreme Court consisted of a chief justice and two associate justices, any two of whom constituted a quorum. They were appointed by the President of the United States and held their offices for four years. They were directed to hold a term at the seat of government of the Territory annually. The Territory was divided into three judicial districts, and each justice held district court in his respective district at such time and place as prescribed by law. The supreme and district courts had the same jurisdiction as vested in U.S. civil and district courts in all cases arising under the constitution of laws of the United States, as well as the constitution or laws of Nevada Territory affecting persons or property.

On March 27, 1861, President Lincoln appointed three justices to the Territorial Supreme Court; on July 17, 1861, Territorial Governor Nye assigned each to a judicial district to serve also as a circuit court judge. The Territorial Supreme Court rendered 88 decisions, which were never formally reported. Former Chief Justice George Turner was commissioned by the legislature to have them published, but the bill was vetoed by Governor Blasdel; Turner took the majority of opinions with him when he left the state and they are considered lost.

Justices of the Supreme Court, Nevada Territory

Biographical information is available in the Russ McDonald biographies for all Territorial Justices except Powhatan B. Locke. Information about Locke is available in the Russ McDonald Papers at the Nevada Historical Society.

Name, Years in Office:

- Mott, Gordon Newell, associate justice; 1861-1863. Resigned, August 11, 1863.
- Turner, George Enoch, chief justice; 1861-1864. Resigned, August 22, 1864.
- Jones, Horatio McClean; 1861-1863. Resigned July 30 or August 1, 1863.
- North, John Wesley; temporarily appointed to Mott's vacancy August 20, 1863. 1863-1864. Resigned August 22, 1864 .
- Locke, Powhatan B.; temporarily appointed to Jones' vacancy August 31, 1863; 1863-1864. Resigned August 22, 1864.

Surveyor General

The office of Surveyor-General for the Territory of Nevada was created by the Organic Act. This Act, signed by President James Buchanan, became effective March 2, 1861 (U.S. Statutes at Large, 1863, v. 12, pp. 209-214). The Surveyor-General was appointed by the President of the United States, by and with the consent of the Senate. He was under the direction of the Secretary of the Interior in all matters; and his duties, powers, etc., were to be the same as the Surveyor-General of New Mexico.

John Wesley North was the only Surveyor General of Nevada Territory. He was born in New York in 1815, studied law and immigrated to Minnesota in 1849. North was a member of the Minnesota territorial legislature in 1851 and was a member of the 1857 Minnesota constitutional convention. President Lincoln appointed North as Surveyor General of the Territory of Nevada in 1861 but North only served until June 1862 when the position

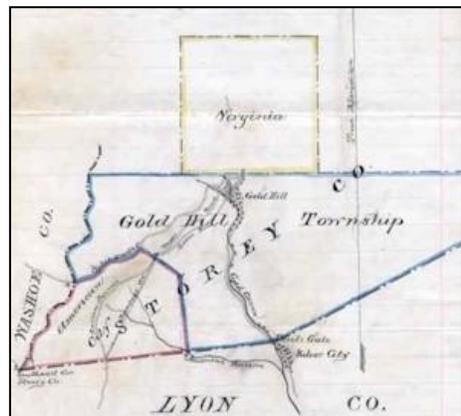


Figure 1: Map from Surveyor General Records, Box TERR-0104, File 19, Nevada State Archives.

was abolished. North was then appointed associate justice of the Nevada Territorial Supreme Court, serving two years, 1862-1864; and was a member of the 1863 Nevada Constitutional Convention. North moved to Knoxville, Tennessee, in 1865 and from there to California in 1870 where he acted as president of the Southern California Colony Association. During 1875-1879 he practiced law in Riverside, San Bernardino, and San Francisco, California. In 1881 he organized a colony at Oleander, California. North died in Fresno, California, in 1890.

The Surveyor General of Nevada Territory reported to the office of the federal Commissioner of Public lands, which was replaced by the General Land Office in 1864. The Nevada Territorial Surveyor General position was abolished in June 1862 and the Surveyor General of California assumed jurisdiction over Nevada. In 1864 the surveying district for Nevada was attached to Colorado and in March 1865 it was reannexed to California. Most records of this office are in the National Archives Pacific Region branch in San Bruno, California, in Record Group 49, records of the Bureau of Land Management.

Treasurer

The 1861 Legislative Assembly created the office of Treasurer of the Territory. The Treasurer was appointed by the Territorial Governor with confirmation by the Legislature. The Treasurer served a term of four years, although the Assembly originally specified the position was to be for a two-year term. The Treasurer's duties were to receive and keep all territorial money, to disburse public moneys upon warrants issued by the Auditor of the Territory, to keep comprehensive accounts of all moneys received and disbursed, to keep accounts of each appropriation, to report quarterly to the Auditor and at the beginning of each year to the legislative assembly, and to answer any questions pertaining to the treasury.

The Treasurer had the power to administer oaths and was a member of the Board of Examiners and the Board of Education. As compensation for his services, the Treasurer received 2% of all moneys received by the Treasury and 2% of all moneys disbursed.

John Henry Kinkead served as the only Territorial Treasurer. Kinkead was born on December 10, 1826 in Somerset County, Pennsylvania. He came to Carson City in 1860 to establish a branch of his father-in-law's mercantile firm, Kinkead, Harrington & Co. He was a member of both the 1863 and 1864 Constitutional Conventions, representing Ormsby County. He served as Treasurer of the Territory from 1862-1864, and then moved to Alaska in 1867 for four years. After Kinkead returned to Nevada he became Nevada's third governor, serving from 1879-1883. Kinkead revisited Alaska once again where he served as Territorial Governor from 1884-1885, then came back to Nevada where he lived until his death. Kinkead died in 1904.