NEVADA HISTORICAL SOCIETY QUARTERLY

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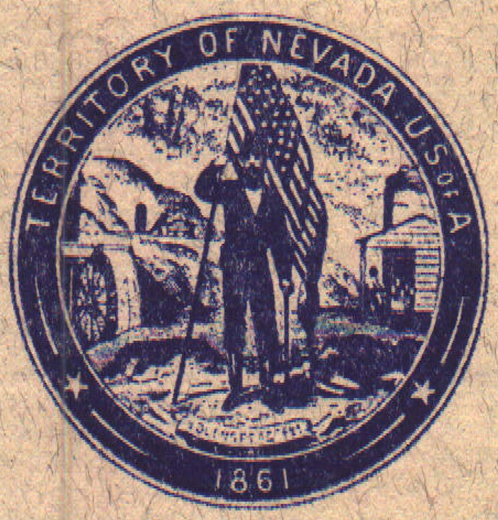
TERRITORIAL CENTENNIAL
OF NEVADA
1861—1864



JAMES WARREN NYE
1814—1876

ORION CLEMENS
1825—1897

Centennial Issue
July–December 1961

Volume IV
Numbers 3, 4

NEVADA HISTORICAL SOCIETY

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CENTENNIAL ISSUE

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1861—1864

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BY

EFFIE MONA MACK

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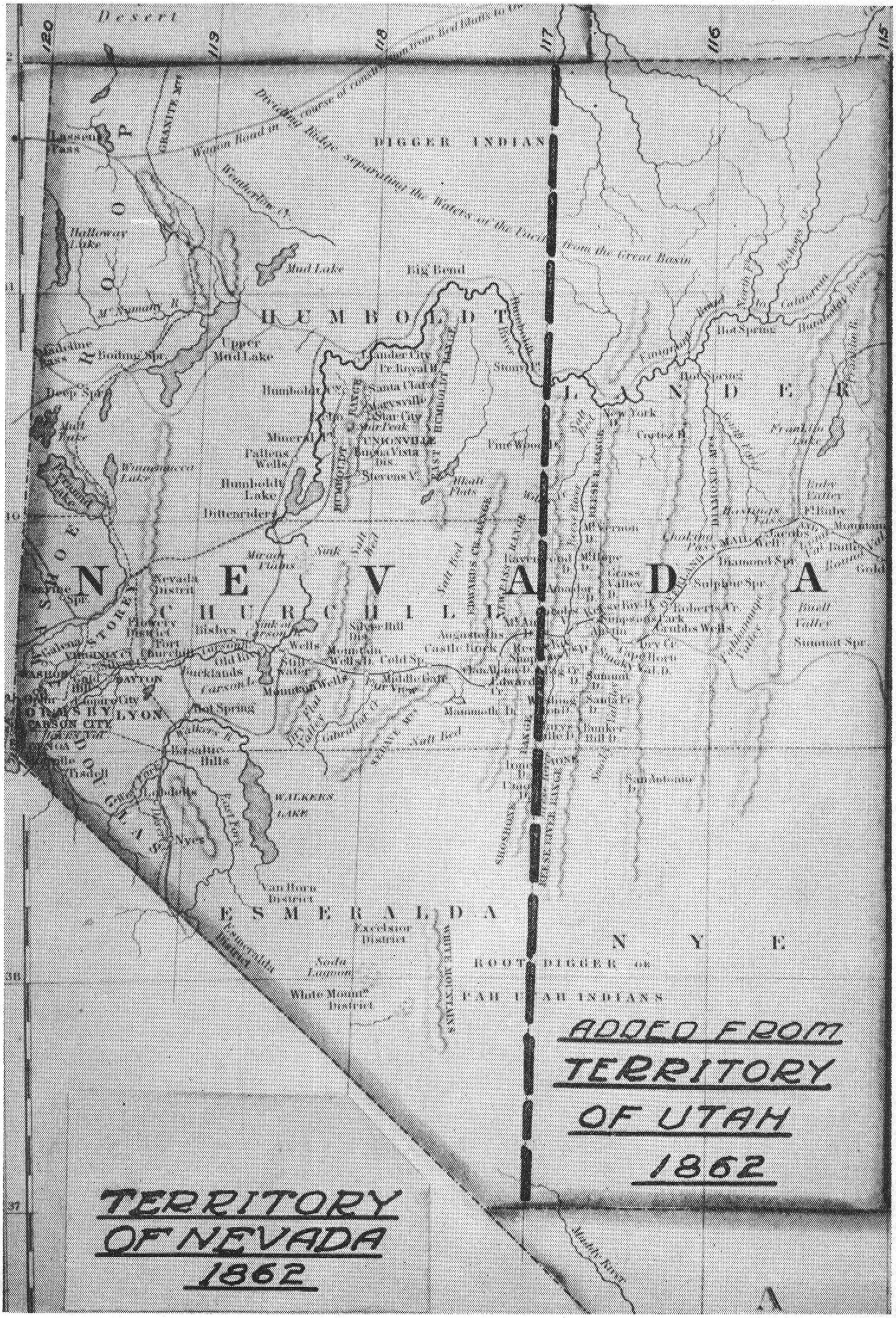
Territory of Nevada

1861 - 1864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NEVADA
CHURCHILL
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NYE
TERRITORY OF NEVADA 1862
ADDED FROM TERRITORY OF UTAH 1862

FOREWORD

By discovery and settlement, Spain claimed all of the western part of the United States. In 1823 Mexico gained its independence from Spain. Many settlements were made by this country, but it is not known that there were any made in what became Nevada. Through the Mexican War, 1846–1848, the southwestern part of the United States was ceded to this country by Mexico. As a part of the Compromise of 1850, this area was divided into three sections—the State of California—and the Territories of Utah and New Mexico. Nevada was to become a part of the two Territories.

When Utah was divided into counties they extended in parallel form from the eastern boundary to the western boundary. The county seats were established in the eastern part of the counties. The first settlement, made by Mormons in western Utah, 1851, now Nevada, was at the base of the Sierra Nevada, known first as Reese's Station, later Genoa. Other settlements were made north and south of this one. Because these settlers were so far from the county seat, they asked to be annexed to California. When Governor Brigham Young learned of this action, he organized Carson County, 1855, by cutting off the western part of three counties, with Genoa as the County Seat. This County was the only legal unit until 1861.

Serious disputes, between the National Government and the authorities of the Church of Jesus Christ Latter Day Saints, arose in 1857. These disputes brought about the "Utah War." President (Governor) Brigham Young recalled loyal Mormons to Salt Lake City to help him to defend their Zion. Since most of the officers of Carson County were Mormons, this situation left the people without an organized Government.

Many Californians came over to Carson County to settle, and to acquire the abandoned property of the Mormons; they, too, wished to have some form of Government. Between 1858 and 1861 several provisional governments were established — these people sought recognition from the National Government, but they were not successful.

In June 1859 the Comstock Lode, Washoe Mining District, was discovered. The Rush to Washoe followed. Since these new settlers desired to have law and order, petitions were circulated in 1860 which resulted in the establishment of the Territory of Nevada, March 2, 1861. Territorial status remained between 1861 and October 31, 1864.

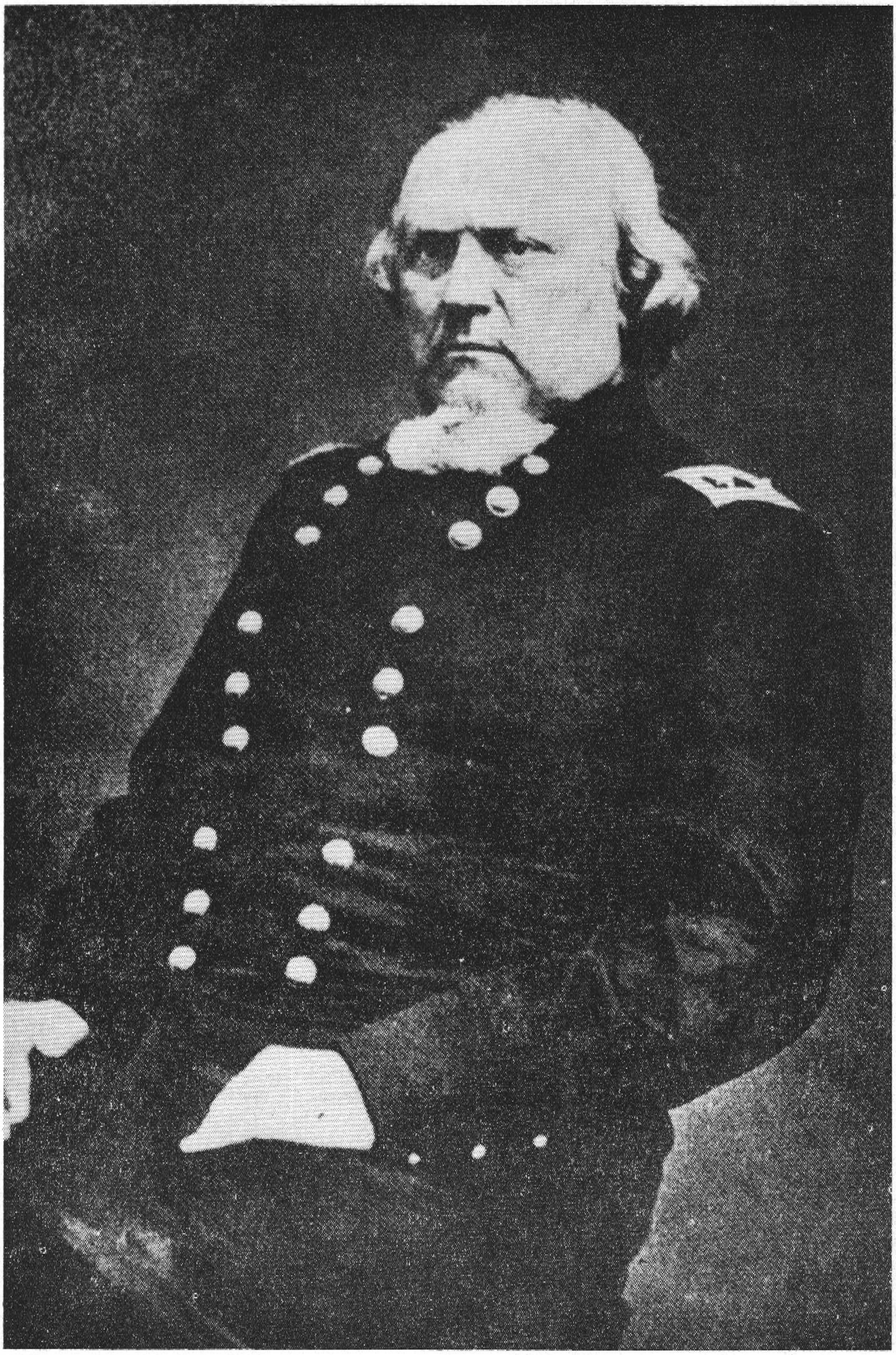
The two most important officers of the Territory of Nevada were James Warren Nye, Governor, and Orion Clemens, Secretary.

James Warren Nye

A Biography

by

Effie Mona Mack



BRIGADIER GENERAL JAMES WARREN NYE
1814—1876

TERRITORIAL GOVERNOR OF NEVADA

It was late in the afternoon of July 8, 1861 that James Warren Nye, newly appointed governor of the Territory of Nevada, arrived in Carson City. Telegraphic word had been received in the city that he was coming by the Placerville route. At once, the leading citizens of the town began to make arrangements to accord the new executive a cordial reception. A committee was appointed, and plans were made to meet the stage at the foot of the Kingsbury Grade, south of Genoa.[1]

An especially prepared vehicle, in the form of a wood-wagon drawn by six of the best horses in the vicinity, was obtained. Upon the running gear of the "Coach of State" a platform was erected. Over the platform a canopy was constructed, covered with evergreens from the nearby forests. Flags and bunting were scarce articles in Carson City, in those days, but all that could be gathered from nearby towns—Virginia City, Washoe City and Genoa, was pressed into service. At one end of the platform a buffet was erected, and this improvised table was "plentifully stocked with champagne worth its weight in gold dust, and to this supply of elixir was added a generous quantity of the best Kentucky dew and alimentary ointments."[2]

Four of the best dispensers of liquid refreshments in the Territory were placed in charge of the buffet. In addition to this "car of state" everything in the shape of a wagon or carriage was appropriated to carry people out to the *al fresco* reception. And every man who had a horse to ride, including the friendly Indians, joined the cavalcade. As soon as the stage coach came into sight, loud hurrahs were shouted, and the Governor was taken aboard by the Reception Committee.

A toast was drunk to the Governor's health in sparkling wine and a reception was held on the spot. Everyone present was introduced to his majesty to which he responded with a short speech. It is, indeed, regrettable that a verbatim copy of this talk has not been preserved, but it was remembered by Mr. Cutts that, among other thing, Governor Nye said: "I was told that I was coming into a wild and dangerous country but, on the contrary, I find here the most hospitable people I (have) ever met."

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[1]Dan Cutts, a member of the committee, described this event of 50 years ago, in an article in the *Reno Evening Gazette,* July 8, 1911, "When Governor Nye Was Inaugurated Into High Position." At that time, Mr. Cutts was the sole survivor of the committee.

[2]*Loc. cit.*

The procession, headed by the coach of state with the Governor aboard, moved into Carson City, where the people for miles around had gathered: "Cheers upon cheers greeted the new Governor. After one of his characteristic speeches, which aroused the people to the highest pitch of patriotism, another and larger informal reception was held. He then shook the hand of a considerable portion of the people of the Territory."[3]

JAMES WARREN NYE

The Territory of Nevada was created by an Act of Congress, March 2, 1861,[4] and on the 22nd of this same month, President Lincoln appointed James Warren Nye, New York City, Governor of the Territory of Nevada.[5] Born June 10, 1814,[6] in DeRuyter, Madison County, New York, he was the son of James and Thankful Nye, descendants of good American families. Little is known of the early life of "Jim" Nye, as he always called himself. However, similar to most young boys of central New York State, living near the Erie Canal, he earned a livelihood, walking the towpath, driving the animals used to pull barges along its course.

After Jim Nye was graduated from nearby Homer Academy, he became an attorney-at-law and entered practice in the firm of Sherwood and Nye in DeRuyter. This town was a small village then. (It is today with a few more people than 500). In a short time these partners moved to the much larger town of Hamilton in the same county, where this firm enjoyed a lucrative and successful practice.

When Texas was annexed to the Union, Sherwood moved to the new state; and Nye continued the firm alone. He soon gained the reputation of being one of the most able lawyers in the State of New York. In June 1844, at the young age of 30 years, he was elected Probate Judge of Madison County, a position he held until 1847, when he was elected County Judge for three years. Although Judge Nye presided over many cases during this time, the most notable one involved the activities of the "Loomis Gang"—a band of renegades, horse thieves and outlaws which

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[3] *Ibid.*

[4] *Senate Journal,* 36 Cong., 1 sess., 228, 317, 372; House Ex. Doc., 2 sess., xxvi, 1084.

[5] *Daily Alta California,* June 18, 1861.

[6] There is a controversy over the date of Nye's birth. William R. Cole, *Herald-Tribune,* Syracuse, N. Y., states he was born June 10, 1814; newspapers over the United States, and those including Nevada, at the time of his death, gave June 10, 1815.

had terrorized Cherry Valley, central New York State. The case lasted over two years; it was finally dismissed after the leaders of the gang "jumped bail," and several important witnesses left the state.[7]

Although Judge Nye was not aware of the fact, he was making a reputation for himself that was to take him far into politics: The skillful and courageous manner in which he handled the Loomis case brought him statewide recognition. By this time he had become an eloquent speaker, and, because he was possessed of a prodigious memory for remembering names and faces, and had a most pleasing genial manner, he became a social favorite. These personal attributes were all that were needed to make a first-class politician, and the leaders of the state soon recognized it. After serving one term as county judge, Nye was elected, in 1851, as master and examiner in Chancery Court to serve two terms.

Jim Nye was said to be a Democrat in politics until the Republican party was formed in 1856 when he became a loyal member of this organization for the rest of his life. He literally made hundreds of anti-slavery speeches for this party all over New York State. In 1857 he moved to New York City where he rose rapidly in party politics. And through the Tammany Hall organization, he was appointed Police Commissioner and President of the first Board of Metropolitan Police.

1860—A MOST CRUCIAL YEAR

The year 1860 was one of the most decisive ones in the history of the United States and in the Republican Party: Although there were a number of able men who had risen rapidly to prominence in this newly-formed party, it was believed by the political wiseacres that William Henry Seward, former Governor of New York, and then, United States Senator from the same state, would be the nominee for the presidency and, although there were a number of "would-be nominees," three of them were to play an important part in the formation of the Territory of Nevada, and later its admission to the Union—Abraham Lincoln of Illinois, William H. Seward of New York, and Edward C. Bates of Missouri.

To handle his campaign for the nomination, Seward selected Jim Nye, who, in turn, set out and collected a large "slush fund" for it. With plenty of money to spend, a big crowd of supporters,

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[7]William R. Cole, Jr., Syracuse, New York *Herald-Journal,* quoted in *Reno Evening Gazette,* January 4, 1955.

looking forward to Federal appointments, rallied to the Seward banner. (Before the days of Civil Service, any person who "hip-hip-hurrahed" for a candidate may well expect an appointment from him). Nye selected one of the best bands in New York City, brilliantly uniformed them with epaulets on their shoulders, and what with white and scarlet feathers waving from their caps, they made an impressive appearance as they marched from Seward's headquarters in the Richmond House to the Wigwam, an improvised convention hall in Chicago. For the night sessions the supporters, some one thousand strong, followed behind the band with illuminated banners, all under orders of campaign-manager Nye. A special section in the hall was reserved for Seward's supporters, and every time his name was mentioned the band "tootled" for him. The first day they made a wonderful and enthusiastic showing for their candidate. Seward led on the first two ballots.

Edward C. Bates, distinguished lawyer from St. Louis, and former Congressman from Missouri, was another potential candidate. But on the second day he withdrew his name in favor of Lincoln. It was said that he had been promised an important appointment. The field was now narrowed to two candidates—Lincoln and Seward. On the third ballot, taken on May 16, 1860, Lincoln was nominated, amidst frenzied excitement.

Unfortunately on this day the Seward supporters, led by Nye, were delayed on their march, and what with the hall already packed with Lincoln followers, gathered in from every walk of life in the city of Chicago, there was no one to shout or to play for Seward. And, also, many of the delegates to the convention from the frontier states were unpleasantly awed at the spectacle displayed by the crowd from New York City: It was the first time in convention history that any candidate had put on such a "show." The plain people were somewhat doubtful of the sincerity of a man who could spend such a sum of money to get himself nominated. The Seward men, terribly ashamed and embittered, were stricken down. And, although Nye was disappointed, he was not successful in getting his candidate nominated, he worked indefatigably for the Republican ticket. He literally made hundreds of speeches for Lincoln and the party. At this time he became a close friend and confidant of President Lincoln; so much so, the President commissioned him Brigadier-General. Thereafter, Lincoln called him "General."

I, James W. Nye, of New York, having been appointed by the President of the United States, to be Governor of the Territory of Nevada, do solemnly Swear that I will support, protect, and defend the Constitution and Government of the United States, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law: So help me God.

James W. Nye

Sworn to and subscribed before me this twenty-eighth day of September A.D. 1861.

Geo Turner
Chief Justice of
the Supreme Court
of Nevada

OATH OF OFFICE
JAMES WARREN NYE, TERRITORIAL GOVERNOR OF NEVADA
Effie Mona Mack Collection

POLITICAL APPOINTMENTS

Out of the political scramble, after the election of President Lincoln, came the thousands of appointments in the Republican Party. The number one position in the Cabinet went to William H. Seward, and one of his first recommendations to Lincoln was the appointment of James Warren Nye, Territorial Governor of Nevada. And, as it was expected, Edward C. Bates was appointed United States Attorney-General. Since Orion Clemens had known Bates in St. Louis, had read law in his office, and had stumped the northern part of Missouri for the Lincoln ticket, he was appointed Secretary of the Territory of Nevada.

Since President Lincoln and Secretary Seward were preoccupied with more important business with the impending war than selecting the other appointees for Nevada, they permitted Nye to name them. Now, because Nye had been a politician in New York for a long time, he had a devil of a lot of political debts to pay. What better way could he settle them than to give these "political hacks" jobs in Nevada? It seemed that it never occurred to him or anyone else in Washington, D. C. that there might be one or two men in Nevada Territory who would make good officials! They all came from New York, New Hampshire, Ohio, Missouri, Minnesota, Michigan, and one from California.

And for the Territory of Nevada, about one-fourth the size it is now, and with probably less than 25,000 people, each appointee had several assistants: One example of how much help one official had, will be sufficient: John W. North, Minnesota, Surveyor-General; Butler Ives, Detroit, Michigan, Deputy Surveyor-General; J. S. Lawton, New York City, Assistant United States Deputy Surveyor-General; and John F. Kidder, Syracuse, New York, Chief Clerk, United States Surveyor-General.

Many of Nevada's first official appointees accompanied Governor Nye on the steamer *Ariel* from New York City, via the Isthmus of Panama, sailing on June 1, 1861. And many more aspiring appointees came along, too. Because a greater proportion of them were Irish, Sam Clemens gave this motley crowd of "carpetbaggers" its name, "The Irish Brigade," in *Roughing It.* And Nye encouraged Mrs. Margaret "Bridget" Murphy to come, too. This motherly, talented, and energetic Irish woman had been a boarding-house keeper in New York City, and the Governor imported her and many of her beloved pots and pans to board them.

What a celebration there must have been before this party

embarked on its trip to Nevada! All of the members of it got aboard, but not all of the baggage. Some of the bags were left on the dock, including those of the Governor, containing his official papers for organizing the Territory of Nevada.

CONDITIONS IN NEVADA—1861

There was great consternation in Nevada over the delay in getting the government started: A Nevada correspondent to a California newspaper declared: "The non-arrival of Governor Nye is placing everything in a very awkward fix. Without law, we are in a state of confusion most confounded. A meeting is to be held for the purpose of organizing a temporary government for the protection of life and property. At the present moment it is not an agreeable or enviable position of a newly-elected governor, however patriotic he may be. His proper place is in Nevada territory, not in New York. This state might secede, and what then? Not an official, not a man in power to advise and act. A pretty state of things, truly. Although Union men are numerous and strong and love the stars and stripes, as the banner of freedom, still there are a few who would see it trampled in the dust of Southern seccession and rebellion."[8]

NYE PARTY ARRIVES IN SAN FRANCISCO

Governor Nye and his party arrived in San Francisco on June 26, 1861. During their ten-day wait for the next steamer to come from New York to bring their baggage, they stayed at the International Hotel. Governor Nye's reputation for being a good speaker was well known in California—he had lectured in the western states for the Lincoln ticket in 1860. A San Francisco paper referred to him as "one of the jolliest orators that ever stumped a state. When he was a Democrat, all of the Whigs went to hear him, and when he was a Republican, you couldn't hire the Democrats to stay away."[9]

Asked to give a lecture at the Music Hall on the night of his arrival, he enthralled his listeners with his persuasive voice and ready wit:

"Hail! California! The youngest and brightest star in the constellation of her sisterhood of States! Wonder of the world, whose history finds no parallel in the history of states or nations! Rich

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[8]*Daily Evening Bulletin,* July 5, 1861.

[9]*Ibid.*

beyond computation; rich in her minerals, rich in her agricultural productions, rich in her commerce, but richer still in her lion-hearted citizens . . .

"Hail San Francisco! Magical city that has sprung up like a gourd in the night, and stands waving her golden helmet to the older cities of the east. Magical city . . . but still more magical than all your history, is the power and the enterprise of your people . . ."[10]

The audience loved the speech, and, when he had finished, it leaped to its feet and "after long applause, gave him three tremendous cheers."

NYE'S FIRST SPEECH IN NEVADA

When Nye arrived in Carson City, he was taken to the spacious cut-stone mansion of Mr. and Mrs. William Morris Stewart, on Minnesota and King Streets, where he refreshed himself. Later, he returned to the Plaza, then an open area, but now, the block where the Capitol stands. There he delivered his first speech in Nevada:

"With the most heartful emotion I greet you . . . Allow me to assure you that not one star shall be permitted to be removed from the old (34). Twenty-five million free men will not permit it. And I have come to this distant country with the hope of adding one more—a bright and glorious star—*Nevada.*"

It was quite evident from the tone and content of this speech, James Warren Nye was looking forward to the time when he could get Nevada admitted to the Union, and he could represent it in Washington.

Not to be outdone by Carson City, the Comstockers, too, made great preparations to greet the Governor. Two days later he entered Virginia City, escorted by a brass band, the City Trustees, and the Virginia Union Guards, a civilian military organization. As the party proceeded down C Street, the band boomed out, "Hail to the Chief," the Guards presented arms, and the Trustees rose in their carriage and uncovered their heads. At the intersection of Union and C Streets, the Governor and party passed under a floral arch made of desert flowers by the ladies of the city. Here the procession halted, the Mayor welcomed the Governor officially, to which he made a fitting reply.

After this ceremony was over, the party went into the International Hotel where the day's festivities ended with an elaborate

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[10]*Ibid,* June 26 and July 25, 1861.

banquet. Champagne, the Governor's favorite drink, flowed freely as toast after toast was drunk to the Governor and to the Territory of Nevada. This area may have been a little pond at this time, but after all of these receptions and welcoming speeches, the frog must have felt almost as big as a bull. Appropriately Nye declared that, "Nevada is a solid country, because it has a true metallic ring."

GOVERNOR NYE ISSUES PROCLAMATIONS

The Organic Act passed by the Congress March 2, 1861, to set up the Territory of Nevada, contained the provisions which Governor Nye had to follow to get the political wheels of government in motion.[11] There was, however, still another delay which prevented them from running at full speed: There was no Territorial Secretary with his "Book of Instructions" to record official acts. Orion Clemens did not arrive until August 14th. In the meantime Nye appointed one of his "brigade," J. C. Gallagher of the *New York Daily News,* to fill this position until Clemens came, and he appointed his uncle, Captain Thomas C. Nye, his private secretary for the interim.

On July 12th Governor Nye issued his first executive Proclamation in which he announced that the Federal appointees to the Territory of Nevada had assumed their respective positions, and, therefore, the government was established. He admonished all persons to obey the laws of the United States as enumerated in the Organic Act. As a part of his duties as Territorial Governor, he was ex-officio Commander-in-Chief of the Territorial militia, and also Superintendent of Indian Affairs.

From 1861–1865 the Territory of Nevada bristled with military units. After the Paiute Indian War of 1860, Fort Churchill, twenty-five miles east of Virginia City, and on the Carson River, was built; construction began July 20, 1860. Being situated on the old California Trail, it was used by the Pony Express, 1860–1861, the stage companies, and hundreds of freighting outfits, until the coming of the railroads in 1868. Garrisons of United States army troops were stationed there. During the Civil War, Fort Churchill was made the headquarters for the military district of Nevada. At any time Governor Nye could call upon the commanding officer to assist him in keeping peace and order in the Territory:

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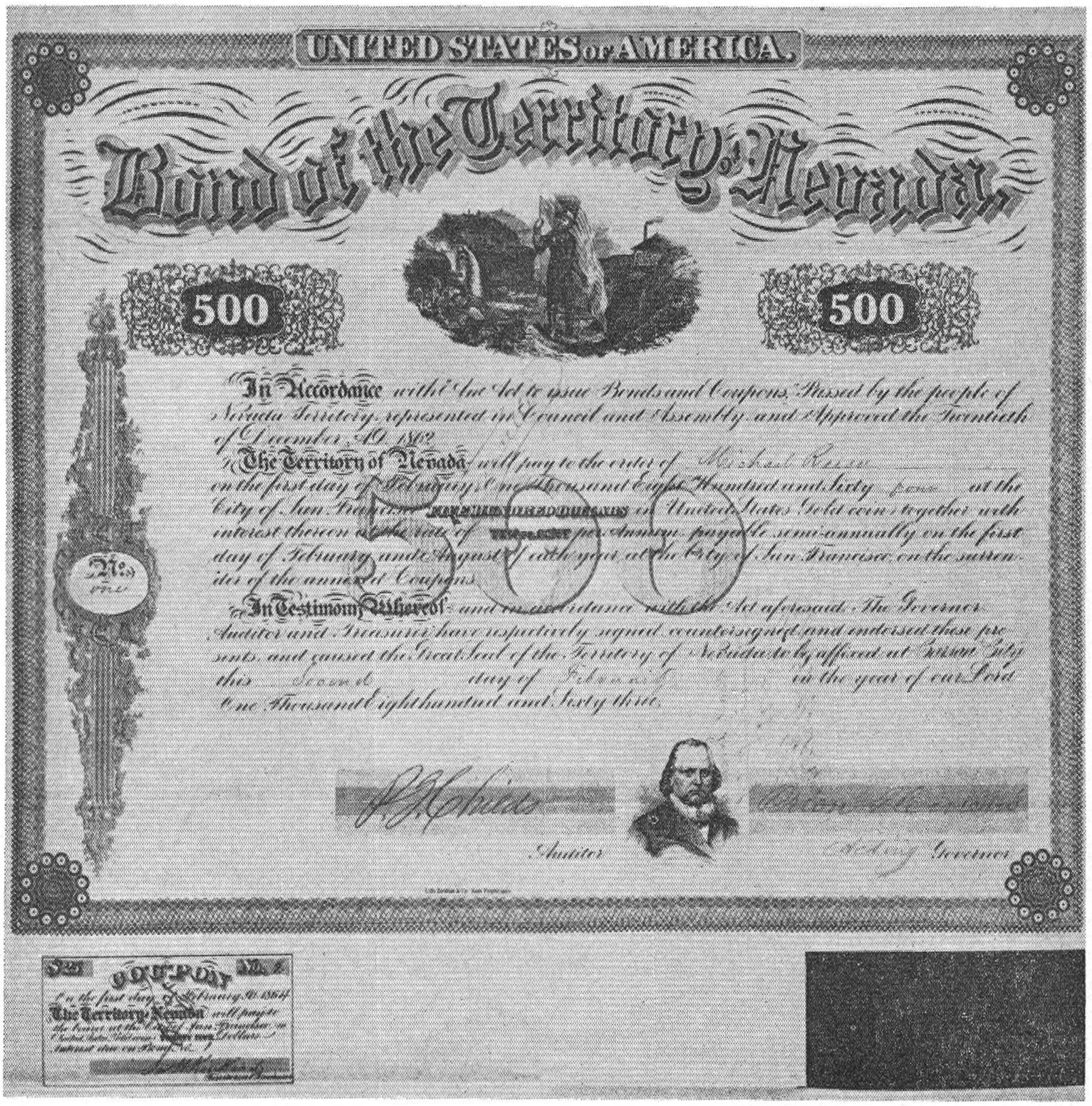
[11]A hand-written copy of this *Proclamation* is in the office of the Controller of Nevada. It names all of the officers appointed to their respective positions and outlines briefly their duties.

And Nye did just that much when John Blackburn, Sheriff of Ormsby County, was murdered November 29, 1861, by William "Bill" Mayfield in Carson City. Mayfield escaped—rewards were offered for him—dead or alive. The day after the murder, the



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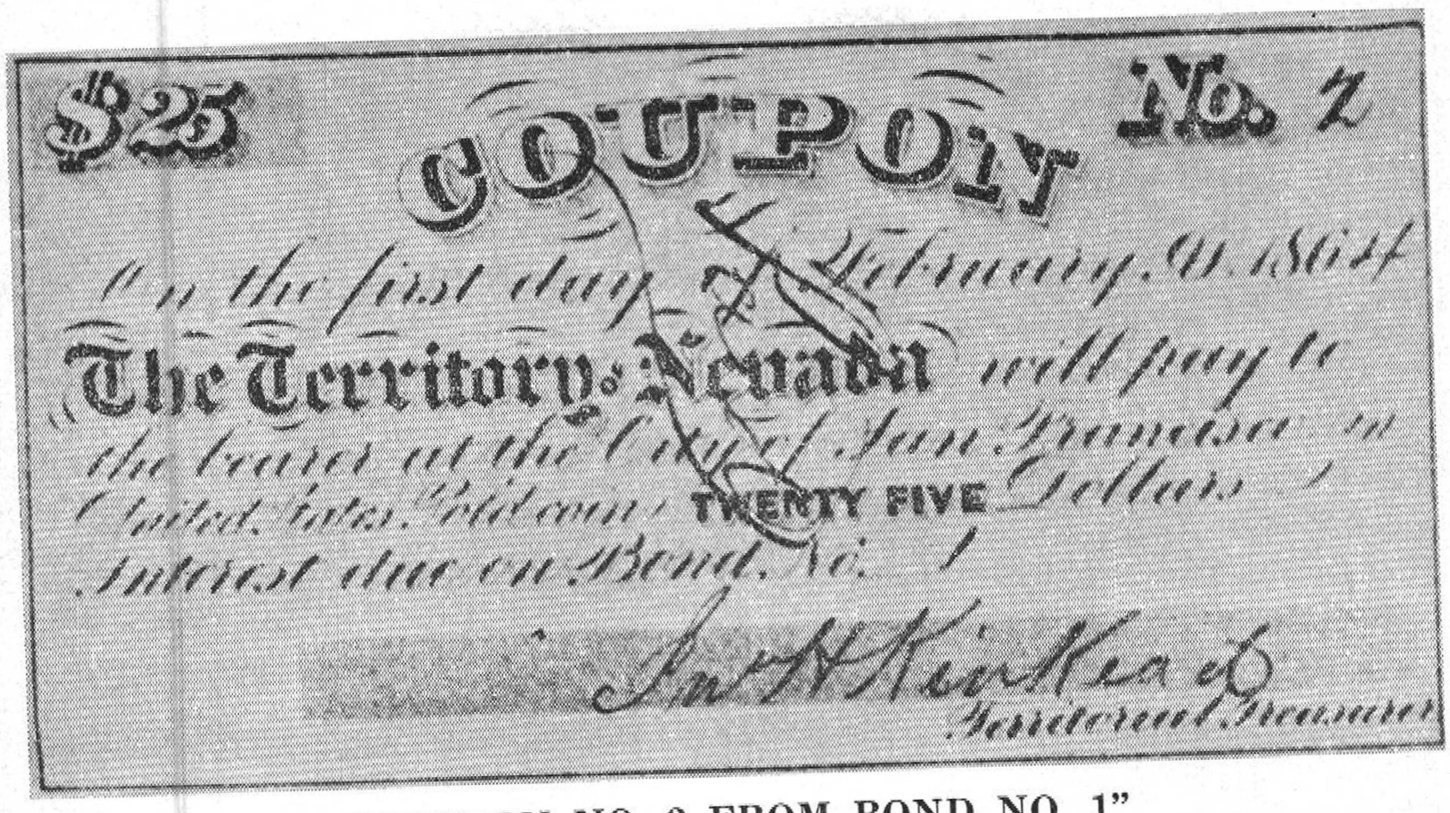
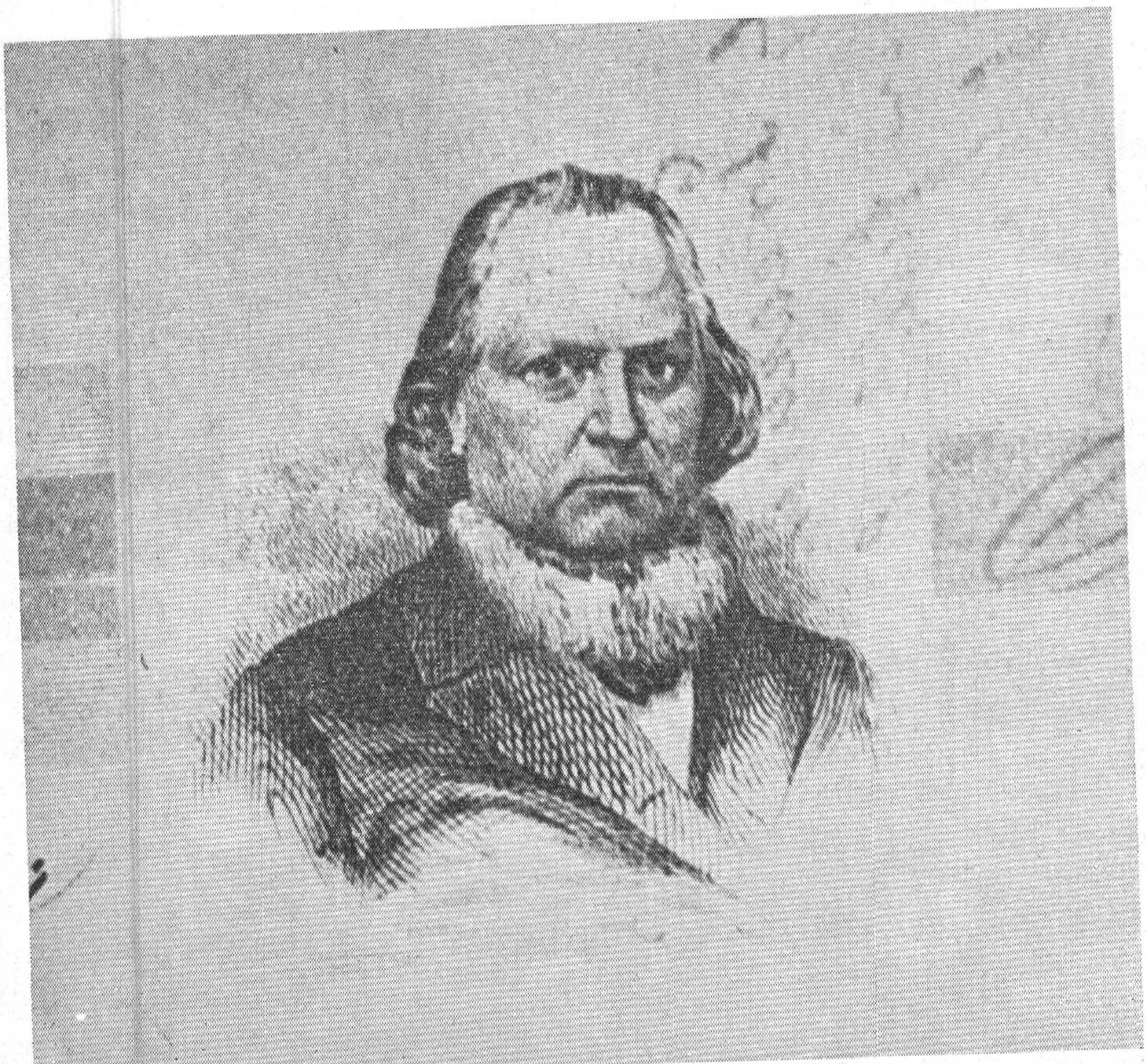
"BOND OF THE TERRITORY OF NEVADA"
Note that first coupon is clipped;
second coupon is cancelled.

Courtesy—Honorable Keith Lee,
Controller of the State of Nevada

Territorial legislature offered a large reward and the County Commissioners of Ormsby County increased it to $3,000 on his head. When he was finally apprehended and put into jail, there were threats from the secessionists, made up largely of professional gamblers and outlaws, that they were going to release the



"COUPON NO. 2 FROM BOND NO. 1"
Territory of Nevada



GOVERNOR JAMES WARREN NYE
Detail from "Bond No. 1"

prisoner. On the other hand, the citizens threatened to lynch him. To preserve order, the Governor called for troops from Fort Churchill.

Large quantities of ammunition were kept stored at the Fort at all times. On August 19, 1861, less than six weeks after Nye took up his duties in Nevada, the commanding officer wrote him that he had "received from the Benicia Arsenal, 200 Stand of Arms with accouterments complete for the stand and 6,000 rounds of ammunition which I am directed by Brigadier General Sumner, Commandant, Dept. of the Pacific, to issue only on your requisition, taking your receipts therefore."[12]

In addition to Fort Churchill, there were some thirteen forts and camps situated in, or near Nevada, 1861–1865. After the regular troops were called to the eastern seaboard to fight in the Civil War, these forts had to rely upon volunteer enlistments to man them. On three different occasions Brigadier-General George Wright, Commander-in-Chief, Department of the Pacific, with headquarters at the Presidio, called upon Governor Nye to raise, to equip, and to subsist 1,180 men for an enlistment period of three years. And, although General Wright furnished the money for the material in building the camps and forts, the young Territory of Nevada had to assume a large financial burden which it could not afford to take. To meet these expenditures, bonds had to be issued at the rate of ten per cent interest.[13]

In addition to the troops stationed at the forts, a Territorial militia was formed, of which Governor Nye was the commander-in-chief. Soon after his arrival he appointed his executive staff—an adjutant-general, five aides-de-camp, with the rank of lieutenant-colonel, one chief engineer, one paymaster-general, one judge-advocate-general, and one surgeon-general with the rank of colonel. And every community of any size and sufficiently patriotic had volunteer guards. These latter organizations were supported by the members and by the towns. Every young and able-bodied man belonged to them. They had their headquarters, drilled regularly, and designed their own uniforms. These colorful groups appeared in all parades, participated in patriotic programs, gave gala social affairs, and were ready at a moment's notice to keep down rebellious activities. Governor Nye was the honorary commander of these units.[14]

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[12]*Nevada State Journal,* August 8, 1961.

[13]See illustration for first bond issued by the Territory of Nevada. Note the seal of the Territory, and the picture of Nye on it.

[14]"Outline Descriptions of the Posts and Stations of Troops in the Military Division of the Pacific Commanded by Major-General John M. Schofield," 26.

Because of the lawlessness in the country, one of the most urgent needs was the establishment of a judiciary. Five days after the Governor issued the first Proclamation, he issued the second one, in which he announced the setting up of the supreme court, the district and probate courts, and the justices of the peace. The three members of the supreme court had original and appellate jurisdiction collectively, and each one was assigned to one of the three district courts severally. Governor Nye appointed the judges to the lower courts until an election could be held.[15]

The third gubernatorial proclamation was pronounced on July 24th, providing for the taking of a census of the territory, the election of a delegate to Congress, for the arrangement of districts, and for the election of members of the territorial legislature.[16]

It is interesting to note here the number of people counted in the first census: In 1860 the total white and colored population of Carson County, Territory of Utah, out of which the Territory of Nevada was created, numbered 6,857, not including Indians. And since United States Surveyor General John W. North had not yet arrived in the territory, Governor Nye appointed Dr. Henry DeGroot to take the census and to arrange the electoral districts. Although it was practically impossible to get an accurate count in 1861, what with the thousands of people coming and going to the silver rushes in the area, DeGroot did count 16,374 in August of that year. By October, it was estimated there were 20,000 people. These figures did not include Indians, or transients—such as teamsters, or emigrants.[17]

TERRITORIAL SECRETARY ORION CLEMENS ARRIVES

While Governor Nye was getting along the best way he could in organizing the affairs of the territory, and having his personal secretary act as the temporary official secretary of the territory, Orion Clemens, of Keokuk, Iowa, was arranging his personal affairs so that he could leave for Nevada. Although Orion received his appointment on March 27, 1861, and his official papers on the following April 20th, he and his brother, Samuel Langhorne Clemens, did not leave for Nevada until July 26th. Nineteen days later, August 14th, the Clemens brothers arrived

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[15]A. J. Marsh, *Official Reports of Nevada Constitutional Convention,* viii; Myron T. Angel, *History of Nevada,* 77–78.

[16]*Ibid.*, vii.

[17]Effie Mona Mack, *History of Nevada.* 225–227.

by stage in Carson City and took up residence at the Ormsby House on Carson Street. Soon thereafter they called on Governor Nye and found him "elaborately domiciled in a one-story, two-roomed white-frame palace, (situated on Carson Street near Musser Street). It compelled respect of the citizen and inspired the Indians with awe."[18] On that day Orion Clemens assumed his official duties as the Secretary of the Territory of Nevada.

GOVERNOR NYE GOES TO CALIFORNIA

As soon as Governor Nye saw that he had a competent Secretary in Orion Clemens, he decided to go over to California.[19] He considered it important the territorial government get the benefit of the California State Library in drafting his first message to the legislature. His friends said it was to get away from his "heavy gubernatorial responsibilities." It was quite evident from the start that Jim Nye had little or no intention of spending all of his days in primitive, diminutive Carson City.

That Governor Jim Nye was not going to be bored with his duties in Nevada, is evidenced by the many anecdotes written about him in the newspapers of Nevada and California. He could always find a partner in fun, and when he went to Sacramento, he discovered that John G. Downey, Governor of California, was a jolly good fellow after his own heart. While Nye was in the California capital, Downey invited him to go up to the Marysville Fair with him. The high light of this festivity was a ball on Friday night. The two governors had a whale of a good time together. "They never missed a dance except for one little hour shortly after midnight spent with a few good friends in a retired room of the Pavel Hotel comparing the relative merits of French and California champagne.

"The room at the hotel, where this discussion took place, had an awkward entrance: The door was neither more or less than a window with a low clumsy flight of steps at either side. After several rounds of the cup that cheers, the governors started back to the dance. Approaching the door-window, Downey insisted Nye go first. But Nye urged Downey to precede him. After this Alphonse-Gaston act went on for some time, Nye could not stand it any longer, and in his best champagne manner exclaimed:

"Governor Downey, you're a real Governor, you are; you're a

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[18]Mark Twain, *Roughing It.* 163.

[19]*Letter Book, Territorial Records,* August 21, 1861. The letter stating Nye was going to California was written by Orion Clemens to Elisha Whittlesey, first Comptroller of the U. S. Treasury.

legitimate Governor, elected to this office by a great and generous people, you are. I'm but, I am, an appointed Governor, appointed by the administration, I am; and any blasted fool can get an appointment." This irresistible appeal was too much for Downey—he bowed low and went first.[20]

GOVERNOR NYE AND HIS INDIAN CONSTITUENTS

Shortly after Nye arrived in Nevada, he assumed his ex-officio duties as Superintendent of Indian Affairs, for which he received an additional one thousand dollars a year in salary. To carry out his duties with the Indians, Nye appointed Major Warren Wasson, formerly Indian Agent under Major Frederick Dodge, Territory of Utah, to assist him. The Governor's first visit was to the Paiutes on Walker River, made shortly after his arrival in July, 1861.

With Agent Warren Wasson, acting as interpreter, and under the escort of a company of dragoons from Fort Churchill, he travelled to the Indian camp, now Schurz, Nevada. There he explained to the head chief that there was a new territory, and that he was the chief of *it*. He also made them understand that the Indian would be treated the same as a white man: Both races would receive the same punishment for a crime. The Governor promised them some horses, cattle, and farming tools if they would remain friendly. When Nye made good his promise by distributing presents, including three beef cattle, the chief said they would remain friendly.[21]

After the Walker River visit, the Governor sent word to the Paiute Indian Chiefs, Old Winnemucca and Numaga, Pyramid Lake, that he wished to meet with them as part of his duties as Superintendent of Indian Affairs. This meeting was not held, however, until May, 1862, when Agent Wasson arranged a conference. Nye and Wasson were accompanied, to the lower bend of the Truckee River, by Captain Price and one hundred cavalry of the California Volunteers. At that point on the River, the party halted—Winnemucca had positively refused to allow soldiers to approach any nearer to his camping ground at Pyramid Lake. This fact, however, had been carefully kept from Captain Price, lest he should resent the hostile feeling and thereby bring on another Indian war; Nye and his party were coming in the spirit of peace.

At this particular time, while Numaga was away in the north,

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[20]*Sacramento Daily Union,* September 20, 1861.

[21]*Report of Governor Nye to Secretary of the Interior,* 1861.

Winnemucca was "sulking in his tent" on account of the death of Wahe, who claimed to be a spirit chief. He had been killed a short time before by two other Paiute chiefs. Agent Wasson had persuaded Winnemucca, however, to come to the conference-ground and to talk with Governor Nye. He arrived in grand, barbaric style, with four hundred of his warriors. During the two-day conference, these braves kept up a continuous war dance—some of them on live coals—and performed other feats of pain and endurance to impress the Governor and the white soldiers. On the third day, Numaga had returned and had joined the counsel group. Although he and the Governor had a long discussion, no specific treaty was made. Presents were exchanged, rations were given, and both sides parted on friendly terms.

The Indians were restless all over the Territory of Nevada as the population grew and the prospectors found new rich gold and silver strikes. The rush of miners to these new camps drove the Indians out of their domains, the game were killed by the white man, and the red men were unhappy all around. Many emigrants passing through on the Overland trails were killed, their livestock driven off and their wagons robbed of everything there was in them. Governor Nye was called upon many times to send troops to various sections of the Territory; the military district set up a number of camps and forts.

There would have been, undoubtedly, many more uprisings had it not been for the skill and persuasive charm of Governor Nye. According to Mark Twain, who was a close and personal friend of the Governor, he said that the Governor fascinated the red man: "Many and many is the time, I've seen him stand up and smile on his children (Washoes and Paiutes), as he called them, in his motherly way, beam on them by the hour out of his splendid eyes and fascinate them with his handsome face, and comfort them with his persuasive tongue; seen him stand up and tell them anecdotes and lies, and quote Watts' hymns to them, till he just took all the war spirit out of them and sent them away bewildered with his inspired mendacity. Most remarkable man, Jim Nye! He can tell a lie with that purity of accent that graces utterance . . . I do reckon he is the handiest creature about making the most of his chances that ever found an all-sufficient substitute for mother's milk and sin."[22]

When Governor Nye was counselling with the Paiutes, the Chief made it plain to him that they would like to have something else to live in than their willow-frame-rag-covered wickiups. So the Governor sought and obtained an appropriation from

[22]Mark Twain's Autobiography, Vol. II, 307.

the Congress of $75,000 to build a saw mill on the lower Truckee River, with which to cut the lumber. But first there must be a dam on the river for power for the mill. So Nye went exploring along the river and found a suitable dam site. Months went by, but no mill or dam was constructed. Finally there was much jesting about Nye's mill and a standing joke was made out of it, "that Nye had a dam by a mill site, but no mill by a damsite."[23] What became of the reported $75,000 was not known until the election of 1866 when Nye was running for his second term of Congress. That story will be told later on. It was observed at the time that that amount of money would have built a frame cabin for every Indian family on the Reservation.

The Governor, himself, enjoyed his associations with the Indians: He used to tell with infinite glee how one stormy wintry day, Captain Jim, Chief of the Washoe Tribe, visited him, and said to him:

"You, Jim? you big Captain? all the same me; me Jim, me Big Captain, too; give me some boots."

The Governor gave Jim the boots, and the Indian tried a long time to pull on one of them. After tugging at it for some time without success, he held out his foot to the Governor and said: "Jim, you pull 'em off," and he did.

FRONTIER HUMOR AND GOVERNOR NYE

It is highly probable that nowhere in the world have people enjoyed playing jokes on one another as much as on the western frontier. It was common practice in California in the Gold Rush days; these selfsame people carried the sport to Nevada in the Silver Rush. In the absence of organized amusement, these people had to make their fun, and particularly did they enjoy "horse-play." Any man who was not "a dead game sport" or who was known to have a weakness, was a target for these pranksters. To boast or to have a superior talent invited persecution—for sure.

Around the Territory of Nevada there were several "wags" who delighted in making life miserable for some unsuspecting

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[23]This story was remembered for a long time. In the *Humboldt Star,* Wednesday, July 5, 1911, "Pioneer's Letter to the Pioneers." Honorable M. S. Bonnifield writes about State's early days: "It is the 50th anniversary of the building of Governor Nye's celebrated dam (for the Indians, $75,000) by a millsite on the Truckee River and the 50th anniversary of historic fact, there was no mill built by a 'damsite'." It should be stated here that the *Humboldt Star* was traditionally against Governor Nye. It opposed his election to the United States Senate and Humboldt County was the only one that did not give the 1864 Constitution of Nevada a majority vote.

victim. After they had ensnared Attorney-General Benjamin B. Bunker in the famous "Slide Mountain Suit," they took on Governor Nye. On several occasions they had tried to snag him, but he "just went on smiling his pleasant smile as if nothing had happened." But they were not to be defeated. Ring-leaders from Virginia City and Carson City conspired to unite their efforts in getting a "laugh" on the Governor, a design of which he was well aware.

But let the inimitable Mark Twain tell the story: Disguising their purpose, he said, "they banded themselves together to the number of ten and invited the Governor to join them in a banquet of 'pickle-oyster stew and champagne,' great luxuries for Nevadans in those days. The Governor, wanting a companion in fun for the occasion, asked me (Mark Twain) to come along. Nye said to Mark, 'It's a poor invention. It doesn't deceive me. Their idea is to get me drunk and leave me under the table, and from their standpoint this will be very funny. But they don't know me: I am familiar with champagne and have no prejudices against it.'

"The fate of this little joke came about two o'clock in the morning. At that hour the last joker joined his comrades under the table, drunk to the last perfection. Governor Nye was serene, genial, comfortable, contented, happy, and sober—, although he was so full he couldn't laugh without shedding champagne tears. When the Governor and Mark were the last ones left above the table, Nye nonchalantly remarked: 'This is too dry a place for me, Sam. Let's go and get something to drink and go to bed'."[24]

During the time Governor Nye was in Nevada, he had no member of his immediate family here except his uncle, Captain Thomas C. Nye, (John Nye in *Roughing It*). The Captain lived in Carson City for a short time in 1861–1862. He had come out to California in the Gold Rush and was well and favorably known in many of the California mining camps. When his nephew, Jim Nye, was appointed Governor of the Territory of Nevada, Tom came over to Carson City looking for a political job. The nearest he ever got one was to serve as a Clerk of the First Territorial Legislature and for a short time he was Secretary to the Governor.

Both Nye men loved to talk, and especially Tom. From Sam Clemens, who loved to talk, himself, one gets some idea of Tom's persiflage: Tom and Sam with a party of men went on horseback to Aurora in February, 1862, a three-day trip. On the way, Sam said that the Captain boasted that he could "lay out a railroad,

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[24]Mark Twain's Autobiography, Vol. II, 305–307.

organize a political party, sew on buttons, shoe a horse, set a broken leg or a hen." And the Captain was able to talk himself out of a predicament, or to worm his way into an accomodation.

GOVERNOR NYE AND HIS TERRITORIAL DUTIES

During the three and one half years, approximately, Governor Nye was in Nevada, there were three meetings of the territorial legislature, two constitutional conventions, and one meeting of the state legislature. The notable accomplishments of the first legislature were to organize the territory, divide it into counties, establish the capital, provide for the election of local officers, legalize the acts of the Territory of Utah where they applied to this part, levy taxes, set up a common school system, and pass a civil and criminal code. Although Governor Nye disapproved of some of the laws passed, he did not veto any of them. He said, "He did not wish to prolong the session but rather to get on with the organization of local government."[25]

The second meeting of the Territorial legislature was held on the fourth Monday in January 27, 1862. The talk for statehood had been growing in enthusiasm from the time Jim Nye arrived, and in this session a vote was taken to ascertain the feeling of this group. In consequence thereof an act was passed which authorized the submission to the electorate of the question of statehood, and the choice of 39 delegates to frame a state constitution at the general election on the first Wednesday in September, 1863. Each question was to have a separate ballot box. The result of the election was appreciably affirmative, 8,162 were in favor and 6,660 were against statehood. Having gained the approval of a majority of the people of the Territory of Nevada for statehood, the next step that had to be taken, was to get permission from the Congress.

JIM NYE—THE POLITICIAN

The training Jim Nye received in his association with Tammany Hall politics served him well when he was Territorial Governor of Nevada. To be successful he learned that he had to be master of all situations. And this position he early obtained in territorial politics. One of the ways he gained the favor of a number of men throughout the territory was to grant Notaries Public. The first Territorial Legislature gave him unlimited

[25]All laws passed by the Territory were subject to review by the Committee on Territories in the Congress.

ROBERT M. HOWLAND
Warden, Territorial Prison, 1863

Executive Department
Carson City Nev. Dec 7th 1863

Dear Bob

Mr Martin has just called and tells me he is going in the Morning to Aurora. I like him first rate and have letter Bob I want you to help the Doctor take care of that Appleton

I think the political Sky is pretty clear but we can't tell till after Election have the mollies Stands. I want you to Stand by over there and not leave till after the Election Stark Richter and Col Mooney will Stand by their guns

Keep your Shoes up at the heel & your nose clean

Heels up

Yours Truly
James W. Nye

LETTER FROM GOVERNOR NYE TO BOB HOWLAND

Courtesy—Louise Howland,
Effie Mona Mack Collection

permission to grant as many as he wished. There were 45 issued in 1861–1862, 115 in 1863, and in 1864, the number jumped to 345. There is no telling how many more would have been granted had not the legislature of 1864 cut down this number to 17. In some of these appointments, he made mistakes, as in the one issued to S. C. Johnston of Austin, Nevada. Complaints from citizens in several of the leading towns attested to the fact that Johnston was a Copperhead—and even went around boasting that Governor Nye "dare not remove him." It didn't take the Governor long to revoke his commission.

The organizations in the territory, through which the Governor worked to build up his machine, were the Union Clubs. These organizations, highly patriotic and also political, were great supporters of the Governor. And it was no secret that some of these good Union men were looking for political appointments, as in the case of Robert "Bob" Howland of Aurora. Bob and Jim had one strong bond in common—both of them were close friends of U. S. Secretary of State Seward. The letter, a photostatic copy of which accompanies this article, indicates how much Nye relied on his supporters in these outlying sections of the Territory. In it, one can read how the Governor punished his enemies, and rewarded his friends. His reward to Howland was, of course, the appointment as Warden of the Territorial Prison, 1863.

The perfect poise of James Warren Nye served him well on many occasions. In fact his contemporaries said he was never shaken, however embarrassing the situation may be. Once when he was repeatedly interrupted by the braying of a donkey when he was speaking out of doors, and the crowd laughed, he replied briskly: "Ladies and gentlemen, that does not disturb me in the least. I have never tried to make a Republican speech in Nevada that the opposition has not trotted out its best speakers to try and down me."

No account of the life of Jim Nye can be written without telling of his association with William "Bill" Stewart: That association was very close from the time Nye arrived in the West in 1861, to the time Nye was defeated in 1873, and left Nevada. Stewart, a blonde giant of Scotch ancestry, six feet, two inches tall and weighing two hundred pounds, was born August 9, 1825, less than fifty miles from where Nye had been born in New York State. Stewart's education had been formal and academic, with solid training at Yale University. He had come to California in the Gold Rush of 1850, had settled in Nevada County where he had been admitted to the bar, elected

District Attorney, and for a short time, served as Attorney-General of California. His practical experience in mining gave him a most lucrative practice of law in the Mother Lode area of California. In 1857 he moved to Downieville where he acquired considerable mining property, and also practiced law.

In 1855, Stewart married Annie Elizabeth Foote, daughter of Henry Foote, former Governor and United States Senator of Mississippi. She, too, was highly educated—speaking several languages. Stewart and his wife built several handsome homes in California. Two of them are still standing and lived in, in Nevada City: The Stewart Mansion on Piety Hill and the home he built on Broad Street, indicate his prominence in Nevada City. When he brought his family to Carson City on July 10, 1860,[26] he bought an entire block of ground bounded by Minnesota, King, and Phillips Street.[27] There he built another beautiful home of cut stone—it was for some time the most imposing home in the Capital. Nye was often a guest in their home and the two men saw a great deal of each other. "There is no doubt but that "Bill" Stewart was the master politician of the Territory, and Jim Nye was his chief agent." A member of the first Territorial Council and also of the first Constitutional Convention, it was said, at the time that Stewart, "had as much to do in framing the state's organic law as did any other half dozen members."[28]

When Stewart moved to Nevada, he found the mine owners on the Comstock Lode in a hopeless tangle of litigation. Taking the premise of the broadledge theory, and not the many veins, as was being alleged by the opponents, he successfully prosecuted this idea and won decrees for his clients. Deep mining proved Stewart correct in his contention. For this work, he was paid fabulous fees; he was soon a millionaire from them. Because his practice took him to Virginia City more than to any other town, he sold his home to Governor Nye, who put the home in the name of his wife, Elsie B. Nye, August 22, 1862. Stewart, then, moved his family to Virginia City where he built another handsome home—high up on the side of Mount Davidson, on Stewart Street.[29]

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[26]*Nevada Democrat,* July 11, 1860.

[27]Later, Musser Street was cut through. Today the property is on the northwest corner of Musser-Minnesota-Phillips Streets.

[28]Second Biennial Report, Nevada Historical Society Papers, 1909–1910, 74.

[29]It is interesting to note here that the fire of 1875 in Virginia City burned to the lower side of Stewart Street but did not take out the Stewart home. After Stewart moved his family to Washington, D. C., he sold the property. It changed hands many times thereafter and was finally sold for $100; the lumber was used to help rebuild Piper's Opera House after it burned. It is, also, of interest here to note that Stewart's home in the Downieville fire was not burned.

HOME OF GOVERNOR JAMES WARREN NYE
First Governor's Mansion, Carson City, Nevada, 1862

But he still retained his law office in Carson City. Governor Nye lived in this house in Carson City while he was Governor of the Territory of Nevada. It is truly the *first Governor's Mansion.* And Nye continued to own this home until after he was out of the U. S. Senate, 1873.[30] (It was a part of his estate, and was sold in 1882 by his two surviving children, Mrs. John (Ruth Nye) Waller, and Charles Mason Nye.)

GOVERNOR NYE AND THE ADMISSION OF NEVADA

The favorable action of the second Territorial Legislature and the successful vote on the question of Nevada statehood was an injunction to Governor Nye to carry out this request. Nevada had a pretty slim chance of becoming a state with such a small population: Governor Nye had stated in his report to the National government that conditions in Nevada were chaotic. Neither the territorial or local officials could cope with the problems which constantly arose in such a heterogenous society.

President Lincoln commented on the situation in Nevada in his *First and Second Annual Messages to Congress.* He praised Nye's administration in keeping down treason, he urged the Congress to encourage immigrants to settle in Nevada, and to make known the natural resources of the area. And he suggested that there was a possibility of organizing several states from western territories, including Nevada.[31]

When nothing was done by the Congress to further statehood for Nevada, Governor Nye went east to see what he could do. He left December 27, 1862. On these trips he always went from Carson City to Sacramento by stage, where he took river-boat for San Francisco. There he transferred to the Pacific Steamship line *en route* to the Isthmus of Panama, and thence by ship to New York City. It was stated at the time that he had gone east to bring his family out to Nevada.[32] A trip by ship in 1862–1863 was a hazardous one, what with the southern commerce destroyers active in the Gulf of Mexico and on the eastern coast. (In the several trips the Governor took east from Nevada, he never went once by overland stage).

While Nye was in the east he went down to Washington, D. C. to talk personally with officials. His friendship with President

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[30]*Ormsby County Records,* Vol. 4, Deeds—p. 5, August 22, 1862.

[31]James D. Richardson, *Message and Papers of the Presidents,* Vol. 6, 53, 129.

[32]There is no record that a member of Governor Nye's family ever came to Nevada to live.

Lincoln and Secretary of State Seward undoubtedly was a great help to him. And he also knew, personally, a number of the members of Congress. He assured these people that Nevada would frame a constitution in which there would be a provision against slavery, and a declaration for the support of the federal government. The Nevada bill proposed the boundaries of the State, the qualifications for voting, and the representation to the Constitutional Convention. Senator Thomas B. Wade of Ohio outlined the contents of the Nevada bill. Since Nye had made friends with California's delegation in Congress in his frequent trips to that State, he found these men helpful, too. Senator William Latham spoke enthusiastically on behalf of Nevada's admission. Having overcome all opposition, the Congress passed the *Enabling Act for The State of Nevada,* March 3, 1863.[33]

His mission accomplished, Governor Nye started back for Nevada from New York City by steamer June 23rd, he arrived in San Francisco on the steamship, "Constitution," July 24, 1863, having been out of the Territory for almost eight months. While he was gone, many important incidents had taken place: The "Sage-brush War," between California and Nevada, over the boundary question; the second great rush came in the spring of 1863 after the discoveries of several rich bonanzas; and secessionists had again been active—this time in Austin. Acting Governor Clemens handled the problems as best he could.[34] [Descriptions of these events will be told more fully in the biography of Orion Clemens.]

When Governor Nye was returning to Carson City, his progress was noted along the way: *The Sacramento Daily Union,* July 25, 1863, announced his arrival in this city: "Gone through—James W. Nye, Governor of the Territory of Nevada, arrived in this city by steamer from San Francisco on Thursday morning and in the course of the day started with a party of friends, residents of the territory, for Virginia City and Carson, via Henness Pass. The party, which comprises several ladies, chartered a whole stage. If they run across any delectable spots in the mountains they may yield to the temptation to tarry by the way, in which case this item will reach his 'dominions' before the Governor does."

The progress of the Nye-chartered-stage was also noted on the route: *The Grass Valley National,* quoted in the *Sacramento*

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[33]Cong. Globe, 37 Cong. 3 sess., 166, 905; *Sen. Journal,* 37 Cong. 3 sess., 246, 293, 415 (ser. no. 1148).

[34]Asa Fairfield, *Pioneer History of Lassen County, California,* 46–50.

Daily Union, July 27, said: "Ex-Governor Nye[35] of Nevada Territory, passed through Grass Valley, Thursday last, en route for Washoe. He looked, despite a thick coating of foothill dust and numerous channels of perspiration down his majestic front, the personification of jollity. Our Jenkins says the 'ex-Governor' took brandy and ice in his'n while sojourning here. He did not seem to be in any great hurry to get back to his gubernatorial duties in Nevada."

FIRST CONSTITUTIONAL CONVENTION ON NEVADA

The first Constitutional Convention of Nevada convened November 2, 1863; it was in session from November 2, to December 11th. The convention was called to order by Territorial Secretary Clemens. During these thirty-two days, a framework of state government was written: Again Bill Stewart, now representing Storey County, was the outstanding delegate. His greatest contribution was his work as chairman of the judiciary committee—in writing the organization and administration of the new state.[36]

While an area is a territory, most of the expenses are paid by the National Government, but when it becomes a state, the citizens of the state must pay for their government. To provide for this money, in Nevada, the sections on taxation caused the bitterest debates. The chief industry, mining and all mining property, were to be taxed whether the mine was paying or not. Delegate Stewart, attorney for many of the largest mines in Nevada and thoroughly acquainted with the operation of mines, opposed this section. He offered an amendment which would exempt corporations from taxation, tax only productive mines, and, then, tax only the *net proceeds* of the mines. In his long arguments against the taxing of mines he said it meant "the death of the mining industry if it had to assume this tax burden!" In spite of his pleas, he was outvoted.

There were other sections proposed in the convention which split the delegates into factions: The Enabling Act had provided that the offices created by the constitution should be filled at the same time the vote on the instrument itself was submitted to the people. Accordingly elections were held in the various counties for the purpose of selecting delegates to the state nominating convention to be held in Carson City, December 31, 1863.

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[35]While Nye was gone on this trip and while Orion Clemens was Acting Governor, the people and newspapers were referring to Clemens as "Governor Clemens."

[36]Effie Mona Mack, *History of Nevada,* 250–252.

Soon there developed a split in the Union Party, especially in Storey County—eight of the delegates bolted the county convention, and held their own primary meetings. Delegates were chosen to go to the state convention—but they were not seated.

Now this situation was a pretty "kettle of fish": There were dozens of politically ambitious men who wanted to be chosen as candidates, and it was morally certain that if a man got the nomination from the Union Party, he was as good as elected. (Neither Stewart or Nye was among the nominees.) There was another segment opposed to the constitution on account of its strong expressions in the *Declaration of Rights:* The Copperheads and Secessionists opposed it, too, and four of the nine newspapers in the territory were against this constitution.

The climax of the Constitutional Convention came over the selection of the state capital: There were three cities contending for it—Virginia City, Carson City and American City. Although it had been the privilege of Governor Nye to name the capital of the Territory of Nevada, it was the privilege of the voters to name the capital of the State: In spite of the fact that the owners and designers of Carson City had laid out the townsite for the future capital of the state, and had deeded several city blocks to the state, meant little to the other cities contending for the prize.

After prolonged debate and bitter accusations of one to another, the fight narrowed to two cities—Carson and Virginia Cities. Although Governor Nye could take no active part in the deliberations of this convention, his moral and political influence, particularly in the Union Party, was well known. Through the machine he had built up in the party, he could swing this vote to either city. Recognizing these facts, the Storey County delegation decided to get the Governor committed to Virginia City.

To get Governor Nye on their side for the capital, the Storey County delegation resorted to strategy and artifice: Rufus E. Arick, first mayor of Virginia City, and Joe Goodman, the editor for the *Territorial Enterprise,* arranged a great party for the Governor. Hiring a hack and driving through mud and slush, these two men drove down to Carson City, and invited Nye to accompany them back to their city for an entertainment and banquet arranged in his honor. When they called on him, "they found the Governor a brilliant, charming host with a forty-year-old barrel of whiskey on hand with which to treat visitors." The Governor accepted the invitation and went back with Arick and Goodman.

The Virginia City boosters took the Governor to the Golden Age Dance Hall, under the Medin Building, for entertainment. There, Emma Pastor sang and danced for them, while twenty-dollar gold pieces rained down approval of her performance. After the show, about one hundred of the leading citizenry sat down to an elaborate banquet of food and liquor, imported from San Francisco for the occasion. Champagne flowed freely—and there was considerable frontier camaraderie and a lot of jolly good fun. When the evening was well on its way, the Governor, always witty and charming from the sparkle that produces good fellowship, arose and sang, "The Battle Hymn of the Republic."

Mayor Rufus E. Arick, sober and designing, selected the *moment supreme* to say his piece. In a flowery speech, in which he used the most eloquent words he could assemble, he called on William Clagett, member of the legislature from Storey County, to make the presentation speech: To his Excellency, the Governor of Nevada, a large and handsome silver service of a pitcher and goblets, made of Comstock silver, was given.[37]

Although the mines in Virginia City were producing millions in silver bullion, the city treasury of the newly-incorporated town, was as bare as Old Mother Hubbard's cupboard. Nor was the city's credit good with either the silver merchant in San Francisco or the restaurant keeper. The way out of the difficulty was the issuance of city script, paying as high as six percent per month.[38] Before Virginia City attained solvency, after its bid for the capital, it had to redeem pledges for the banquet, and gift, amounting to $12,000.

The great city of the Comstock Lode may have had a cordial mayor, a big-hearted board of Trustees, and almost a majority of votes in the convention, but it did not have the most astute politician in the Territory. That advantage went to Carson City, in the person of Bill Stewart. Although he had moved to Virginia City, and was a delegate from Storey County, he thought that Carson City was the better location for the capital. In that place, there was an unlimited area of level ground, the water there was better than in Virginia City, and the territory already had several blocks on which to build a capitol building. Besides Carson City was much more accessible to a larger portion of the territory than Virginia City.

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[37]*Gold Hill Daily News,* February 23, 1864. The silver set was manufactured and engraved by F. R. Reichet, San Francisco.

[38]Miriam Michelson, *The Wonderlode of Silver and Gold,* 109–110.

FIRST CONSTITUTION OF NEVADA DEFEATED

The split in the Union Party was a serious one: Even before the party convention had made its nominations for national and state offices, the dissenting wing of the party, led by Bill Stewart and his young partner, Alexander "Sandy" Baldwin, became irrevocably opposed to the adoption of the constitution. And it was a well known fact that Stewart wanted to be United States Senator from Nevada.

Stewart and Baldwin closed their law offices and set out over the territory to defeat the adoption of the constitution. Stewart knew that the voting strength of the territory lay with the miners—it would be to them that he would appeal for its defeat. Consequently he exploited the provision which taxed the "poor miner's shafts, drifts, and bed-rock tunnels." Aided by an aggressive press which exposed the motives of the different factions of the party and the disappointed office seekers, these two lawyers brought about the overwhelming defeat of the constitution—8,851 votes were cast against it and 2,157 votes for it.[39]

In the absence of newspaper articles, memoirs of persons on the inside of the "skulduggery" that took place during this constitutional convention, or any official record of such events, history has to rely on a letter written by Mark Twain, who was reporting the activities of this convention, to his mother in the latter part of January, 1864:

". . . (The bill) was reported back from the Committee with a whole lot of blanks in it (for dates—apportionment & numbers of members, amount of money appropriated to pay expenses of the Convention &c.). The Council passed it without filling those blanks—the House did the same thing—it was duly enrolled, brought back and signed by the President of the Council & the Speaker of the House—then transmitted, a worthless, meaningless, & intentionally powerless instrument, to the Governor, for his signature—at night. And behold, a miracle! When the bill reached the Governor, there was not a solitary blank in it! Who filled them, nobody can tell—but the Enrolling Clerk didn't, anyhow, as the enrolled bill in this office will show. Therefore, the bill was a fraud—the Constitutional Convention was a fraud—the Constitution is born a fraud—a State erected under it would be fraudulent and an impotent institution, & should ultimately be kicked back into Territorial status again, on account

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[39]Hubert Howe Bancroft, *History of Nevada, Colorado, and Wyoming,* 179, fn. 6.

of it. Wherefore, when men say 'let the Constitution slide,' I say Amen."[40]

Although the first constitution of Nevada was defeated, it did not discourage the men anxious for statehood from trying a second time. Conditions in the mining camps under territorial status had become almost intolerable. Lawlessness was common everywhere. Homicide took care of many of the boisterous brawlers, and law enforcers paid little attention to their internecine warfare, but when a respectable citizen was robbed or murdered, it was a different matter.

This situation existed in Aurora almost from the first rush to this camp in 1860. Little was done about the situation until 1864. But let the story be told from the diary of Colonel Samuel Youngs[41] as he made the entries at the time:

1864

AURORA, NEVADA TERRITORY

February

2 About 5 o'clock in morn'g W.R. Johnson was brutally murdered in center of town. A Citizens Protective Body was organized—about 350 names enrolled. Guards placed around Jail & Town. Coroner's Jury in session until 8th.

9 The Sheriff being at Adobe Meadows in search for Buckley, the Deputy Sheriff & Marshall's houses were guarded & they were requested to keep within doors. At half past one P.M. John Daily (Daley)—Wm Buckley—John McDowell (Alias Three Fingered Jack) & Jas. Masterson were hung. Gambling and saloons were closed last eve'g. Today all saloons, stores closed. Mining & all business suspended. A trying day for Aurora. Gov. Nye telegraphed me there must be no violence—but the people are the masters. My dispatch to the Gov. 'All quiet & orderly. 4 men will be hung in half an hour'

11 Gov. Nye—Provost (Marshal) (J.L.) Van Bokkelyn

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[40]Samuel Charles Webster, *Mark Twain, Business Man,* 79–80.

[41]Colonel Youngs was one of the most prominent men in the Territory of Nevada. A good friend and confidant of Governor Nye, he kept him posted on situations in Aurora: He formed Union Clubs in Aurora, was a member of first territorial legislature, and the first constitutional convention. At the time of the hanging, he was a county commissioner of Esmeralda County.

(Bokkelen)—U.S. Marshall (Warren) Wasson arrived in town.

14 Gov. & Co. left."[42]

There was no more trouble in Aurora. The gallows were built in the center of the town; all four men were hanged at the same time.

NEVADA BECOMES A STATE

Within twenty days after the defeat of the first state constitution, the machinery was set in motion for another opportunity to become a state. There were too many reasons why it should be admitted: The politically ambitious furnished one reason, the corrupt territorial judiciary another one, and the uncertainty of the title of ownership of the mines was still another important one.

The national crisis, however, was more important than any of the reasons which arose in the territory; President Lincoln was seeking the admission of a state to give him sufficient votes to adopt the *Thirteenth Amendment*. In two different messages to the Congress the President urged the fostering of immigration to Nevada Territory so that it could assume statehood. On February 9, 1864, Senator Doolittle of Wisconsin introduced a bill to enable the territory of Nevada to form a state government. This act prescribed what should be in the document, who should vote for it, and how it should be submitted to the people.

Opposition to the admission of Nevada developed in the Congress: Again Governor Nye went east to aid in the passage of the enabling act. The newspapers reported that it was a "political trip." And the solid citizenry of the Territory was fast becoming disgusted with everything: The editor of the *Gold Hill News*, April 15, 1864, wrote: "The whole system (referring to territorial government) is a burlesque on government, the name of government, an insult to free white men of common sense, and ought to be abolished by the application of a cowhide boot to the stern of each and every representative of the bogus concern. What it amounts to, is to keep a lot of lazy bean-eaters down at Carson on a beggarly salary of greenbacks, too low to hire a man of common sense with energy enough to keep his nose clean, is more than we can discover."

In a news item in the same paper that reported Nye's leaving for the east, it commented that, "when he is coming back, nobody

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[42]Colonel Samuel Youngs' Journal was transcribed by the late Ethel Zimmer; it was published in the *Nevada Historical Society Quarterly*, Spring Issue, April-June-1959. Vol. 2, Number 2.

knows, and if everybody is of our taste, nobody particularly cares. As for him, his Auditor, Secretary, Treasurer, and whatever functionaries go to compose the Government of the Territory of Nevada, they can have our permission to go to the devil. . . ."

The editor of *The Old Daily Piute,* Virginia City, June 29, 1864, wrote a most scathing article about Territorial Judge W. North, in which "it brought charges, surmises, and most pointed innuendos to bear . . . . which it is difficult to believe would be so directly made without foundation whatsoever." The paper commented, "on his state of health and said that the sooner that official dies or resigns, the better it will be for the Territory."

The Gold Hill newspaper, mentioned above, burlesqued orders from Carson City . . . . "United States of America, Territory of Nevada, God and Liberty, James W. Nye, attest Orion Clemens, etc., etc., with the Great Seal attached thereto in due and ancient form".

But Governor Nye went right on smiling his genial smile and working for the admission of Nevada. He was Nevada's best "traveling salesman," and advertiser of her greatness: When the Territory was seeking to become a state the second time, he wrote President Lincoln, March 25, 1864:

In Nevada, "Churches have been built, school houses erected, and in almost every town in the territory substantial improvements in every branch of industry are made . . . Obstacles that would seem insurmountable in many places here seem only to quicken the zeal and energies of our people.

"Mountains are tunnelled; shafts are sunk thousands of feet through solid rock; rivers are turned from their channels; canals are made, conducting water for fifty or sixty miles; roads are constructed over the highest mountain peaks with a wonderful facility and rapidty; mines are opened and quartz mills erected as if by magic; cities spring up like the 'gourd in the night' ".[43]

Opposition to the second Enabling Act to admit Nevada developed. The world may never know, for there is no known extant record, how this opposition was overcome. But from the results, it may be deduced that Governor Nye, through his friendship with Charles A. Dana, Assistant Secretary of War and confidant of Lincoln, and formerly managing editor of the *New York Tribune,* successfully bargained to overcome this opposition.[44] The bill passed March 21, 1864. Governor Nye issued a Proclamation fixing June 6, 1864,[45] as the date to choose a new group of

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[43]Sen. Ex. Doc., 41, 38th Congress 1st sess.

[44]Charles A. Dana, *Recollections of the Civil War,* 176.

[45]A. J. Marsh, *Nevada Constitutional Debates and Proceedings,* xiii.

delegates to frame another state constitution. This convention made a constitution in twenty-three days, July 4th to July 27th. This document was similar to the first constitution with the striking omission of the provision regarding the taxation of the mines.[46] And this time there were no state officers to be voted upon at the time the constitution was submitted to the people. And it might also be added that there was no division in the Union Party.

In order that the people of Nevada be able to vote in the national election, Governor Nye sent a memorial to Congress asking for an amendment to set the date for the general election of county and state officers. This was agreed to, and on the above date the constitution was adopted, the President was to proclaim Nevada a state without any further action from the Congress: The Constitution was telegraphed to President Lincoln and on October 31, 1864, he proclaimed Nevada the thirty-sixth state of the Union.[47]

It is interesting to note here that, "The (Nevada) Enabling Act, provides the name of the State, and authorizes its admission into the Union by Presidential Proclamation on the conditions mentioned therein. The Constitutional Convention, very properly, we think, decided that they had no legal right to change the name. "Washoe" is a perferable name to Nevada, but Congress granted the President no power to admit such a state by Proclamation."[48]

The first Nevada State Legislature convened on December 12, 1864. Besides passing a set of state laws and attending to other business of organizing a state, it chose its first United States senators. Although there were five strong candidates in the field, Stewart was the only one known to have a clear majority of votes in the legislature. Judge John Cradlebaugh was also a strong contender. To him, Stewart sent word that if he would yield all of the federal patronage to him, his election to the senate would be assured. However, to this offer Cradlebaugh replied: "Tell Stewart that I had rather be a dog and bay the moon than be such a senator."[49] When the vote was taken the next day, there were three strong candidates—Cradlebaugh, James W. Nye and Charles DeLong. The latter two were tied with twenty-three votes each—twenty-seven were necessary to elect. Seven ballots were taken before one vote was changed, just as an

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[46]*Constitution of Nevada,* Article X.

[47]March, *op. cit.,* XV.

[48]*Territorial Enterprise,* July 9, 1864.

[49]Myron T. Angel, *History of Nevada,* 87–88.

STATE OF NEVADA
October 31, 1864

unbreakable deadlock seemed to have been reached. It was said that the vote was changed by some kind of bargaining which was not *recorded as official business*—Nye was elected. The chief difference between these two men was the fact that Nye was a fiercely loyal Union man, and DeLong was a Democrat and a copperhead.

To illustrate how Nye felt about a copperhead, a story is told about "A blatant rebel who was killed in a quarrel, and the man who killed him, being arrested shortly before Nye took his seat in the Senate, he sent for the prosecuting officer and asked him to bring the trial as soon as possible. The officer said that to try the man at once would convict him. "I want him convicted," said Nye, "and before I resign the office of Governor, I mean to pardon him. If it be meritorious to shoot a traitor in South Carolina, it cannot be unpardonable to shoot one in Nevada."

Senators Stewart and Nye left at once for Washington, D.C. via the Panama Isthmus route: they presented their credentials to the Clerk of the United States Senate, February 1, 1865. Because Nevada was allotted four and two year terms for its Senators, the two men drew by lot—Stewart drew the longer one, Nye the shorter one. On February 2, the *Thirteenth Amendment* came up for vote—and was adopted. Sixteen days later, the Nevada State Legislature ratified it.[50]

The two senators from Nevada made a striking appearance in the National Capital, so much so that the *Chicago Tribune* printed a letter from a correspondent describing them: Of Senator Nye, it said "that he is partly Irish and partly French in origin, a man of large frame and appetites, a native orator, with a most impressive appearance: his hair is long, luxuriant, and prematurely whitened, a fat priest-like face, prominent brows, no beard, large bluish gray eyes, a large mouth filled with white teeth, and a stoutish genteel body. He is the *best speaker* on instantaneous occasions in the United States. He has the quality of imagination, of which that body is almost destitute, Sumner having a little, Nye having all the rest. (Richard) "Dick" Yates, U.S. Senator from Illinois, and Nye both appeal to the diety in every apostrophe, and every other sentence is an apostrophe with both of them: But Yates expires with an invocation—(while) Nye is vivid and fertile with a description full of Irish humor, broad exaggeration—equal to the most exalted buncombe: he is mastery of forensic demagoguery. His cunning and his good nature glide into and conceal each other. The redeeming element

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[50]Nevada *Assembly Journal,* 1865, 25.

Orion Clemens

1825 - 1897

A Biography

by

Effie Mona Mack

of his nature is his early and positive convictions upon the slavery question which go back to the times of President Van Buren and the Free Soilers—twenty-years ago. Many a man is dead and buried on the field of battle, who heard the fiery utterances of Jim Nye, in his childhood, and parted links with slavery from that moment. He probably delivered four or five hundred speeches on this question and supported his rhetoric with a good deal of physical courage. He is happiest when he leaves human rights, (and talks) upon questions of sensuousness, the beauty of women, the charms of love, the inviolability of friendship and those other pleasant platitudes which are always in order, like a corkscrew or a pair of slippers. For a free and easy supper or dinner, he is the best man in the Senate to invite out. As a politician, he is a good outrider and "stumper" but his vanity is often stronger than his discretion. As an opponent in debate he is sometimes magnanimous but frequently blistering and billious with humor between, like thunderclaps in sunshine. He said in my presence one day about Senator Sprague, after describing him:

"I can't hit a canary bird like that with a cannon ball."

"And as I afterward observed, his speech upon Sprague was pleasant and forbearing, and knowing Nye's vigor and slyness of repartee as I did, it raised him in my estimation vastly.

"Stewart is a tall, angular Flemish bearded man, of a shining temperament, practical ambition—and extraordinary industry."[51]

Senator Nye did not go down in history as sponsoring any outstanding piece of legislation. Because he was so loyal to the Union, he gave his greatest talent, public debating, to this cause. He was violently opposed to President Andrew Johnson and was as equally vociferous for the bills on the Reconstruction of the southern states. And since he had no peer in the Senate in debate, he was able to swing a number of votes on these bills. On legislation for Nevada, he was considerable help to Senator Stewart. Two pieces of legislation, beneficial to Nevada, passed during Nye's first term in the Senate: the addition of one degree of territory on the east from the Territory of Utah and the addition of the southern part of the state from the Territory of Arizona; the National Mining Code and the adoption of the *Fifteenth Amendment,* both of which Senator Stewart was the author.

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[51]*The Sacramento Daily Appeal,* June 19, 1869, copied from the *Chicago Tribune,* "Jim Nye and Bill Stewart."

SENATOR NYE, A SUPERB DEBATER

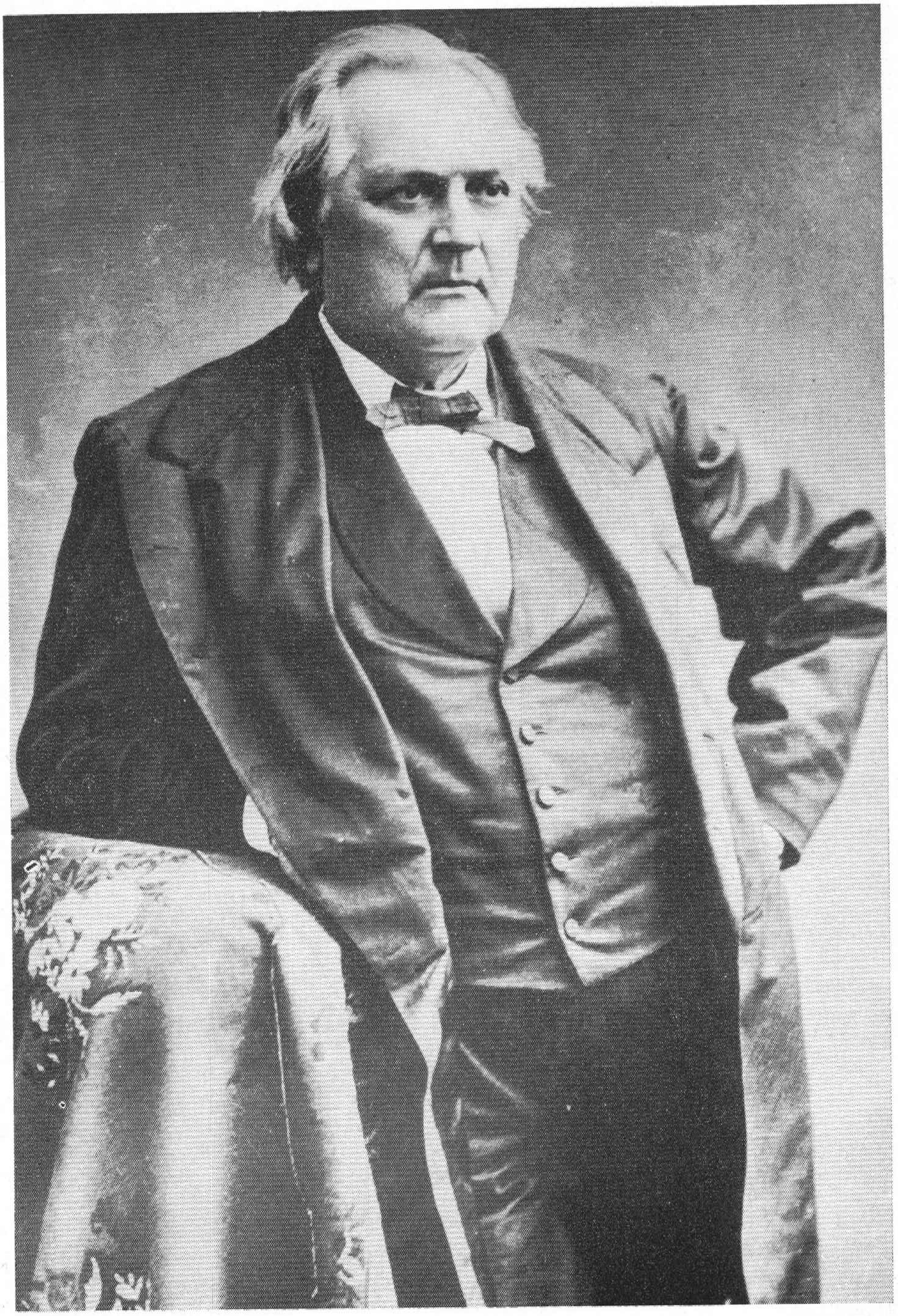
In debate Senator Nye could give an affirmative or a rebuttal with equal aplomb. He was familiar with any subject which might come up. He was as well acquainted with passages in the Bible as was Daniel Webster. Once when it was being contended that a successful civilization could not be maintained in the equatorial regions, and the proposition was supported by strong arguments and illustrations—historical, philosophical and ethnological, he scouted the idea that the capacity to enjoy the blessings of Christianity and of civilization was limited to geographical lines. Nye clinched the argument when he said: "I do not accept this meridional Christianity. Suppose that the Divine Authority of our religion had said to his Apostles, 'Go ye into all the world and preach the Gospel to every creature down to ten degrees north latitude;' what sort of Christianity would that be?"[52]

The *Chicago Tribune,* quoted in the *Sacramento Daily Appeal,* June 19, 1869, told another story about Jim Nye when he dared to beard the Secretary of War, Edwin M. "Ned" Stanton, in his den: "Once when the Senator from Nevada went to Stanton to make a petition for some dead soldier's orphans during the darkest days of the war, Stanton said, 'I have not time, Mr. Nye, to see what you want. Suppose you take time, said Nye. You are unreasonable, Mr. Nye, in pressing such a thing at this time, said Stanton. Permit me to say that *you* are the unreasonable man, answered Nye. If you were not a United States Senator, I should say you are making a damned fool of yourself, replied the Old Gray Eagle, with his eyes blazing. Stanton looked at him a moment, and then softening said, Maybe I am Jim—come inside and tell me all about it. Now, Ned, my boy, you are growing sensible, said Nye, and the business was quickly arranged'."

THE ELECTION OF 1866

At the close of the Thirty-eighth Congress, Senators Stewart and Nye, and Delos R. Ashley, Representative of Nevada, returned to the west coast via the Isthmus route. They arrived in San Francisco, September 4, 1866, and on the following night all three of these men spoke to a large and enthusiastic audience in the Metropolitan Theatre. The newspapers of this city reported that "the house had never been more crowded". Their speeches, printed in full, covered twelve full columns of fine print on large-sized sheets. Nye spoke last, and the paper reported that "there

[52] *Territorial Enterprise,* January 23, 1877.



JAMES WARREN NYE
United States Senator
Nevada
1865–1873

was long and continued cheering when the Gray Eagle of Liberty finished."[53]

Nevada's three representatives returned to Nevada September, 12th. Both Nye and Ashley had to run for reelection. To get delegates for the primary election, they had to move rapidly through the state, speaking in all of the communities. A most delicious story is told of this campaign: Henry Goode Blasdel, first Governor of the State of Nevada, was also running for reelection. These two men, Nye and Blasdel, teamed up together for part of their campaign. It was said that they got an Indian who could jig well, and loading a buck board with several jugs of whiskey, they started out. When they came to a town, they gave the Indian a shot of firewater so he would jig for the listeners.

Although there were several contenders for Nye's seat, the only formidable one was Charles DeLong, again. He had come to Nevada from Marysville, California, in 1863, from which place he had been elected to serve a term in the California State Senate. Because he had copperhead proclivities, he was not considered a safe Union man. And it was on this note that Nye waged his campaign against him.

But to win his election, DeLong took another course of action: He accused Nye of gross corruption and illegal actions when he was Territorial Governor of Nevada: Mr. DeLong went into the newspapers to make his accusations and Senator Nye did likewise in his vindication of himself. In *The* (Carson) *Daily Appeal,* in which city Nye had his home, the editor, H. R. Mighels, supporter and personal friend of the Senator, opened the columns of the paper to Nye's denials. The editor had a one column editorial in support of, and, in defense of, Senator Nye; and he also printed more than four columns under Nye's signature stating the facts, and printing communications from the Federal Government and replies made by Nye:

Mr. DeLong had said that, "I deceived the Government, in falsely representing that a saw mill was constructed on the Truckee and used among other things the following language; 'Mr. Nye represented he had a saw mill built there (meaning on the Truckee) with machinery ready to go into operation; the only reason he alleged for its not being at work was the scarcity of water! And yet there is no question that no mill has been built there, nothing done there but a ditch dug wrong end up: a few logs cut; and all this is so well known that proof on the subject might be deemed superfluous.'" Senator Nye said that that

[53] *Sacramento Daily Union,* September 11, 1866.

statement "is not true . . . that all representations that I did make are contained in three letters to the Department (of the Interior) marked A, B, C;" which were based on information furnished Nye from Jacob T. Lockhart, officer in charge of all the (Indian) reservations."

Senator Nye had taken Lockhart's report as the truth without investigating whether his statements were true or not. For, as Nye said, "I, being only the Superintendent, it was impossible for me as Governor and *ex officio* superintendent to personally supervise all these matters, and it was not my duty to do so." That Lockhart had deceived the Governor was apparent when he reported to him that "the Reservation had been surveyed" that logs cut and placed upon the bank of the Truckee River to the amount of one and one half million feet, ready to be floated down to the mill," "that the dam and ditch leading into the basin or pond . . . and the bulkhead at the head of the race, had been constructed." And last that "The timbers for the mill had been cut on the Reservation, and in readiness to be run with the first logs etc., etc." All of which report was apparently manufactured to please the Governor with the progress which was being made with the proposition that lumber be cut to build houses for the Indians. And which, of course, was a gross misrepresentation on the part of Lockhart.

Also in connection with Nye's administration of the Indian affairs, DeLong stated that, "As I have been arraigned at the bar of public opinion, so in like manner do I now arraign the 'Gray Eagle of the Union Party,' and I ask him in thunder(ous) tones, what had become of the eighty thousand dollars furnished to the Indian Agency of the late Territory of Nevada?"

To this charge Nye replied that "I have not received nor disbursed any such amount of money." Then he goes on to give the amounts of money received and disbursed from 1861 to 1863, when he ceased to be the disbursing agent of the Indian funds of the Territory. "There were no such sums expended," according to Mr. Nye. And to support his denials on these charges, Nye printed in full the reports of the United States Commissioner of Indian Affairs. But Mr. Nye did write that, "I may here state that very little of the money was ever expended in the Territory—most of it having been used in the purchase of goods in New York, and the payment of the freight on the same."

The second charge made against Senator Nye by DeLong concerns the pardon of one, John Harrold, from prison. For this denial, Nye was supported by J. Neely Johnson, ex-governor of

California, and later Justice of the Supreme Court of Nevada. Johnson was a strong Union man and a staunch supporter of Nye. In a long letter which he wrote to Nye and which was published in full in *The Daily Appeal* of October 7, 1866, he stated that, "Harrold had never been arrested in the State of California . . . on a charge of disloyalty," and with equal positiveness that he was not arrested in the State of Nevada until the "spring of 1863" at which time Nye was "absent in the Atlantic States." "I am certain," continued Johnson, "that when John Harrold was discharged from imprisonment at Fort Churchill in the spring of 1863, Governor Nye knew not of his arrest, much less, had or attempted to use his influence in procuring his discharge from such imprisonment."

In trying to prove this charge, DeLong had also brought up a mining transaction between Nye and Harrold over the exchange of some ground in Gold Hill. There was also the matter of a gold watch involved.

The third and last accusation against Nye was over the alleged fee Governor Nye had received from Abe Curry in the sale of Curry's Warm Springs Hotel to the Territory of Nevada for $80,000. DeLong called it the "Penitentiary Swindle." In a letter written by Curry and Notarized, October 1, 1866, he said that "he, nor any of his friends, ever promised Nye a fee for signing the bill authorizing the sale of his hotel."[54]

It was also rumored that a great deal of money had been used, in an argumentative way, by the several Senatorial aspirants on the different members elected to the Legislature. "One, Robert Cullen of Lander County, a member of the lower House, not by the grace of God, is reported to have sold his vote for the sum of fifteen hundred dollars in greenbacks. Somewhat puffed up with the possession of so much wealth, he naturally went on a bender and in due time, his thirst having been quenched, he concluded to invest in an oyster stew, and accordingly repaired to one of the many oyster stands nightly open for the accommodation of those who esteem coal oil light cheaper than sunlight, when he presented a five hundred dollar greenback.

"As a natural consequence, Cullen had many friends—industrious looking men, some of whom took it upon themselves to see him to bed, when he slept, aye, slept long and soundly, as only an honest man or a stupidly drunken beast can sleep. Cullen went to bed with fifteen hundred dollars, or thereabouts, in his

[54]*The Daily Appeal,* October 2, 1866, October 7, 1866.

pockets, but when he woke up, he was without a cent; fortunately, however, there had been no senator elected and Cullen still had a chance to recuperate."

A person inquiring of the relative fitness of the candidates for the United States Senate in 1867, addressed a friend after this manner:

"Jack, what is your opinion of the reliability and fitness of the Senatorial candidates?"

"Well," says Jack, who was something of a joker and fully posted as to his friends political status, "there is DeLong, he has plenty of brains, but they are all in front of his ears, the one who has force without talent, the other has talent without force, then there is Nye and Thomas Fitch, their brains are about equally divided, a stand off. And here Jack waited for the approval or disapproval of his friend, but Jack had not answered the real question, and so his friend had to enquire.

"How about (J. B.) Winters?" "Oh, yes! well Winters has plenty of ears but no brains to speak of on either side of them . . ."[55]

One of the first duties of the first biennial session of the Nevada State Legislature, January 7, 1867, was to elect a United States Senator. Candidates were nominated by each house before meeting in joint session to elect. In the Senate, five names were proposed, Charles DeLong, James W. Nye, John B. Winters, Thomas Fitch, and Thomas Williams. When the two houses met in joint convention, January 16, the names of Winters and Williams were withdrawn. Twenty-nine votes were required for election and on the first ballot, the vote was: DeLong—twenty-seven, Nye—twenty-five, Fitch—four, and Williams—one. The following day the votes of Fitch and Williams were switched to Nye; he was chosen by a vote of thirty-two over DeLong's twenty-five. This election gave the "Old Gray Eagle" the honor of representing Nevada in the Senate until March 4, 1873.[56]

The California newspapers were happy that Jim Nye was re-elected. The *Nevada Daily Transcript,* January 19, 1867, wrote at length of "A UNION TRIUMPH—The re-election of Hon. James W. Nye, as Senator from our sister State, Nevada, is a glorious triumph of the Union party and is gratifying to every loyal man on the Pacific Coast. Nye has ever been an eloquent and fearless champion of human freedom and was an honor to the State which he represented for one term in the Senate . . ."

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[55]*The Eastern Slope,* January 19, 1867.

[56]James G. Scrugham, Nevada—*A Narrative of the Conquest of a Frontier Land,* Vol. 1, 244.

NYE DEFEATED IN 1872

When Jim Nye's first full term in the Senate was drawing to a close in 1872, he announced that he would like to succeed himself in the Senate. But for the first time in the history of Nevada, the powerful influence of money was being felt in political manipulations. Since the time when Nye ran in 1866, the mines of Nevada had produced great wealth; and a few millionaires had been made. Several of these newly rich men wished to enter politics—John P. Jones, William E. Sharon, and Adolph Sutro. Of these three, Jones had the best chance for election: He had had himself called "The Commoner" by the leading newspapers. It was said he had earned this name through his struggle against the railroad, quartz-mill, and bank monopolies. And he was most popular with the miners for his rescue of a number of men suffocating in the Yellow Jacket fire.

To win his first seat in the Senate, Jones was reported to have spent $500,000. It had not been necessary for him to have spent anything, and when he was asked why he did it, he replied, "I'm setting a precedent for my successor."[57]

After "Old Gray Eagle" Nye was defeated for a third term in the United States Senate by Jones, he took up residence with his daughter in New York City. He had been there only a short time when he was stricken with paralysis in April, 1873. It was said he was recovering and would sail with his daughter for Europe. Nye had shown signs of deteriorating before he left Washington. Worn out and despondent, he had had an attack of illness at the close of the session from which he had been in bed for ten days. During the winter of 1874–1875, Mrs. Waller had gone to Jacksonville, Florida, for her own health. While she was there, she had induced her father to join her.

When they were returning from Florida in February, 1875, and were passing through the state of Virginia, Nye was missing when the train arrived at Alexandria. He had had a section in the sleeping car to himself and had retired in his usual health. In checking his berth, it was found that his boots were still there. Dispatches were sent along the line of route, and it was learned that Nye was found in Richmond, safe, but nearly nude. It seemed that he had become confused and had stepped out of the railroad car just as the train had started. Because he had

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[57]Jones was elected for five consecutive terms. Sam P. Davis, *History of Nevada,* Vol. 1, 91–92.

found himself only partially dressed, he had concealed himself in the Richmond railroad depot.[58]

When the party returned to New York City, Nye was committed to the Bloomingdale Asylum. The newspapers said "that excessive drink, disappointment, and trouble were the causes of his loss of mind."

The *Daily Nevada State Journal,* May 15, 1875, "stated that ex-Senator Nye of Nevada is poor[59] and friendless and is now the inmate of an insane asylum." The *Philadelphia Times* of a near date, thus, tells the story of his career: "In 1860 the name of James W. Nye became a household word. His speeches in the memorable camp that gave the first national victory of the Republican Party, attracted the attention of the country, and were highly appreciated by Mr. Lincoln, who appointed Nye the Governor of the new Territory of Nevada, previously known as the Washoe Gold Region. Genial, kind, and generous to a fault, Governor Nye was soon a favorite with the pioneers who were founding a new empire. In a few years, he came to the National Capital with the baptism of the new born state, to take his seat in the Senate.

"In the heat of the desperate battles which were fought during the decade following 1860, Governor Nye was ever foremost in the conflict, and through his eloquent and infinite jest, he quickened the Senate and entered the masses from the hustings.

"But as time with its swift mutations, brought a different control to his little state, and as age dimmed his eyes and bowed his once erect form, power, place and friend deserted him, and sorrows came—not as single spies, but in battalions. There were no applaudits to welcome him to his mountain home. Other altars had been erected and his worshippers had wandered in their devotion. The man of gold had climbed into his place and his work was done.

"The painful story of his mental aberration first came out as he strayed from a railroad train in Virginia, and he was found in helpless childishness groping his way; he knew not whither. And now in the Bloomingdale Asylum, the builder, senator and orator to whom the intelligent and culture of the not yesterday, paid tribute. Thus man frets his hour upon the stage, and then is heard no more."[60]

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[58]*The Nevada Appeal, loc. cit.*

[59]Governor Nye was said to have been an inveterate gambler and, because he was a heavy drinker and lived high, he was constantly without funds. He died practically a pauper.

[60]*The Carson Daily Appeal,* February 28, 1875.

Nye's friends and relatives, thinking that he would have better care at Sandford Hall Lunatic Asylum near the city of Flushing, Long Island, he was removed there. The *New York Star* described this institution as, "Standing on high ground, surrounded by fields and nursery gardens. . . . It is a handsome-looking building and by no means repulsive." This same newspaper continued to say that, "Among the unfortunate inmates of the institution is one of America's most notable men—James W. Nye, of Nevada, ex-police commissioner of New York City, ex-Governor of Nevada and ex-United States Senator." Sandford Hall is a semi-private asylum. . . .

"At Sandford Hall, the ex-senator is furnished with a fine suite of rooms, including a bedroom and parlor, where, however, the furniture is as simple as it can be, for fear of unnecessary loss. In the bedroom a neat little bed stands in one corner, a wash-stand being placed at its foot. A table stands near the window, which, of course, is barred, and on it are some flowers, possibly picked by loving hands. A neat carpet covers the floor. The parlor is furnished in solid furniture with rep coverings.

"Ex-Senator Nye is not allowed to be seen except by his once particular friends." He died in White Plains, Westchester County, New York, Christmas Day, December 25, 1876. When he passed away, a little pocket-notebook was found in among his effects. Written in pencil on the fly-leaf of the book was the following message: "Dear General—come up tonight and swap jokes. (Signed) Lincoln."

Harry Mighels, editor of the *Carson Daily Appeal,* upon hearing of the death of Jim Nye, wrote: "To write a full and fitting obituary notice of James W. Nye would be to write the history of the Republican party; the story of the administration of Abraham Lincoln; the struggle of the Union; the scheme of Reconstruction, and the life and achievements of the Republican party of the State of Nevada. Our dead friend and neighbor was as closely united to all these momentuous matters and events as any man of his day. In the very midst of the most tremendous events of war and politics, he was one of the grandest figures upon the stage of public affairs. His name will ever rest among the most distinguished patriots and statesman of his age."

POSTSCRIPT

Every life is a drama—all of the essentials are there—comedy —farce—tragedy. All of them were vividly present in the life of James Warren Nye. From childhood, his life was on the ascendency. He traveled a broad and brilliant highway until the last

three years of his life. The end was sudden and complete. Jim Nye has been immortalized by Bret Harte in two poems: "Plain Language from Truthful James", and "Further Language from Truthful James."

There is no doubt but that the people of Nevada owe a great deal to James Warren Nye for achieveing statehood: The world has never been told, nor does history record, what plots were made behind the scenes in Washington, D.C. to bring about the admission of Nevada. Men trained in the machinations of Tammany Hall politics do not tell the secrets of their meetings nor do they call in the reporters from the newspapers. The results of these meetings are all that come to light. The two trips Governor Nye made to the national capital bore fruit: Nevada was given two opportunities to become a state; she was pushed and rushed into the Union; the telegraph was used to hasten the event; and the Congress gave President Lincoln unusual powers to proclaim Nevada a State.

Leaders of the Republican Party wanted Jim Nye's political acumen, convincing oratory, and skillful handling of opponents in the Senate to handle recalcitrant senators—such as Charles Sumner and Dick Sprague. It was the opinion of contemporaries that not even capable Bill Stewart of Nevada could have achieved as much. He could "pass the ammunition", but it took Jim Nye to shoot it.

PLAIN LANGUAGE FROM TRUTHFUL JAMES[61]

(*Table Mountain,* 1870)

"Which I wish to remark—
And my language is plain—
That for ways that are dark
And for tricks that are vain,
The heathen Chinee is peculiar—
Which the same I would rise to explain.
Ah Sin was his name;
And I shall not deny
In regard to the same
What that name might imply,
But his smile it was pensive and child-like,
As I frequent remarked to Bill Nye.
It was August the third;
And quite soft was the skies;
Which it might be inferred
That Ah Sin was likewise;
Yet he played it that day upon William

And me in a way I despise.
Which we had a small game,
And Ah Sin took a hand;
It was Euchre. The same
He did not understand;
But he smiled as he sat by the table,
With the smile that was child-like and bland.
Yet the cards that were stocked
In a way that I grieve,
And my feelings were shocked
At the state of Nye's sleeve;
Which was stuffed full of aces and bowers,
And the same with intent to deceive.
But the hands that were played
By that heathen Chinee,
And the points that he made,
Were quite frightful to see—
Till at last he put down a right bower,
Which the same Nye had dealt unto me.
Then I looked up at Nye,
And he gazed upon me;
And he rose with a sigh,
And said "Can this Be?
We are ruined by Chinese cheap labor"—
And he went for that heathen Chinee.
In the scene that ensued
I did not take a hand,
But the floor it was strewed
Like the leaves on the strand
With the cards that Ah Sin had been hiding,
In the game "he did not understand."
In his sleeves, which were long,
He had twenty-four packs—
Which was coming it strong,
Yet I state but the facts;
And we found on his nails, which were taper,
What is frequent in tapers—that's wax
Which is why I remark,
And my language is plain,
That for tricks that are vain,
The heathen Chinee is peculiar—
Which the same I am free to maintain."

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[61]Written by Bret Harte. Reprinted from the original in the *Overland Monthly*, September, 1870. "Bill Nye" is associated with Governor Jim Nye of Nevada.

FURTHER LANGUAGE FROM TRUTHFUL JAMES[62]

(Nye's Ford, Stanislaus)

by

BRET HARTE

"Do I sleep? do I dream?
Do I wonder and doubt?
Are things what they seem?
Or is visions about?
Is our civilization a failure?
Or is the Caucasian played out?

"Which expressions are strong;
Yet would feebly imply
Some account of a wrong—
Not to call it a lie—
As was worked off on William, my pardner,
And the same being W. Nye.[62]

"He came down to the Ford
On the very same day
Of that lottery drawed
By those sharps at the Bay;
And he says to me, "Truthful, how goes it?"
I replied, "It is far, far from gay;

"For the camp has gone wild
On this lottery game,
And has even beguiled
'Injin Dick' by the same.

"Which said Nye to me, "Injins is pizen:
Do you know what his number is, James?"
"I replied "7, 2,
9, 8, 4 is his hand;"
When he started, and drew
Out a list, which he scanned;
Then he softly went for his revolver
With language I cannot command.

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[62]Written by Bret Harte. "William Nye" is identified with Governor Jim Nye of Nevada.

"Then I said, "William Nye!"
But he turned upon me,
And the look in his eye
Was quite painful to see;
And he says, "You mistake; this poor Injin
I protects from such sharps as you be!

"I was shocked and withdrew;
But I grieve to relate,
When he next met my view
Injin Dick was his mate,
And the two around town was a-lying
In a frightfully dissolute state

"Which the war-dance they had
Round a tree at the Bend
Was a sight that was sad;
And it seemed that the end
Would not justify the proceedings,
And I quiet remarked to a friend.

"For that Injin he fled
The next day to his band;
And we found William spread
Very loose on the strand,
With a peaceful-like smile on his features,
And a dollar greenback in his hand;

"Which, the same when rolled out,
We observed with surprise,
That that Injin, no doubt,
Had believed was the prize,—
Them figures in red in the corner,
Which the number of notes specifies.

"Was it guile, or a dream?
Is it Nye that I doubt?
Are things what they seem?
Or is visions about?
Is our civilization a failure?
Or is the Caucasian played out?"

Nota Bene—No part of the biography of James Warren Nye may be quoted without the permission of the *Director* of the Nevada State Historical Society *and* Effie Mona Mack.

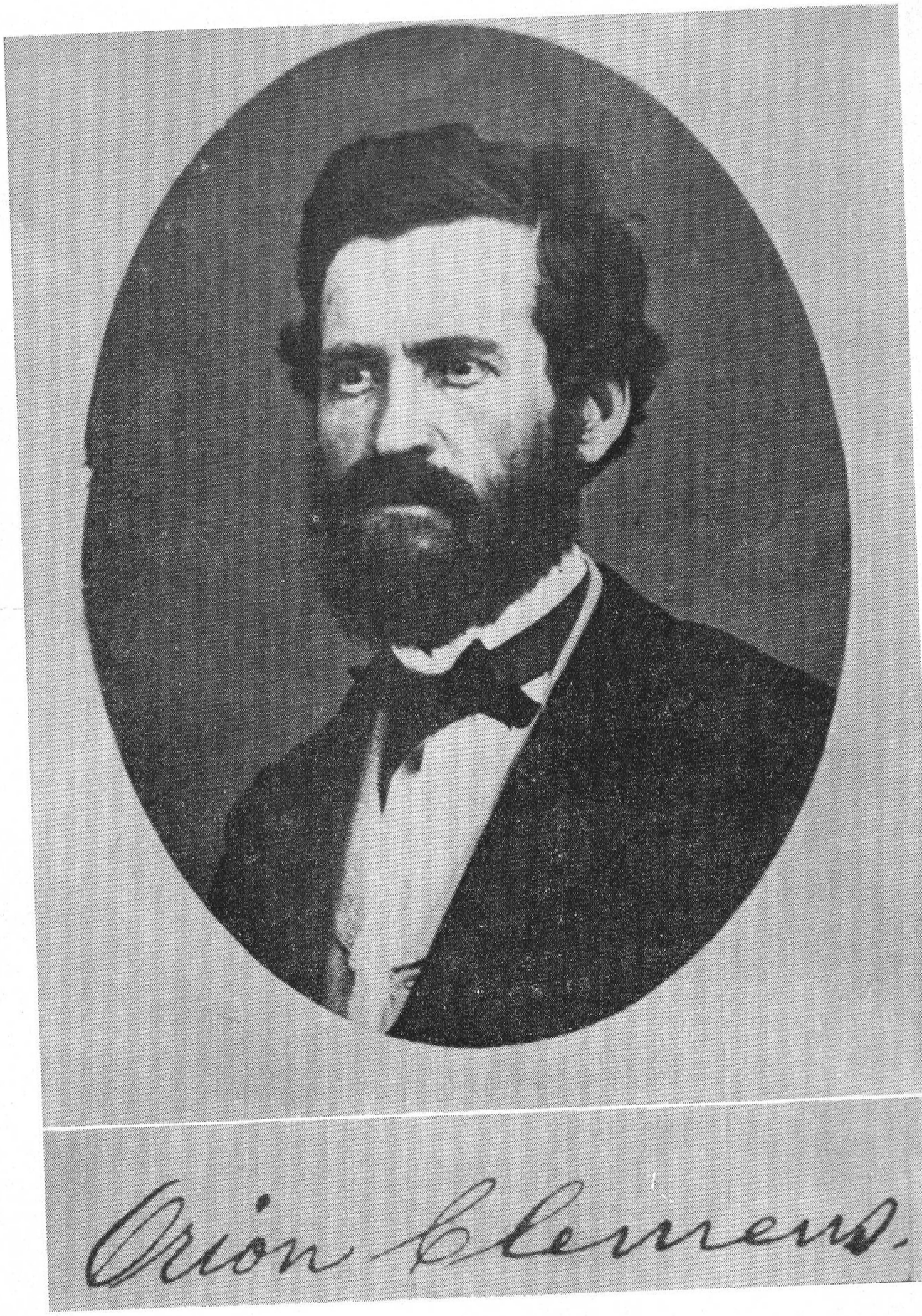
Orion Clemens

1825 - 1897

A Biography

by

Effie Mona Mack



Orion Clemens.

ORION CLEMENS
1825—1897

On a cold day, December 20, 1854, a young bride and groom, Orion and Mary Eleanor "Molly"[1] Stotts Clemens, stopped for dinner at Burlington, Iowa, awaiting the arrival of the stage which would take them from Keokuk to Muscatine, Iowa, where the groom had a commercial print shop. When the coach came up to be reloaded, the groom climbed in, gathered the buffalo robe around him and leaned back, unconscious that he had anything further to do.

A gentleman, standing on the pavement, and noting the dismayed young woman, said:

"Miss, do you go by this stage?"

When Orion heard the stranger's question, it brought him suddenly to his senses. He hopped out and apologetically said:

"Oh, I forgot!"

A wife was a new kind of possession to which he had not yet become accustomed. Absent-mindedness was a characteristic which Orion Clemens never overcame.[2]

Another story reveals the mathematical incompetency of Orion Clemens; it relates his method of keeping books—this time for the Presbyterian Church, of which he was a member. When the books got into a hopeless tangle, he took them to an auditor. Shortly thereafter the two men met on the street, and the auditor inquired of Orion:

"How do you keep the church books, Mr. Clemens?"

"Well, I put down everything I pay out, and trust my memory for everything that is paid in," Clemens replied.[3]

That Orion Clemens was thoroughly honorable and even formal in his human relations is shown by the letter he wrote to Molly's father and mother:

Muscatine, Iowa
November 21, 1854

Mr. and Mrs. Wm. Stotts:

The object of this note furnishes a subject so entirely novel to me, that I hope I shall be excused for any blunders or awkwardness in writing.

Without further preface, I venture to inform you of my

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[1]Mrs. Clemens was called "Molly" by her husband; Mark Twain called her "Mollie."

[2]Albert Bigelow Paine, *Mark Twain—A Biography*, Vol. I, 103–104.

[3]*The Palimpsest*. The State Historical Society of Iowa, "Orion Clemens," by Fred W. Lorch. October, 1929, p. 356.

attachment to your daughter, Miss Mary Ellen (Eleanor), and to ask your consent to our union in a few weeks.

An early answer is respectfully solicited.

Most respectfully yours,

Orion Clemens

There are numerous incidents which relate to Orion's law practice. One year when the city of Keokuk was involved in some important litigation, he volunteered his services without pay. The city accepted. Thenceforth, it was said, "that it was as difficult to keep Clemens at work and to expurgate his jokes from the record as it was to win the case."[4]

Orion Clemens frequently allowed himself to be managed by relatives, friends, and associates: The way Molly handled her husband is the theme of an anecdote which also shows his sense of humor: One day Orion was in the backyard cleaning a pair of his trousers when Molly called out:

"Orion, what are you doing?"

There was no answer.

"Orion, what are you doing?"

Still, there was no answer.

"Orion, *tell me,* what are you doing?"

Then in a meek voice from the yard, Orion said:

"Molly, I am cleaning *our* pantaloons."[5]

Orion Clemens may have been absent-minded, witty, humorously inconsistent, and had difficulty coping with the arithmetic of life, but that he was a lovable, moral, thoroughly honest, upright person and devoted to duty, will be shown in this short biography of a man who was the Secretary of the Territory of Nevada, 1861–1864:

SON OF FRONTIER TRADITION

Orion[6] Clemens was the oldest of seven children[7] born to John and Jane Lampton Clemens, July 17, 1825, in Gainesborough,[8] Tennessee. Both of these parents came from old and first families of Virginia—Jane from patrician stock, her husband from more practical people. There was Irish blood in both of them—and Jane Clemens was considered the wittiest woman in the county.

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[4]*Ibid.,* 354.

[5]*Ibid.,* 356.

[6]Orion is pronounced with the accent on the first syllable, as in *Flo*rian.

[7]Only four of these children grew to adulthood—Henry, the youngest, was killed in a boat explosion at 20 years.

[8]Gainesborough is now spelled Gainesboro.

John and Jane Clemens had vivid personalities and the rearing of their children was so carefully supervised, they indelibly imprinted them with their own characteristics. Similar to their forebears, they were restless people; they seemed always to be on the move. These young parents moved six times in the first twelve years of their married life and had, by that time, acquired five children.[9]

When the Clemens family lived in Tennessee, they bought 75,000 acres of virgin timber and farm land at two-thirds of a cent an acre. This vast acreage endowed the family with an aura of grandeur—with it, they built castles in the air. They had firm beliefs they would be millionaires some day, and everytime the family had bad luck, and those times seemed to be frequent, the father would say: "When we sell the Tennessee land, everything will be all right." It was characteristic of the family to make illusory fortunes daily. And the dying admonition of John Clemens was "Cling to the land, and wait. Let nothing beguile it away from you!"

Cling to the land, and they did! So much so, that the most illustrious member of the family sarcastically wrote that not only did they "cling to the land, but that the land clung to them."[10]

The fifth time the Clemens family moved, was to the Far West—for those days—to Florida, Missouri. There—the most distinguished third son was born November 30, 1835; he was named Samuel Langhorne Clemens.[11] There was one more move for the family—this time to Hannibal, Missouri, in 1839, fifty miles from Florida on the Mississippi River, before John Clemens put his roots down to live the rest of his life: He died March 24, 1847, forty-nine years old. This tragedy was, indeed, a turning point in the life of every member of the family.

EDUCATION BY ASSOCIATION

With so many moves, and nearly always to a new and frontier community where schools were poor, father and mother Clemens had to give their children as much of their own self-acquired knowledge as they could. John Clemens was always studious; he never stopped studying so long as he lived. He had read law and had been admitted to the bar in Tennessee. He tried to support his family with this profession, but there wasn't sufficient

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[9]Albert Bigelow Paine, *Mark Twain—A Biography,* Vol. I, chs. I–V.

[10]Samuel Charles Webster, *Mark Twain, Business Man,* 10.

[11]*Ibid.,* 3–12.

income to do so. But it was his ambition that his oldest son become a lawyer.

When the family moved to Hannibal, 1840, Orion, now fifteen years old, became a clerk in his father's store for a short time, but disliking this occupation he was apprenticed to a printer and publisher of the Hannibal *Journal.* This association was a liberal education in itself. After he became a journeyman in two years, he went down to St. Louis. While there, his father continued to educate him by sending him the contents of twenty lessons on grammar for which he had subscribed.[12] Orion was a good student and followed each of these lessons diligently. On the back of one of the letters his father wrote to him about these lectures, Orion noted such items as: "Rules for Parsing by Transposition" and "If it be active transitive, let the object of the action follow," also "Let adverbs follow the verbs they limit or qualify and supply every ellipsis," and so on. Mr. Clemens taught grammar to the younger children at home. In all of the letters, writings, and books published by Orion and Sam Clemens, their grammar is almost flawless, and their diction—carefully chosen—is expressive. There is no doubt but what the authors of the Clemens family gained their deep respect for the English language from their father.[13]

While Orion was in St. Louis, he became acquainted with Edward C. Bates, a successful and distinguished lawyer. From him, he learned a great deal more. This friendship was to mean much to him in later life.

Jane Clemens, a most religious woman, believed, literally, everything the Bible said. She transmitted this reverence to her children as best she could. For Orion, religion took, he was devoutly religious all his life. However, with his capricious mind, he changed the "brand" of it often. Sam, on the other hand, became a doubter early in life; When he was told he might have everything for which he prayed, he followed prayer faithfully. But when prayer didn't bring him the gingerbread to eat every day, as it had to his little playmate at school, he turned against the efficacy of prayer and religion. Jane Clemens gave her wit to Sam, religion to Orion, and to Pamela, their sister, womanliness.

ORION CLEMENS—THE PRINTER

After John Clemens death, every wage earner in the family was put to work—Orion went back to his job in St. Louis; he

[12]Webster, *op. cit.,* 10.

[13]Webster, *op. cit.,* 9.

sent money home, and was able to save a little. Pamela gave music lessons; and Sam was apprenticed to the owner of the Hannibal *Courier*. When Orion had accumulated $500 he came back to Hannibal and bought the Hannibal *Journal* in 1851; he put Sam and his youngest brother, Henry, to work for him. Orion was a hard taskmaster and the Clemens boys thought they worked too hard and were paid too little for the work they did in the shop. In two years this adventure of Orion's was all through—he seemed not to be able to make things go, so he sold the newspaper for just what he paid. Similar to his father, Orion had a faculty of making business mistakes: This one is the first of a long series of failures that plagued him all his life.[14] Sam set out to see the world. Instead of going only as far as St. Louis, he went on to New York City. It may be said here that Orion and Sam Clemens were closer to each other all of their lives than all of the other Clemens brothers and sisters. Ten years older than Sam, Orion exasperated his younger brother, "in spite of, or because of, the bond of affection between them."[15]

When Orion sold out his business in 1853, the days of the Clemens family in Hannibal were over. He went up the Mississippi River to Muscatine, Iowa, and bought out a small commercial print shop; Pamela married, William A. Moffett, a well-to-do produce merchant in St. Louis, and Jane Clemens and young Henry continued to live for a short time longer in Hannibal with the older children sending them money to live on. It was at this time that Orion and Molly Stotts were married and set up a home for themselves in Muscatine. And when Sam was through with his *wanderjahr*, he went up to work for Orion at $5 a week, and board. Soon, Henry, who had also learned the printing trade, joined them, and together, Sam and Henry did the job work.

One night Sam Clemens stood manfully at his "little press until 2 o'clock," while the "flaring gas light" over his head "attracted all the varieties of bugs which are to be found in natural history." What he thought at first was only a local bug picnic turned out to be a gigantic entomological mass meeting. A venerable beetle that occupied a prominent position on his head sounded the key note of a grand chorus sung by 47,000 mosquitoes (treble), 23,000 house flies (alto), 32,000 locusts (tenor), and 97,000 pinch bugs (bass). The next morning Sam combed 976 beetles out of his hair, and "every one of whose throats was stretched wide open, for

[14]In most of his writings, Mark Twain has emphasized the failures of Orion.

[15]Webster, *op. cit.*, 14.

their gentle spirits had passed away while yet they sang."[16] It was at this time that Sam learned to like and to respect Molly. Sometime he wrote to her instead of Orion.

ORION AND MOLLY CLEMENS

In a small notebook kept by Molly Clemens and found among her effects when she passed away in 1904, are listed the important events in the lives of her and her husband, from the date of their marriage, "December 19, 1854," to the day Orion and Sam Clemens "left for Carson City, Nevada Territory, on 26 of July, (1861)."[17] There is little comment about their lives together, but it does tell of the frequent moves they made in the first six years: In six months Orion had sold out his shop in Muscatine and they had moved to Keokuk where he bought the "Ben Franklin" book and job office, 1855; Sam went on the River to learn piloting—later to be joined by Henry as "mud Clerk." Orion kept this shop for two years, 1857, then he sold it, and Orion and family set out to see about the land in Tennessee. In the meantime, little Jane "Jennie" Clemens was born September 14, 1855.[18] Never again was Orion to be a printer. But the Ben Franklin Book Shop had made its imprint on Keokuk, and the citizens in later years were proud of its work and the fact that Mark Twain had once worked in it.[19]

In the fall of 1857, the young Orion Clemens' family started for Tennessee. It seemed there were two things that took them back to the area where Orion was born: To him had fallen the responsibility of handling the Tennessee land which John Clemens was so sure was to make millionaires of the family, and, also, for Orion to study law where his father had been trained and admitted to the bar. He achieved the latter object, but they still "clung to the land."

While they were in Tennessee, young Henry was killed June

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[16]The Palimpsest, *op. cit.*, 388.

[17]*Ibid.*, 358.

[18]Named for mother Clemens; there was a "Jane" in her family for six generations.

[19]The room in which Orion and Sam Clemens worked was acquired by an insurance firm. When this company moved its offices to New York City, they took up the flooring and moved it, too. This reverence for anything associated with Mark Twain may be contrasted with the little frame cabin he occupied in Aurora, Nevada, in 1862. It was moved to Reno for the exposition of 1926. It was not given care or protection: souvenir collectors picked off slivers and, during the depression, tramps pulled off the remaining boards for fuel. (It was better it remain in Aurora and return to dust than have such an ignominous ending.)

20, 1858, in an explosion on a Mississippi River boat. Orion was notified at once by Sam; Henry died and Orion went on to help take Henry's body back to Hannibal for burial. Henry was the pet of the family; none of them ever got over his death. Orion returned to Keokuk and Molly and Jennie joined them later; they lived a while with Molly's folks.

Now that Orion was a lawyer, he wanted to find a place to practice; he selected a small county seat, Memphis, Missouri, in the county directly west of Keokuk, May, 1860. It was that month that Abraham Lincoln was nominated President by the Republican party in Chicago.

Orion Clemens seemed to have been able to change his politics as readily as he was to change his religion: Although a Whig, he became an ardent Republican and a staunch supporter of the Lincoln-Hamblin ticket. His activities in the local campaign took him over a large portion of northern Missouri, speaking for the party. During the Republican Convention in Chicago, he noted that his old friend, Edward C. Bates, was a possible nominee for President but that he had withdrawn his name in favor of Lincoln; This action clearly meant that he had been promised a post with the National Government if Lincoln were elected.

As soon as Orion read that Bates had been appointed Attorney-General[20] in the Cabinet, he wrote to him for a government position. Molly wrote in her notebook that Orion "received notice of his appointment on the 27 of March, (and) received his papers on the 20 April. Mr. Clemens was successful, he received the appointment of Secretary of Nevada Territory, a new Territory organized in the session of 1860 & 61."[21]

ORION CLEMENS—OFFICE HOLDER

Although Orion Clemens was notified that he was appointed Secretary of the Territory of Nevada in March and received his official papers a month later, it was three months before he was on his way to Nevada to take up his duties. It must be assumed from tradition and letters in the Clemens family that there was great excitement over this appointment; it was the first time that such a recognition had come to it. To be secretary of a territory was tantamount to being Secretary of State of the United States, or, of a State. Orion had to make extensive preparations to leave—Molly and Jennie must be settled until he could send for them, and then he had to get himself ready, also.

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[20]Palimpsest, *op. cit.*, 359.

[21]*Loc. cit.*

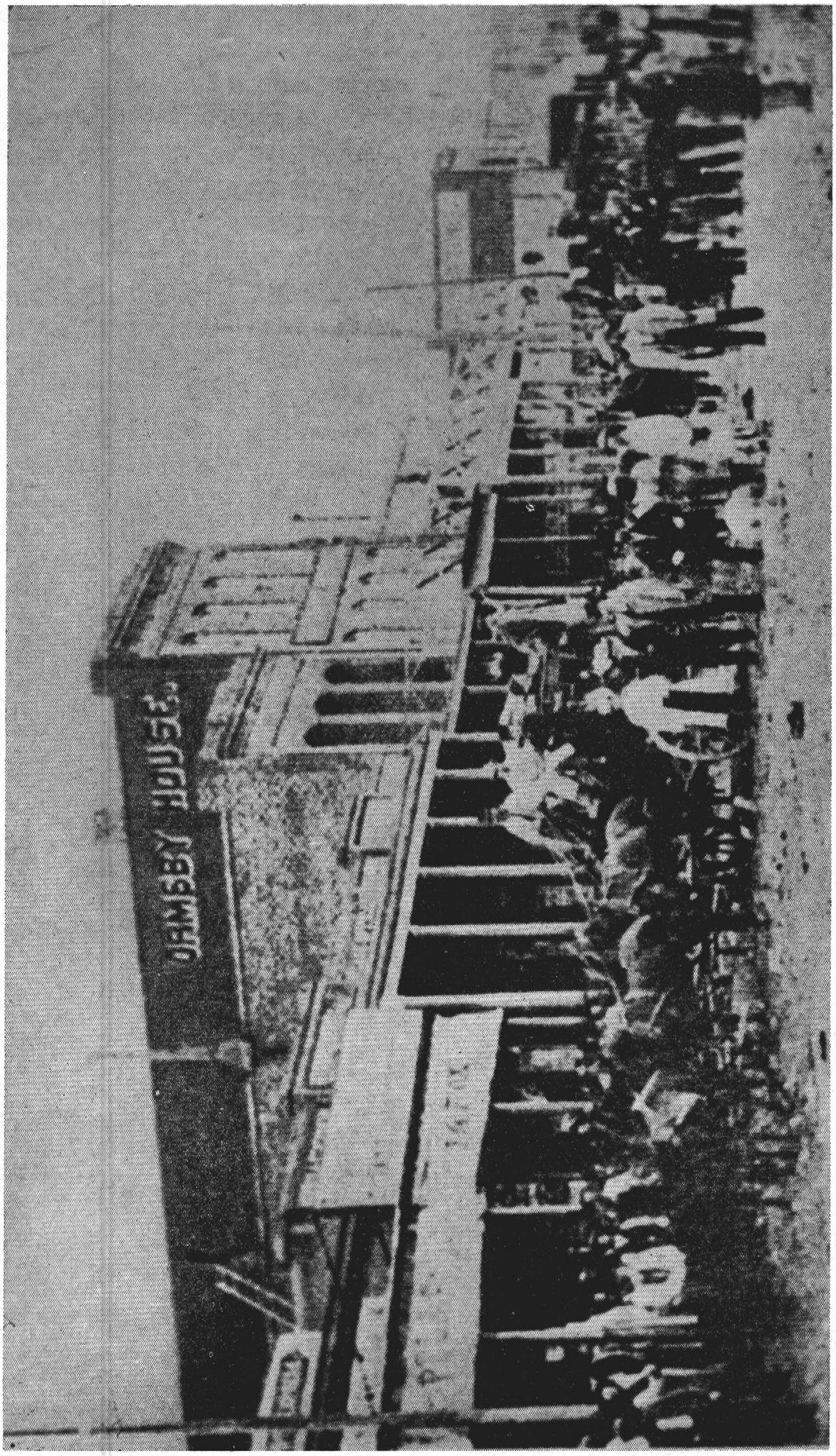
In those days, there were only two ways to get to Nevada—by Mississippi River boat to New Orleans, and thence via the Panama Isthumus route to San Francisco, then by stage to Carson City—or, direct from St. Louis by Missouri River boat to St. Joe, Missouri, and Overland stage coach to Carson City. Orion chose the latter. Going down the River to St. Louis, he visited his sister, Pamela, and there he found his brother, Sam, who had not only lost his job as pilot on a river boat because of the opening of the Civil War, but he had failed to keep up with the Confederate army company he had joined in Hannibal.

As usual Orion was out of funds—he did not have the money with which to buy a ticket for such a long journey to Nevada. So he persuaded Sam to go along if, in turn, Orion appointed him his private secretary. First, there were two tickets by river boat on the *Sioux City* from St. Louis, to be bought to St. Joe, and, then, two stage coach tickets from St. Joe to Carson City. In addition, meals had to be purchased at the stage stops along the way.

To get themselves ready to go West, Orion and Sam got together large quantities of things which they thought could not be bought in a frontier country: There were the formal clothes of silk hats, broad cloth suits, patent leather boots, white kid gloves, and other items of clothing to go with this formality. Then Orion would need a dictionary—a ten pound one was bought—and he must have a number of law books for such an important position—especially the *Statutes* of the State of Iowa. All of these things were packed into a large iron-bound trunk. "It took the boat six days to walk over the snags, to butt the reefs, and to get off the sand bars. In fact, Sam says the boat might almost as well have gone to St. Joe by land, for she was walking most of the time . . ."[22]

As soon as the Clemens boys reached St. Joe, they hastened over to the stage office to learn when the next stage left for the West. He bought two tickets, costing $300, for the stage that left on July 25. (The Overland Mail Stage by the Central Route had only been operating since July 19th of that year). When Orion purchased the tickets, he learned that each of them was allowed only twenty-five pounds of baggage. To reduce the weight, and still keep the articles necessary for a three week trip, was difficult—they finally decided on Orion's Colt revolver, Sam's "pitiful little Smith and Wesson seven shooter," two or three blankets, their pipes with five pounds of smoking tobacco, two

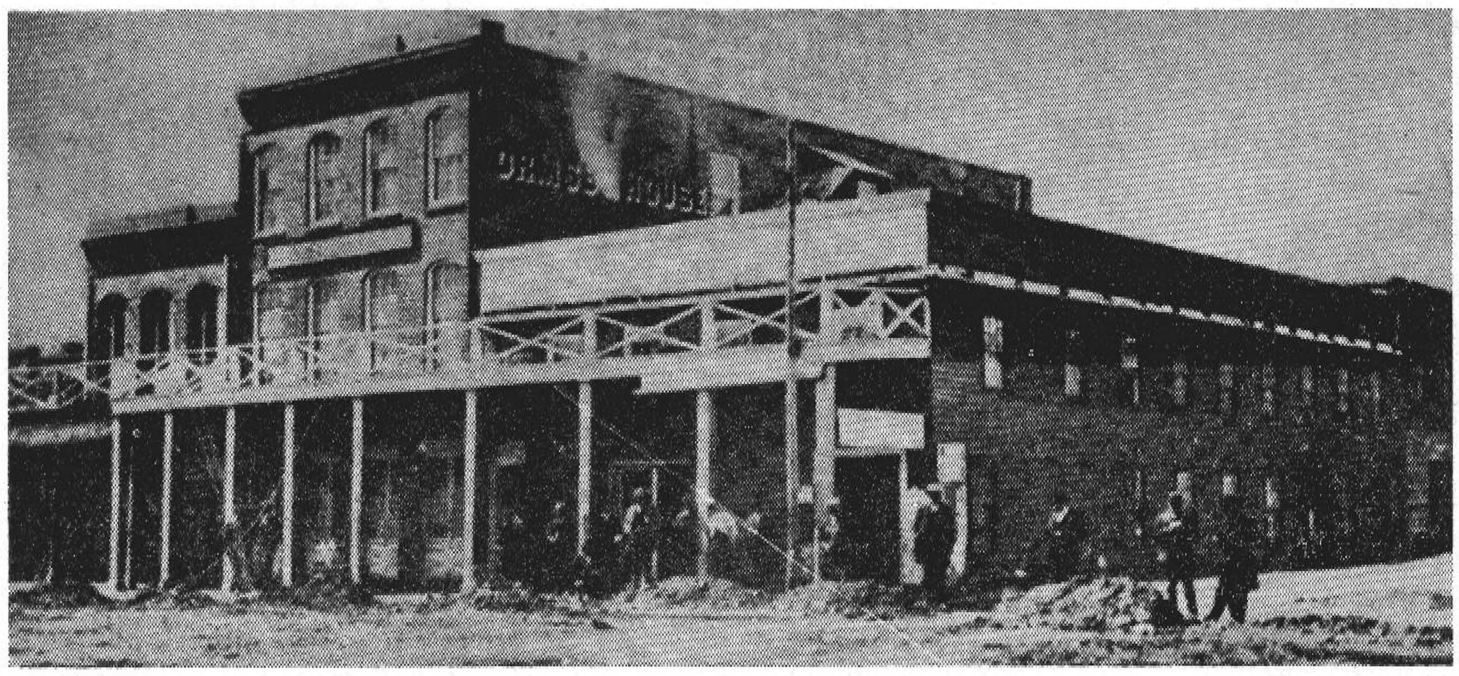
[22]Albert Bigelow Paine, *op. cit.*, Vol. I, 171.



OVERLAND STAGE ARRIVES
Carson City, Nevada

large canteens for water, "a shot bag of silver coins," (Sam had $800), a *Webster's Unabridged Dictionary,* and the *Iowa Statutes.* The remainder of the things were sent back home in their trunk.

The story of their departure; the experiences on the overland trip to Nevada; the descriptions of the country, the people, the government, and the industries of the Territory of Nevada are vividly told in *Roughing It* by Mark Twain. Although this book was written ten years after Sam took this trip, he was greatly aided by the memorandum book Orion kept along the way, and



ORION AND SAM CLEMENS
Lived at
Ormsby House, Carson City, Nevada
1861

by Joseph Thompson Goodman, Sam's boss on the *Territorial Enterprise,* Virginia City.

Of *Roughing It,* Sam Clemens (Mark Twain) wrote: "This book is merely a personal narrative and not a pretentious history . . . there is information in this volume . . . concerning an interesting episode in the history of the Far West, about which no books have been written by persons who were on the ground in person, and saw the happenings of the time with their own eyes. I allude to the rise, growth, and culmination of the silver-mining fever in Nevada—a curious episode, in some respects; the only one, indeed, that is likely to occur in it."[23]

Indeed, *Roughing It* is the only book, even at this date, that deals adequately with the character and the manners of the primitive civilization of early Nevada. History is grateful for a chronicler as close to affairs of state as Sam Clemens was:

[23]Effie Mona Mack, *Mark Twain in Nevada,* 49.

He not only lived with his brother much of the time he was in Nevada, but he helped him carry out his duties of office as was written in the *Book of Instructions* sent to him by the United States Comptroller. Sam suffered through those trying days of the birth of the Territory of Nevada.

As soon as Orion and Sam Clemens arrived in Carson City, August 14, 1861, and stopped at the Ormsby House, then hastened over to see Governor James Warren Nye. Although he had been in Carson City for almost five weeks, he could do nothing about organizing the territory; Orion was the appointed secretary and he had the official guide book. Nye had issued several proclamations—he had announced the names of the officials of the Territory, most of whom had already arrived in Nevada, he had set up the courts, he had provided for the taking of the census, and he had arranged the electoral districts to choose members of the territorial legislature, and to choose a delegate to the Congress, but he could do nothing to set up the machinery for the legislature. That duty belonged to Secretary Clemens.

Soon after Orion arrived in Carson City, he learned that his position had expanded into being Territorial Treasurer, Auditor, and Controller as well as Secretary. And although he had all of these jobs to perform, it was found, after talking with Governor Nye, that all of the appointive positions for the Territory had been filled, and that Orion was not to have a private secretary. That meant that Sam was on his own, but he still had the $800 in silver coins that he had brought with him—and Orion had the munificent salary of $1,800 a year, paid quarterly. And prices what they were, Sam said Orion could "not afford to keep his dictionary" on it.

Although Sam Clemens did not get a position with the government of the Territory, he stood manfully by his brother in getting things started. And well it was, that he did; Governor Nye "took off" for Sacramento, California, for several weeks to prepare his inaugural address, so he said.

One of the first things that Secretary Clemens had to do was to find a place for the first Territorial Legislature to meet: Although there were several large and handsome homes in Carson City, there was no public building sufficiently large for a legislative body of twenty-five men—plus attaches and other officers—to meet. There had to be at least four rooms—one for the Council, one for the House of Representatives, and one committee room for each of the houses.

It was Abraham V. S. Curry, proprietor of the Warm Springs Hotel, a mile or so east of Carson City, who came forward and

"launched the Ship of State" by offering, rent free, the barn-like-unfurnished-second-floor of his hotel for the legislative meetings. He also offered free transportation over his wooden-track, and in his iron-wheeled car, which transported cut stone from his quarry. (This was Nevada's first railroad.)

Since Curry's room was bare of *everything*, Orion had to provide *everything* for it. And since the *Instructions* did not state how, what, or where, these things were to be obtained, Orion had to go ahead and acquire them the best way he could. The merchants in Carson City were not wholly trustful of these "carpet bag" politicians and refused to give credit for many things. For these items, Orion had to pay out of his own pocket, hoping the vouchers would be honored later.

The Congress had appropriated only $20,000 a year to pay the salaries of the territorial officers, the members of the legislature and their attaches, an official reporter, for the printing of the journals of both houses, to rent a place for the meetings, and to pay for anything else that was necessary for organizing a new government. The proper voucher must be made out and forwarded to Washington, D. C., where the Comptroller of this distant government would decide whether the Congressional appropriation could be drawn on.

Now the date set for the opening of the legislature was October 1, 1861, and this is the time of the year that the Nevada winter sets in. This situation meant that Secretary Clemens must get stoves from some source—but that article was a mighty scarce one in primitive Nevada. But there was a way out of such frustrations: He knew that the national government would never honor a voucher for the purchase of stoves to keep the legislators warm—so they must be borrowed from some source.

Fortunately the Secretary and Sam had stopped over in Salt Lake City for a couple of days *en route* to Nevada, during which time, they had called on Utah Territorial officials. Why not borrow stoves from Utah? So—that is just what Orion did! He had the stoves sent by overland freight to Carson City, more than 500 miles away. Now the floors of the legislative rooms were mighty bare and the frontier legislators had expectorating habits—Abe Curry agreed to cover the floor with saw dust, periodically.

The *Book of Instructions* stated that desks and chairs had to be furnished—there was but one furniture store in Carson Ctiy and the owner would not give the Secretary credit—so Orion had plain pine desks and wooden benches made for them.[24] Nor could

[24]Mack, *op. cit.*, 86.

he give the legislators secrecy—locks and keys could not be bought. He was able to get two large American flags to place on the wall back of the presiding officers chairs.

Orion Clemens had many experiences with the United States Comptroller which he lived to regret: The *Instructions* told him to purchase pen knives, envelopes, pens, and writing paper for the legislators. For these things he sent to San Francisco

CHECK NO. 1
ISSUED BY TERRITORY OF NEVADA
Henry M. Lewis was Page
First Territorial Legislature
Check is cancelled when corner is cut off

Effie Mona Mack Collection

where he did get credit. After he had distributed the articles, he found he had one extra penknife. He gave this one—the penknives cost three dollars apiece—to the Clerk of the House. The Secretary, who was expected to account for the distribution of all supplies he bought, honestly reported the gift. The Comptroller replied that the Clerk was not a member of the legislature—hence, the cost of the penknife must be deducted from the Secretary's salary!

There were a number more of such aggravating incidents with which the Territorial Secretary had to struggle. And Sam Clemens said: "Nothing in this world is palled in such impenetrable

obscurity as a United States Treasury Comptroller's understanding."[25] The *Instructions* stated that the proceedings must be printed, and they stated the exact sum that could be paid for printing the *Journals* of both houses. To figure out these costs was a difficult mathematical problem for which Orion was not wholly capable of doing: In the first place most everything in the West was paid in gold dust. But since the Civil War had started, the United States Government figured everything in greenbacks, which were going down in value daily.

Since the first Nevada legislators were garrulous, and since the stipulated amount was soon used up, Orion discontinued the printing of the proceedings. At the same time he wrote the Comptroller what he had done and enclosed a copy of the current high prices —calling especial attention to the cost of hay at $250 a ton. The National officer sternly rebuked him and warned him to correct his ways: the printing must be done, and he was told there was "nothing in his *Instructions* requiring him to purchase hay."

One more aggraving situation arose over the purchase of wood to keep the legislators warm: White men's wages were $3 to $4 a load for sawing it up—wages, too high, for the Comptroller to pay, the Secretary thought. (The legislators were only getting $3 a day). So he hired a lowly Indian, who worked for one half the pay. When the red man had finished his job, Orion made out the voucher and sent it in with the explanation that the Indian could not write his name, but that he had done his work well. The amount was not allowed and Orion had to pay it. The next time wood was needed, Sam Clemens took charge of the work. He employed the same Indian, but he taught him to make an "X" for his name, which Orion witnessed on the voucher. (Sam said, "the "X" looked like it had been drunk a year.") The voucher was honored. Sam's comment was that "he was sorry that he hadn't had the Indian cut a thousand loads of wood!"

With many difficulties, delays, and frustrations, Secretary Clemens managed, with the aid of his brother, Sam, and Abe Curry, to get everything ready for the first meeting of the first Territorial Legislature of Nevada. There was one more additional thing which had to be provided and that one the Secretary must do himself: There had to be a Territorial Seal. To supply this necessity, Orion designed one: In the illustration accompanying this biography, it will be seen that the figure of a rugged miner, holding an American flag in his right hand and a miner's pick in the other one, is the central motif. At his feet, a miner's pan is placed. In the background, different scenes, taken from the

[25]Mack, *op. cit.*, 87.

mining industry, are shown—an overshot wheel of a mill turned by a stream gushing from a mountain, a man running an ore car out of a mine tunnel, and a five-stamp quartz mill in action, is seen through an open door. Around the outer rim of the seal was printed "The Territory of Nevada, U.S.A." On a scroll at the feet of the miner is the motto, *Volens et Potens,* and beneath these words is the year, "1861". It cost $100 to have a wooden imprint made of this design. The people of Nevada can be grateful to Secretary Orion Clemens for his patience, sacrifice and work in getting the Territory of Nevada organized.[26]

SEAL
TERRITORY OF NEVADA
Designed by Orion Clemens

The first Legislature of the Territory of Nevada sat for sixty days; Orion Clemens was there to administer the oath of office on the first day. The members passed all kinds of legislation

[26]Effie Mona Mack, *History of Nevada,* 217–245.

necessary: They had their moments of economy and their fits of reckless expenditures; they acted on all kinds of subjects—to regulate morals, elections, notaries, duels, crimes, and misdemeanors. They granted licenses and franchises, created 9 counties, November 25, 1861, established county seats, and decided the Territorial capital should be at Carson City. And it was the duty of Orion Clemens to record the activities of the legislators, to receive all papers from the Legislature, to pay them, to carry on all the correspondence with the national government, and to act as Governor whenever Governor Nye was out of the Territory.[27]

ORION AND SAM CLEMENS

In writing a biography of Orion Clemens, it is not possible to do so without, also, including much of the life of his brother, Sam. For thirty years the lives of these two brothers were close, 1835–1865. They were not separated for any length of time, until Sam left Nevada on May 29, 1864. And during much of this time, the two men lived together. Although Sam was ten years younger than Orion, he took a paternalistic attitude toward him. They were partners in many mining ventures—hoping to make a fortune together.

It was characteristic of the Clemens men to want to better themselves; it was Sam who achieved this ambition first when he became a pilot on the Mississippi River. His best pay in this position was said to have been $250 a month—more than any other member of the family had ever earned. Sam was generous throughout his life, in giving and loaning money and making expensive gifts to members of his family, but he assumed a superior attitude toward them. So when he financed Orion and his trip to Nevada, which probably cost $500 or more, he carried this feeling toward him to Nevada.

While Orion and Sam were struggling to get the affairs of the Territory of Nevada started, they were coming down with a bad case of silver fever. Everyone was succumbing to this fatal disease. They both ran a high temperature. They heard about new discoveries everyday—at work, at their boarding house, and on the street. Both of these men had known of many people on the River who had gone to California in the Gold Rush, and some of their friends in Hannibal had gone, too. So they both

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[27]The work of the first Territorial Legislature may be found in the published *Journals* of both houses, the Territorial Statutes, the Territorial Letter Books, the Territorial Records, Reports of the Territorial officers, and the newspapers published in Nevada at this time.

had "built in conditions" to be a part of the silver rush to Washoe. They wrote their mother and sister, often, of their mining interests, the rapid rise of mining stocks, the new discoveries, and how much they expected to make on their adventures.

Acquiring interests in mining claims in Virginia City, Unionville, and Aurora, especially, it was Sam who took over the job of makng themselves millionaires. First, he went out to Unionville in early December, 1861. After high hopes of success were dashed for one thing or another, he returned to Carson City in less than two months. In a few weeks he was off to Aurora to look after their interests there. By this time Sam was out of funds and was depending on Orion to finance their mining operations in Esmeralda (Aurora) out of his meager salary. His letters to Orion at this time are now extant and published—they show feverish delirium of expectations, as Sam wrote his brother to send him more money—"lay up another hundred dollars" so I can get this claim to producing, and so on and so on. This is the only time in the lives of these two brothers that Sam is dependent on Orion for funds. By mid-summer, the slow recovery from the fever sets in, his hopes are not so high, and gradually he recovers—"he has seen the elephant", and was ready to take any kind of a job for a living. He writes Orion to find one for him in Carson City.

It is now known that Sam Clemens went out to Aurora with the intention of writing for some newspapers—perhaps mining items—such as his friend and cabin-mate Horatio "Raish" Phillips, was going to do. He took pen, ink, and paper with him, and, more than once he wrote in to Orion to send him some more writing supplies.

Sam didn't like to write up mining items, but with his introspective mind, he could take the measure of most men. And that is just what he did in Aurora: When Judge George Turner[28] gave the Fourth of July oration in 1862, Sam wrote him up in such a manner that he attracted the attention of the editor of the *Territorial Enterprise* in Virginia City, when he sent the article to him. This story and others of a similar nature brought an offer on this newspaper, and he took it. On February 2, 1863, he assumed the pseudonym, Mark Twain; he was to hold the job of City Editor until May 29, 1864. This position with the *Enterprise* took him frequently to Carson City to report the meetings of the Territorial Legislature and the Constitutional Convention.

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[28]Effie Mona Mack, *Mark Twain in Nevada,* 3.

When he was in Carson City, he generally lived with Orion and Mollie.

REPORTORIAL INFLUENCE

When Sam Clemens was asked by Joe Goodman, editor of the *Territorial Enterprise,* to go down to Carson City to report the proceeding of the Legislature, he was pleased. He could fraternize with Territorial officers and the politicians. He was in a unique position to know what "skullduggery" was going on in politics. In addition to being with Orion, he ran around with other reporters, saw a great deal of Governor Nye, and with his own acumen, he was in a position to know many things that other men could not know. And with this information he could influence legislation: It was so appreciable, he bragged about it in a letter to his mother and sister:

"We shall bud out into a State before many months, which will relieve Orion of his office. If I have influence enough, I mean to get him nominated a candidate for some fat office under the (Nevada) State Government, so that you can come out and live with him. I am a pretty good hand at such things. I was a mighty heavy wire-puller at the last, (i.e., the second Territorial) Legislature. I passed every bill I worked for, & on a bet, I killed a bill by a three-fourths vote in the House after it had passed the Council unanimously. Oh, I tell you a reporter in the Legislature can swing more votes than any member of the body. We'll have rare times the coming session, & in the State (Constitutional) Convention.[29]

Sam Clemens was a terrific tease and loved to tantalize different members of his family. Whenever he wrote to Orion from Virginia City, he would address him: "TO THE HON. THE SEC'Y and DEPUTY SEC. N.T." But he had a great attachment for his brother and would "go to bat" for him at any time. In later years he boasted that he had got a law passed which gave Orion the largest financial income he every had or would have in his life. About this income, he said, "I was there every day in the legislature to distribute compliment and censure with evenly balanced justice and spread the same over half a page of the [*Territorial*] *Enterprise* every morning; consequently I was an influence. I got the legislature to pass a law requiring every corporation doing business in the territory to record its charter in full, without skipping a word, in a record to be kept by the Secretary of the Territory—my brother.

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[29]Henry Nash Smith, *Mark Twain of the Enterprise,* 13–14.

"All the charters were framed in exactly the same words. For this record service he was authorized to charge forty-cents a folio of one hundred words for making the record; five dollars for furnishing a certificate of each record, and so on. . . . Everybody was a mining corporation, and had to have himself recorded and pay for it. *Very well, we prospered.* The record service paid an average of one thousand dollars a month, in gold."[30]

Orion Clemens work was lessened in some respects when John H. Kinkead was appointed Territorial Treasurer, but it was increased in others by the law Sam said he influenced the legislature to pass: On January 2, 1862, Carson City, Orion wrote to Mollie that, "The Legislature passed a *fee* bill in my favor, but it doesn't amount to much". It didn't amount to much at first, but it was soon to amount to a great deal.

In a law passed in the first session of the Legislature, which was not entirely clear, but clarified in the Second Session, directed Secretary Clemens to take custody of the records of the Probate Court of the County of Carson, Utah Territory, and Carson County, Nevada Territory, should be deposited in the office of the Secretary. And it was also stated in the *Virginia Daily Union* that Secretary Orion Clemens had employed four or five copyists in this work for several months. The Secretary was allowed forty cents a folio. The cost to the Territory of Nevada was $10,000. This amount however, was too high. The records show that he received $5,713.30 for copying the County Records, and his salary for two months was $1,416.67.[31]

For almost three years, 1862–1865, Orion Clemens was the richest member of the Clemens family. Sam was then, according to his letters he wrote home to his mother and sister, receiving $40 a week reporting on the *Territorial Enterprise.*[32] And during the time he was reporting the State Constitutional Convention in 1863, he was getting an additional $7 a day.

At last the Clemens boys had hit pay dirt in Nevada. Their steady income was far better than trying to make a fortune in mining—and Sam didn't have to work in a quartz mill, or worry over what the "bulls and bears" were doing to their stock on the mining exchange. While gold coin was most difficult to come by in those days (President Lincoln had called in gold and silver money and the business in the United States was done in paper currency), most salaries and fees were paid in gold.

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[30]*Loc. cit.*

[31]In 1862, Orion's salary was raised to $3,500 a year.

[32]Mack, *op. cit.*, 171.

ORION CLEMENS VERSUS GOVERNOR NYE

When Sam Clemens returned to Carson City from the Humboldt mines in January, 1862, he found Orion and Governor Nye in serious disagreement.[33] These two men, appointed the chief officers of the Territory of Nevada, had diametrically opposite training in politics. Orion, on the one hand, had always lived in small villages on the frontier, more or less, and had been reared in a most conscientious religious way. He was naively honest, and what was more, he had always to be at peace with his inward monitor. His only political experiences had been when his father ran and was elected Surrogate Judge in Hannibal when Orion was a young lad, and his acquaintance with Edward Bates, Judge in St. Louis. He had campaigned for Lincoln in small Missouri towns, but he had never had any direct association with a political machine nor with the National Government.

Jim Nye, on the other hand, and ten years older than Orion, had graudated from small-town politics in west-central New York state, and had gone on to be influential in the highly successful machine politics of Tammany Hall. In other words, he was a professional politician. He knew that politics was a game to be played; and he knew it was a rough game "with no punches pulled".

Now, since Orion Clemens had taken his oath of office to follow the *Book of Instructions* faithfully, he intended to do so with righteous devotion. A man may sway his point of view on a question, may even change his politics or religion, but no man could persuade him to swerve from the straight and narrow path of honesty. Because he had never known anything but poverty, and had followed the most rigid economy in his personal affairs, he knew no other way of conducting the activities of the Territory. Governor Nye knew that official Washington could not and would not be bothered with trivialities of an insignificant territorial government, three thousand miles away, nor could it appreciate the insistent frugalities which Orion tried to effect in the use of territorial funds. But the Secretary could not be brought to the Governor's point of view in handling "Special bills and Accounts".

In the two months of Sam Clemens' absence in Humboldt, relations between the Governor and the Secretary had become severely strained. Sam recognized that his brother's position could be jeopardized what with Nye's influence in Washington, D.C., and, also, that something must be done about the matter. One serious

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[33]Paine, *op. cit.*, I, 189.

point of controversy was the price paid for renting office space in Carson City. Nye had set himself up in proper gubernatorial style by renting the best obtainable place on the main street, Carson Street, near Musser Street, (The Magnolia saloon owned by Pete Hopkins was almost next door). The Secretary's office was "out in the sticks" on the southwest corner of Curry and Telegraph Streets.

The *Book of Instructions* allowed a liberal rent for both offices. Nye had learned long ago, that the Federal government was not interested in economy, but Orion had not. Consequently, his meager salary was continually being drained by expenses which his superior met painlessly by the "customary juggling of accounts to take care of necessary adjustments".[34]

When Sam heard Orion's version of the disagreements, and he had noted that his brother's integrity was being assailed, he was righteously indignant. So with all of the wrath which the situation warranted, Sam delivered himself of his feelings by "telling off" the Governor in no uncertain terms. As one old timer said, "Sam gave the Governor merry hell!" And Albert Bigelow Paine, Mark Twain's biographer wrote: "We regret that no stenographic report was made of the interview. It would be priceless now".[35] It can be reasonably certain Sam used every form of cussing he had learned on the River, and it was said, the pilots could outswear the bull drivers. And Sam has said, himself, that he "got so God damn mad he couldn't swear."

Sam's undertaking to handle the situation was entirely satisfactory according to subsequent events. Not only did the Governor leave Orion alone in the future performance of his duties, but, Sam, himself, gained the admiration of the Governor. In fact, this episode increased their companionship.

Sam had only been in Aurora a month, when he felt it was necessary for him to come back to Carson City and to check on how affairs were getting on between Orion and the Governor. On April 2, 1862, Sam wrote his mother that he "was here, trying to rent a better office for Orion". He added that he had obtained "the refusal after next week of a room 16x50 (feet) on the first floor of a fire-proof-brick—rent eigtheen hundred a year".[36]

After all an Acting Governor ought, Sam thought, to have a fine office, a well-furnished office. Sam was so anxious that Orion set himself up as befitted his position, he talked the matter over with Colonel Samuel Youngs, Representative to the Territorial

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[34]Mack, *Mark Twain in Nevada,* 142.

[35]Paine, *op. cit.,* I, 189.

[36]Samuel L. Clemens, *Mark Twain Letters,* I, 69–70.

Legislature from Esmeralda County, and close friend of Governor Nye. The Colonel told Sam that Orion "must rent Kinkead's room by all means—the Government would rather pay $150 a month for your office than $75 for (Attorney) General North's. Says you are playing your hand badly, for either the Government's good opinion or anybody else, in keeping your office in a *shanty*. Says put Governor Nye in your place and he would have a stylish office, and no objections would ever be made, either. When Colonel Youngs talks this way, I think it time to get a fine office. I wish you would take that office, and fit it up handsomely, so that I can omit telling people that by this time you are handsomely located, when I know it is no such thing."[37] To Sam, the proud member of the family, keeping up appearances was uppermost in his mind.

THE THREE GOVERNORS

James Warren Nye—Governor of the Territory of Nevada
Orion Clemens—Acting Governor, Territory of Nevada
Mark Twain—"Governor" of the Third House, Territory of Nevada

By December 3, 1863, the Territory of Nevada had three governors—James Warren Nye—Governor of the Territory of Nevada; Orion Clemens—Acting-Governor—Territory of Nevada; and Mark Twain, "Governor" Third House, Territory of Nevada. To Jim Nye, the job of being governor of the Territory of Nevada was only an interlude between his political activities in New York City and some position he would get out of creating a state of the Territory of Nevada. And when he found that living in frontier Carson City was a drab existence, as compared to living in New York City, he didn't intend to spend any more time there than he could help. He made frequent trips to California and from all accounts he had a whale of a good time with the friends he made there.

At one time Governor Nye was out of Nevada for more than eight months when he went to New York City and Washington, D. C., and he generally spent the cold winter months in California. After all, he must have felt that there was no particular necessity for him to stay in Nevada when he had such a competent Secretary who could also act as Governor at the same time. And, particularly, when the Secretary and his brother enjoyed the distinction of having a governor in the family.

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[37]Clemens, *op. cit.*, I, 72.

GOVERNOR ORION CLEMENS

When Governor Nye was away for the greatest length of time, between December, 1862, and July, 1863, dire and distressing events took place. The first one concerned the settlement of the boundary question between California and the Territory of Nevada, north of Lake Tahoe and on to the Oregon state line. This dividing line had been in dispute since the admission of California and the creation of the Territory of Utah, 1850, from which area the Territory of Nevada had been created.

The story is a long one, too long to be told here, but briefly the question was whether the eastern boundary of California, as defined by the Congress at the 120th Meridian should prevail, or, whether the natural line at the summit of the Sierra Nevada should be taken. For thirteen years, 1850–1863, little or nothing had been done about it. The first move was made by the Territory of Nevada when Roop County[38] was set up and Susanville, Honey Lake Valley, was thought to be made the county seat. This action did not alarm the California authorities, however, until there was an election in the Nevada county in September. Governor Nye did not get around to issuing the commissions until December 14 and 15, 1862. Shortly after they were issued, Governor Nye set out for the East, leaving Acting-Governor Clemens to handle the consequences.

Five days later the Nevada Legislature ordered Judge Gordon Mott to go to Susanville and to hold court. The jurisdiction of the newly elected officers was questioned by the officers in Quincy, Plumas County, California, which laid claim to Honey Lake Valley. Then the fireworks began! In the ensuing days there were writs of injunction served, arrests made, forceful seizure of officers, and general excitement prevailed in both communities. The climax came when the sheriffs of the two counties raised *posse comitati* of some one hundred and fifty men. Large amounts of ammunition were collected (the Plumas men had a cannon) and the Plumas County Army came to Susanville to prevent the Roop County men from holding office. The invading army prë-empted a large barn directly opposite Roop's old log house, 30 yards from where the Roop County men were entrenched. When the Plumas posse tried to fortify themselves more securely by taking some logs from the Roop fortifications, they were ordered to desist. Failing to obey the third command, the Sheriff of Roop

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[38]Mack, *History of Nevada,* 381–397; Asa Fairfield, *Pioneer History of Lassen County, California,* 46–50.

County ordered his men to fire upon them, "wounding one man seriously in the thigh and breaking the bone. The fight then became general between the two parties, and continued for several hours, doing no serious injury except the wounding of several persons—among them Judge Ward who was shot through the fleshy part of the breast and right arm. The wound is not considered fatal."

When it was seen that some one was really going to get hurt, and perhaps killed, a truce was agreed upon: Commissioners from Nevada and California were to be appointed to settle the boundary line. Governor Leland Stanford, California, and Acting-Governor Orion Clemens appointed them: a survey was ordered. California won the dispute when the "rod and transit" showed that Susanville was in California.

For a short time it looked as though Orion Clemens was going to be the Commander-in-Chief of an army and to have to fight a war, and nothing would have been more tragic than to have this happen. It was said that "he probably had gone squirrel hunting in Kentucky but that he had never 'faced up' to a real combat." This fiasco is known as "The Sagebrush War."[39]

Just when the peace treaty between California and Nevada was agreed upon, another troublesome affair took place: Two desperadoes escaped from the Ormsby County jail in Carson City where they had temporarily been confined, pending trial for murder and robbery. Large posters, the size of newspaper sheets, were posted all over the Territory. *"One Thousand Dollars!!* Territory of Nevada, Executive Department, Carson City, February 19, 1863. By the authority vested in me by law, as Governor of the Territory of Nevada, I hereby offer $1,000 *Reward* for the apprehension of *Edw'd W. Richardson,* charged with Murder and Robbery, and *Horace F. Swazey* charged with Murder etc., etc.," and giving detailed descriptions of both men and signed—*Orion Clemens,* Acting-Governor.[40] It was at this time that the newspapers and people were calling Orion, Governor. Both he and Brother, Sam, and Mrs. Orion Clemens, were enjoying the distinction.

Governor Clemens was required to act boldly when the Secesh element became bothersome, and the followers of this political conviction were expressing themselves too loudly in Austin,

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[39]The hand-written six-page report of William Hill Naileigh, Sheriff Roop County, Nevada Territory, is in the Effie Mona Mack Collection. Roop County was made a part of Washoe County.

[40]"Poster of Reward," Effie Mona Mack Collection.

"GOVERNOR" MARK TWAIN, 1863

Nevada. The Governor requested Brigadier-General George Wright, Commander of the Presidio, to station a company of troops at that place to suppress them. And because Governor Nye had unwittingly appointed a secession judge, sheriff, and several notaries public, Governor Clemens had to remove them. Judge Parish B. Ladd was one of them removed.[41] The *Territorial Enterprise,* July 10, 1863, stated that, "Governor Clemens seems to be the right man in the right place. He has acted bravely, patriotically, promptly, and to the extent of his power . . . to our treasonable officials." Although the newspapers had been referring to Orion as Governor Clemens, it wasn't until July 27, 1863, that they were calling Nye—"*Ex*-Governor Nye of the Territory of Nevada." It may be said here, however, that the return of Governor Nye at this time ended Governor Clemens' title and responsibility: and it may also be said that it was a turning point in his political career.

GOVERNOR MARK TWAIN

The Constitutional Convention, framing the first Constitution of Nevada was in session from November 2, to December 13, 1863. Mark Twain had been reporting the proceedings for the *Territorial Enterprise* and there were a number of other reporters from California and Nevada newspapers. They were a gay lot of young fellows. Their headquarters were in a building which stood opposite the capital square of today. They regularly gathered there for their "bull sessions." From Dr. George Lewis Anderson, Surgeon General on Governor Nye's staff, a report, of being at one of these sessions, was written to his wife: The Convention sat in the District Court Room of the old Ormsby County Court House, just across the street. With their sharp wits and unbridled tongues, the ideosyncracies of the members of the convention were burlesqued and ridiculed. It can well be imagined that Mark Twain's priceless gift of expression caused many a hilarious laugh.

Not one of the reporters could possibly equal Mark Twain in his influence: He could outwrite any of them, and, then, he was reporting for the most influential paper in the territory. So when the Constitutional Convention completed its work on the night of December 13, 1863,[42] it was a time of great rejoicing and celebration. Immediately following the adjournment of the first house, a "Third House" was organized, similar to the one that had been held in California since 1851. Mark Twain was

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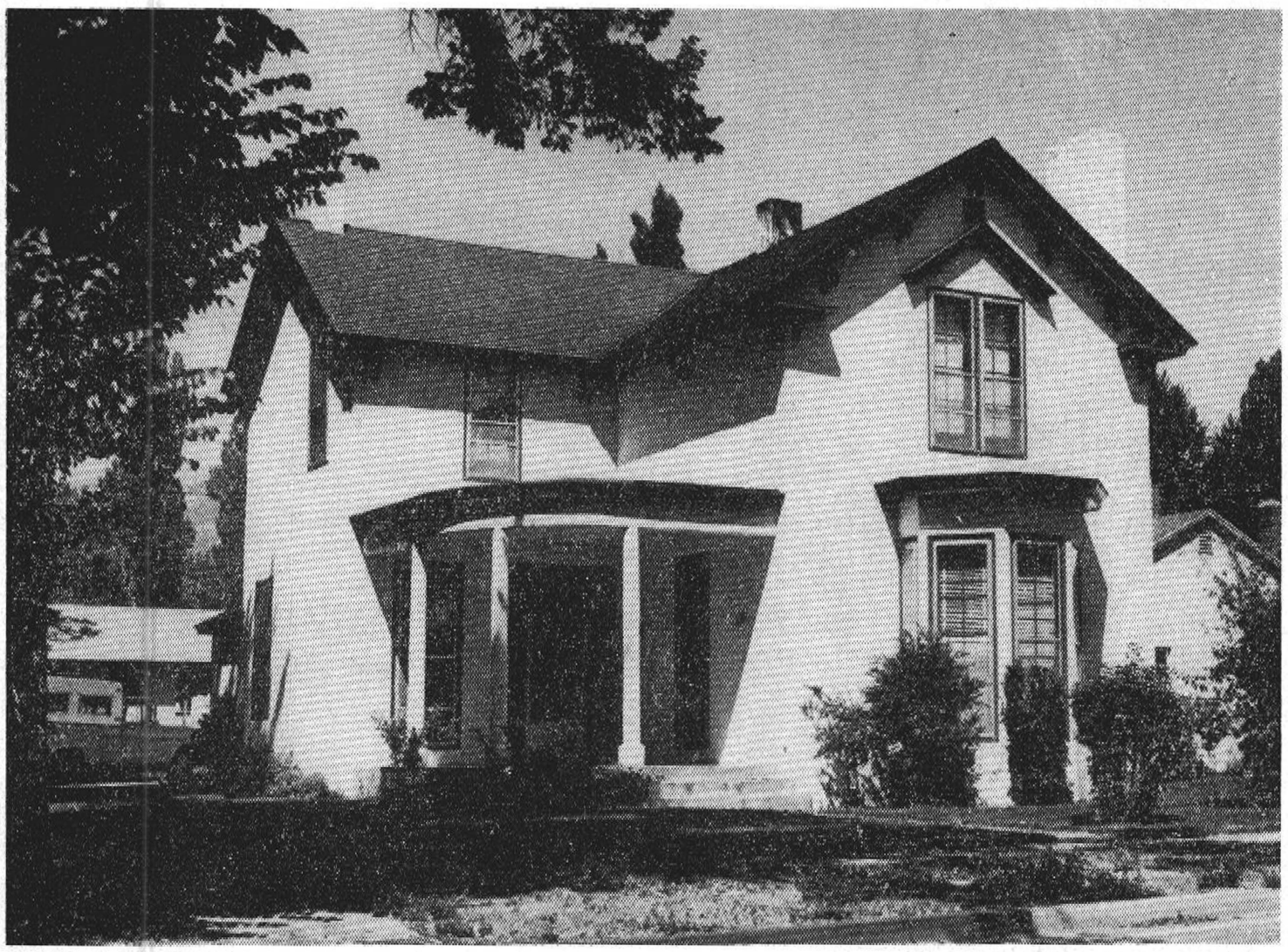
[41]*Territorial Enterprise,* January 24, 1864.

[42]Mack, *op. cit.,* 273.

unanimously elected President and received the honor of being elected the "Governor of the Third House". In his own "phonographic reporting in shorthand" an account of the proceedings, including his inaugural address have been preserved.[43]

Of this message Mark Twain said: "P.S.—Sandy Baldwin and Theodore Winters heard that message, anyhow, and by thunder they appreciated it, too. They have sent a hundred dollars apiece to San Francisco this morning, to purchase a watch for His Excellency Governor Twain. I guess that is a pretty good result for an incipient oratorical slouch like me, isn't it? I don't know that anybody tendered the other Governor a testimonial of any kind. Mark Twain."[44]



HOME OF ORION AND MOLLY CLEMENS
Northwest Corner Spear and Division Streets
Carson City, Nevada
"Mark Twain Slept Here"
(The house was originally frame)

There were now two governors in the same household. Lively times around that home, must have made it a gay place! Since Orion and Molly were active in the Presbyterian Church and since this congregation was then raising money to build a church,

[43]*Virginia City Times,* Vol. I, No. 4, 1961.

[44]Smith, *op. cit.,* 147.

it can be assumed that the idea that he turn some of his popularity as Governor Twain to the benefit of the church, was conjured there. In a public letter, two of the Trustees asked him to give his address and "by charging tollroad franchises, and other persons a dollar apiece for the privilege of listening to your communications" Mark gave his consent: the lecture was delivered on January 27, 1864.[45]

GOVERNOR AND MRS. ORION CLEMENS

On October 2, 1862, Orion Clemens went down to San Francisco to meet the steamer bringing Mollie and their little Jennie from Keokuk to Nevada.[46] With his fine income Orion bought a large plot of ground on the northwest corner of Spear and Division Streets, Carson City, for the purpose of erecting a home on it. The two-story house with a circular porch and a bow window was one of the finest in the city: It cost $12,000, not including the handsome walnut Victorian pieces of furniture and a large square grand piano.

The Orion Clemens home, literally, became the social center of Carson City and Mollie Clemens the social leader, and what with a servant to help her, she could entertain often. She was active in church, school and charitable affairs, often being the chairman of committees. Mollie Clemens enjoyed being the first lady of Nevada.[47] Of this position Mark Twain has written: "Mrs. Governor Clemens enjoyed being the Governor's wife. No one on this planet ever enjoyed a distinction more than she enjoyed that one. Her delight in being the head of society was so frank that it disarmed criticism, and even envy. Being the Governor's wife and head of society. . . and in a home of which "there was no other house in that capital that could approach this property for style and cost."[48]

Mark Twain was fond of Mollie and often when he was away he wrote to her instead of Orion; he found her an asset when he wanted to get after Orion about something. And Mark was most apologetic to her when he involved her, unwittingly, in the Sanitary Ball episode. This little fracas was the *raison d'etre* for Mark Twain leaving Nevada on May 29, 1864.[49]

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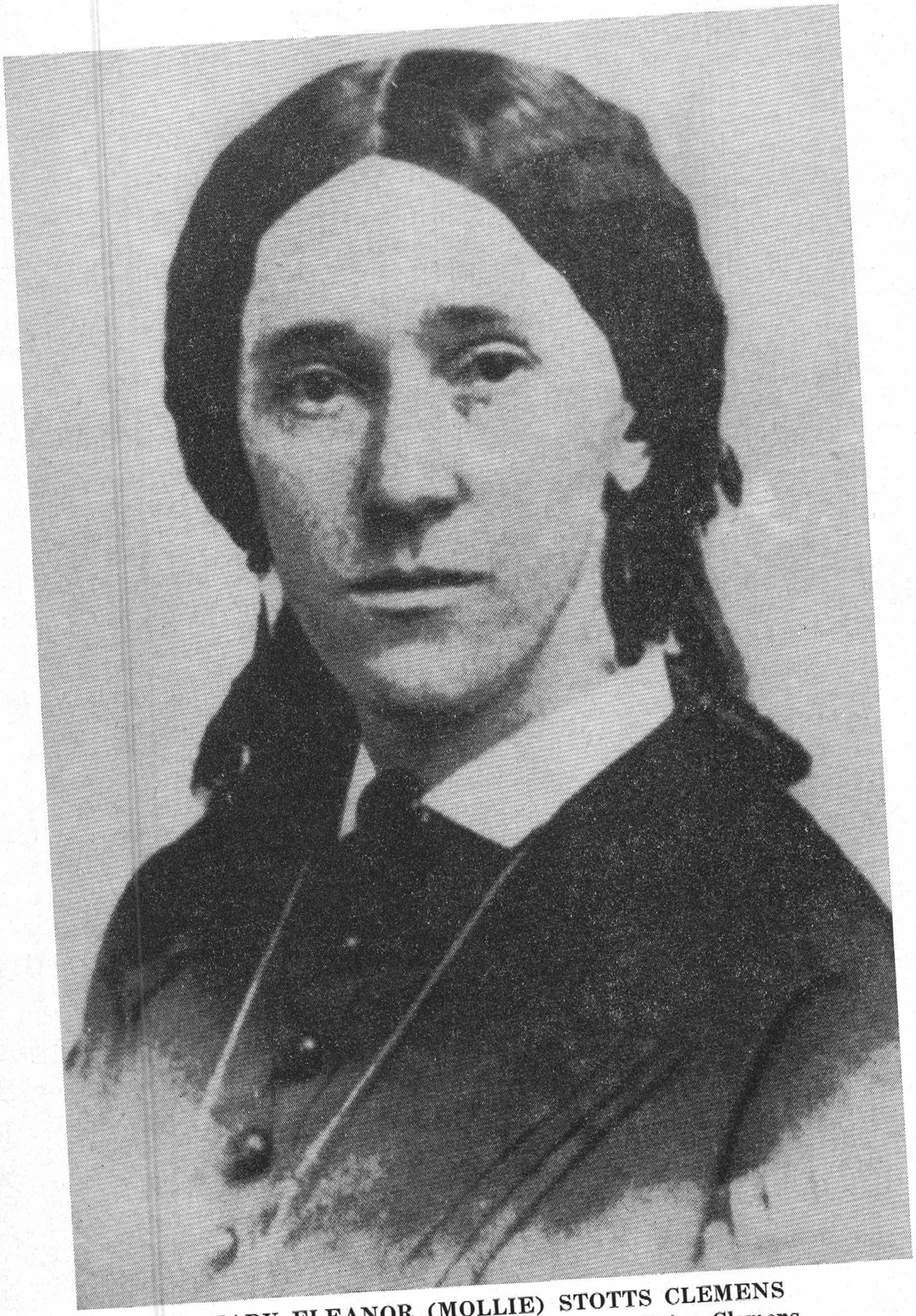
[45]*Ibid.*, 144.

[46]This is the only time that it is known that Orion Clemens was out of the Territory except to visit nearby towns.

[47]Governor Nye had no one to act as his hostess.

[48]Paine, *op. cit.*

[49]Smith, *op. cit.*



MARY ELEANOR (MOLLIE) STOTTS CLEMENS
Wife of Secretary and Acting-Governor Orion Clemens

JANE "JENNIE" CLEMENS
Daughter of Orion and Mollie Clemens

Courtesy—Gertrude Shotwell

Jane "Jennie" Clemens was the only child of Mollie and Orion Clemens; she was six years old when she came to Nevada to live. Old enough to go to school, she attended Miss Hannah K. Clapp's Sierra Seminary, a fashionable boarding school in Carson City. Jennie was bright like all the rest of the Clemens' grandchildren, she was the joy and comfort of her parents; and company, to the home, loved to talk with her. A most beguiling story is told by Dan DeQuille, who was a frequent visitor to the home with Uncle Sammie; "EUREKA!—One day a call at the residence of Hon- Orion Clemens, Secretary of the Territory of Nevada, I was amused by a little daughter of his who was turning over the leaves of a work on geography, suddenly starting up and exclaiming gleefully,—'Good, good! I have found it! I've found it at last!' 'Found what?' her father asked. 'Why look there—"God fishing off New Foundland"! He looked and read under a picture, 'Cod Fishing off New Foundland.' "[50]

The happy household of Mollie and Orion Clemens was deeply saddened when little Jennie came down with spotted fever, the dread mountain disease, and died February 1, 1864. Nothing could be done for her, but Mark, then living with them, was consolation to them as he sat with his brother and sister and watched the little life ebb away. The Territorial legislature adjourned to attend the services in a body.

When it was learned that Jennie had been saving her pennies for a Bible for the church, a handsome one was purchased and presented as a memorial. It has been used continuously ever since she passed away in 1864. The dedicatory page reads:

> Presented to the First Presbyterian Church
> Carson City, Nevada
> A Memorial
> of
> Miss Jennie Clemens
> Miss Clemens died February, 1864

Abe Curry had a stone cut from his quarry for a headstone for Jennie's grave: It is indeed, today, a lone grave in Lone Mountain Cemetery.[51]

Among the pieces of furniture Mollie and Orion bought for their home in Carson City was a little chair for Jennie. And the only piece of furniture they took back to Iowa when they returned in 1866, was this chair. It always had an honored place in their

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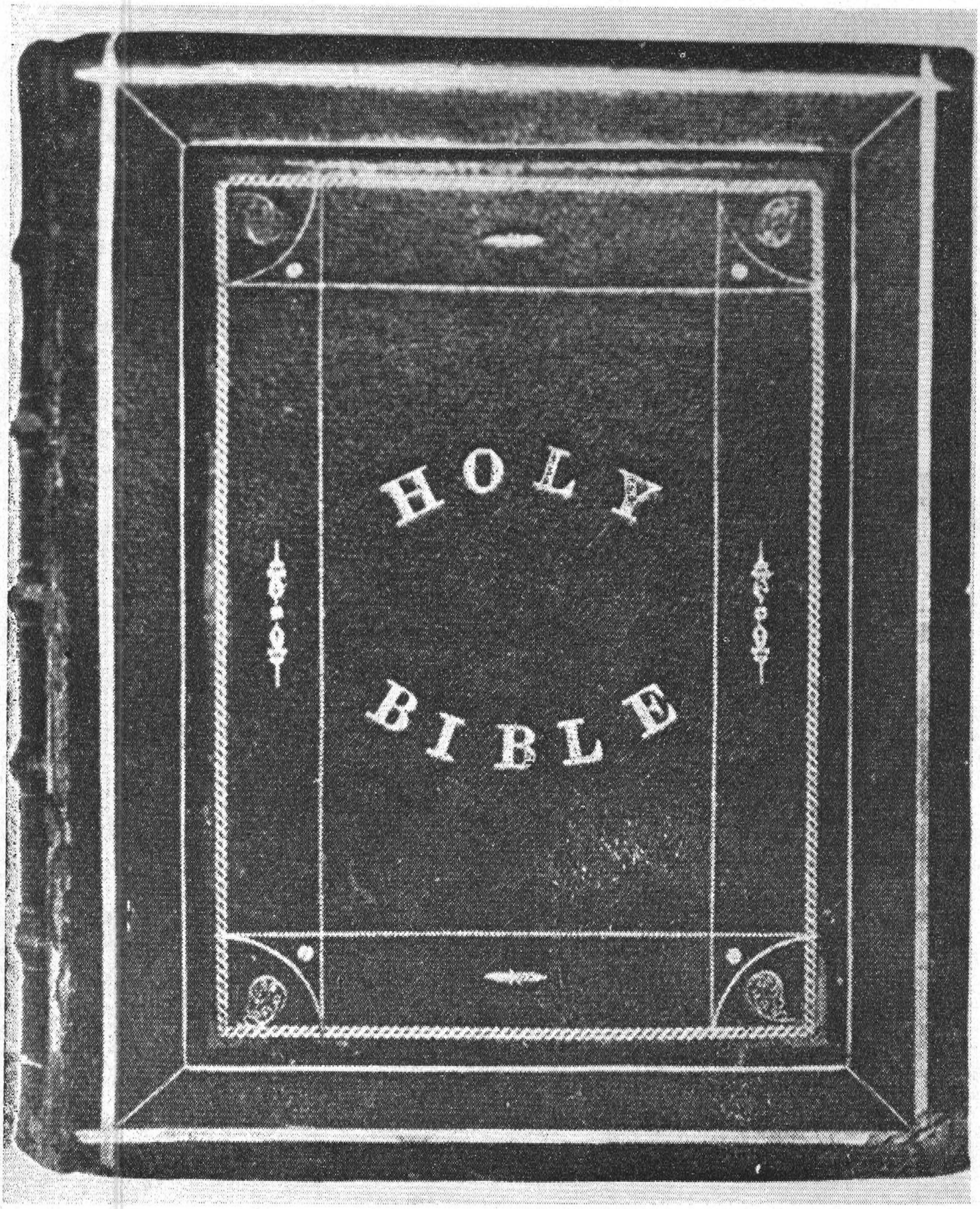
[50]Edgar Marquess Branch, *The Literary Apprenticeship of Mark Twain,* fn., 130, p. 291.

[51]Mack, *op. cit.,* 278.

HEADSTONE
Grave of Jennie Clemens
Lone Mountain Cemetery
Carson City, Nevada



MEMORIAL BIBLE
Presented in Memory of Jennie Clemens
Died February 1, 1864
Carson City, Nevada

sitting room. Old friends of the family remember "the mute pathos of an empty little rocking chair."[52] This chair is now owned by Gertrude M. Shotwell, niece of Mollie Clemens, who was reared by them in Keokuk.[53]

ORION CLEMENS—POLITICIAN

Pursuant to the affirmative vote of the second Territorial Legislature, approving an "Act to Frame a Constitution and State Government. . . ." and the meeting of the first Constitutional Convention, framing the constitution, officers for the new state were to be elected, and were to be voted upon at the same time they acted on the constitution. Since there was only one ticket, the Union Party, in the field, and since Orion Clemens was nominated for Secretary of State, his lucrative income would have continued for another four years, had this constitution been adopted: The ticket received a most flattering majority but the constitution was overwhelmingly defeated: It had been Bill Stewart and his law partner who had led the campaign to defeat it. The measure to tax the mines had been the reason for the defeat.[54]

When the people of Nevada were given the second opportunity to frame a constitution in 1864, a ticket of officers was not included: these candidates were to be selected by the party separately. Orion Clemens wanted to be nominated and it looked as though he was going to be, but let his brother tell the reason why he was not: ". . . Nye was certain to get a Senatorship, and Orion so sure to get the Secretaryship, that no one but him, was named for that office. But he was hit with one of his spasms of virtue on the very day that the Republican (Union) party was to make its nominations in the convention. Orion refused to go near the convention. He was urged, but all persuasions failed. He said his presence there would be an unfair and improper influence, and that if he was to be nominated the compliment must come to him as a free and unspotted gift.

"This attitude would have settled the case for him without further efforts but he had another spasm of virtue on the same day, and that made it absolutely sure. It had been his habit for a great many years to change his religion with his shirt, and his ideas about temperance at the same time. He would be a

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[52]Palimpsest, *op. cit.*, 361.

[53]Letter to Effie Mona Mack from Gertrude M. Shotwell, Greybull, Wyoming, July 5, 1961.

[54]Mack, *op. cit.*, 251–253.

teetotaler for a while and the champion of the cause; then he would change to the other side for a time. On nomination day he suddenly changed from a friendly attitude toward whisky—which was the popular attitude—to uncompromising teetotalism, and went absolutely dry. His friends besought and implored, but all in vain. He could not be persuaded to cross the threshold of a saloon. The paper next morning contained the list of the choice of nominees. His name was not on it. He had not received a vote."[55]

"His rich income ceased when the State Government came into power. He was without occupation. Something had to be done. He put up his sign as attorney at law, but he got no clients." But Mollie and Orion stayed on in Carson City—Orion ran for the Assembly in 1865 and was elected. He hoped he could get the Legislature to pass a law similar to the one the Territorial Legislature passed, i.e. to have all corporations record their papers, "word for word," and then he hoped that he would be appointed Recorder and thereby recoup his former income. The law was introduced, but it failed to pass.[56]

By this time Mark had left Nevada and gone, first, to San Francisco, and later to the Sandwich (Hawaiian) Islands to write travel letters for the *Sacramento Union*. While there, Mollie Clemens wrote him asking him when he "expected to go back home." So accustomed to having Sam make major decisions for them, they were adrift now without him. Sam's reply to her was: "I set sail again, a week hence, for the island of Hawaii, to see the great volcano of Kilauea. I shall not get back here for four or five weeks, and shall not reach San Francisco before the latter part of July. So it is no use for me to go home. Go on yourselves . . ."[57] Orion then decided to sell their Carson City home, which he did for $3,500 in greenbacks.

When Mark Twain sailed for the Islands he picked up his mail before he left but he did not read his letters until he was out to sea. One of them was from Orion which told him of the possibility of oil being found on the Tennessee land. Mark's comment, about the fact that nothing was done by Orion about this discovery, was "and that brother of mine with his eternal cant about law and religion getting ready, in his slow stupid way, to go to Excelsior instead of the States; he sent me some

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[55]*Mark Twain—A Biography,* 318–319.

[56]Mack, *op. cit.*

[57]Samuel L. Clemens, *Mark Twain Letters,* I, 105–106.

prayers as usual." Another chance to be millionaires thrown away.[58]

After the close of the First Territorial Legislature, Orion decided to join the rush to Excelsior, Meadow Lake, California, about fifteen miles west of the Donner Summit. While there he practiced law, wrote for *The Meadow Lake Reveille,* and was a member of the Excelsior Stock and Exchange Board. Mollie did not join him until later. They did not remain there for long; the decision to go East followed. The $3,500 received for the home went quickly: "They took first class passage for New York City, stayed at an expensive hotel, explored the city in an expensive way; and then fled to Keokuk, arriving there about as penniless as he was when he left for Nevada, July, 1861," wrote Sam Clemens.[59]

In a few years, Mollie and Orion were back again in New York City. Mark Twain's sudden and meteoric rise to fame and fortune in the early seventies may have had something to do with their going East again. Orion got a job as proof reader at ten dollars a week on the *New York Evening Post.* The two of them took a single room, and in it they cooked, and lived on that small salary. But Orion still "pined" to be near Sam, so they went up to Hartford, Connecticut, where Mark and, his wife, Livy Clemens, were living. There, Sam got Orion another job on the *Hartford Evening Post.* But this position did not last long either; Orion was offered a better one in Vermont to work on the Rutland, Vermont, *Globe,* to which place they went. Mark did not want them to go—but go, they did, and this experience was another failure—they were back again in six months.

Pilgrims, they surely were—eternally seeking success, but not finding it, they went back to Keokuk to live for the remainder of their lives.[60]

ORION CLEMENS—BUSINESS MAN

The lack of business acumen was one characteristic all the Clemens men, and some of their relatives, had. The visionary dreams the father, John Clemens, had, were inherited by both Orion and Sam Clemens, and the Tennessee lands loomed large in it. Because Orion was the oldest, it became his duty to manage this inheritance. Some allusions to the way he did it have been

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[58]Albert Bigelow Paine, *Mark Twain's Notebook,* 9.

[59]Albert Bigelow Paine, *Mark Twain's Autobiography,* 322.

[60]Mark Twain, *Autobiography,* Vol. II, 323.

mentioned in his biography: It is a long story running throughout their lives from 1850–1906; and, plagued them until the last acreage was sold.

The dream of riches may have come to pass from this source if Orion had not been so scrupulous about his convictions; In 1866 an offer of some $200,000 was made for the land. It seems a scheme to import foreigners to plant grapes and to have a wine industry underlaid the plan. But temperance was a virtue with Orion and "he said he would not be a party to debauch the country with wine." So the land was back to worthlessness with taxes to pay on it.[61] But parts of the land were sold, bit by bit, until there were only 1,000 acres left. This land caused many bitter words between Sam and Orion Clemens.[62]

Orion's attempts to own and to operate a print shop have been told. Although his workmanship was flawless, he never charged sufficient to make the shops pay a profit. There will be more about some of these productions later in this story.

When Orion was in Nevada and was having a fixed income from his salary, he and Sam tried to get rich in mining but with no more success than Orion had had in his print shops. This business fiasco was managed by Sam with devastating failure. Although Orion sent as much money as he could spare, Sam spent it for one thing or another. They both dabbled in stocks and Sam blames Orion for their not making a fortune in Hale and Norcross Stock, a Virginia City enterprise. Sam bought the stock on margin, asked Orion to go in with him, and to send him some money to cover the margin, which he did, but in gold. The package was sent to Sam's hotel in San Francisco, and the clerk put it away in the safe and forgot it. The stock went up and up and Sam sent frantically to Orion for money, but he had not told Sam that he had already sent it in gold, instead of a check. As usual the stock began to gallop down, and they were closed out when they could not put up the demands by the broker.[63]

The State of New York offered a fifty-thousand-dollar prize for a practical method of navigating the Erie Canal with steam boats. Orion worked at that invention for two or three years and completed a plan to do so. And once more he was ready to grasp that fortune which was sure to come from this idea until some one pointed out a defect in the plan. Of it, Mark Twain said,

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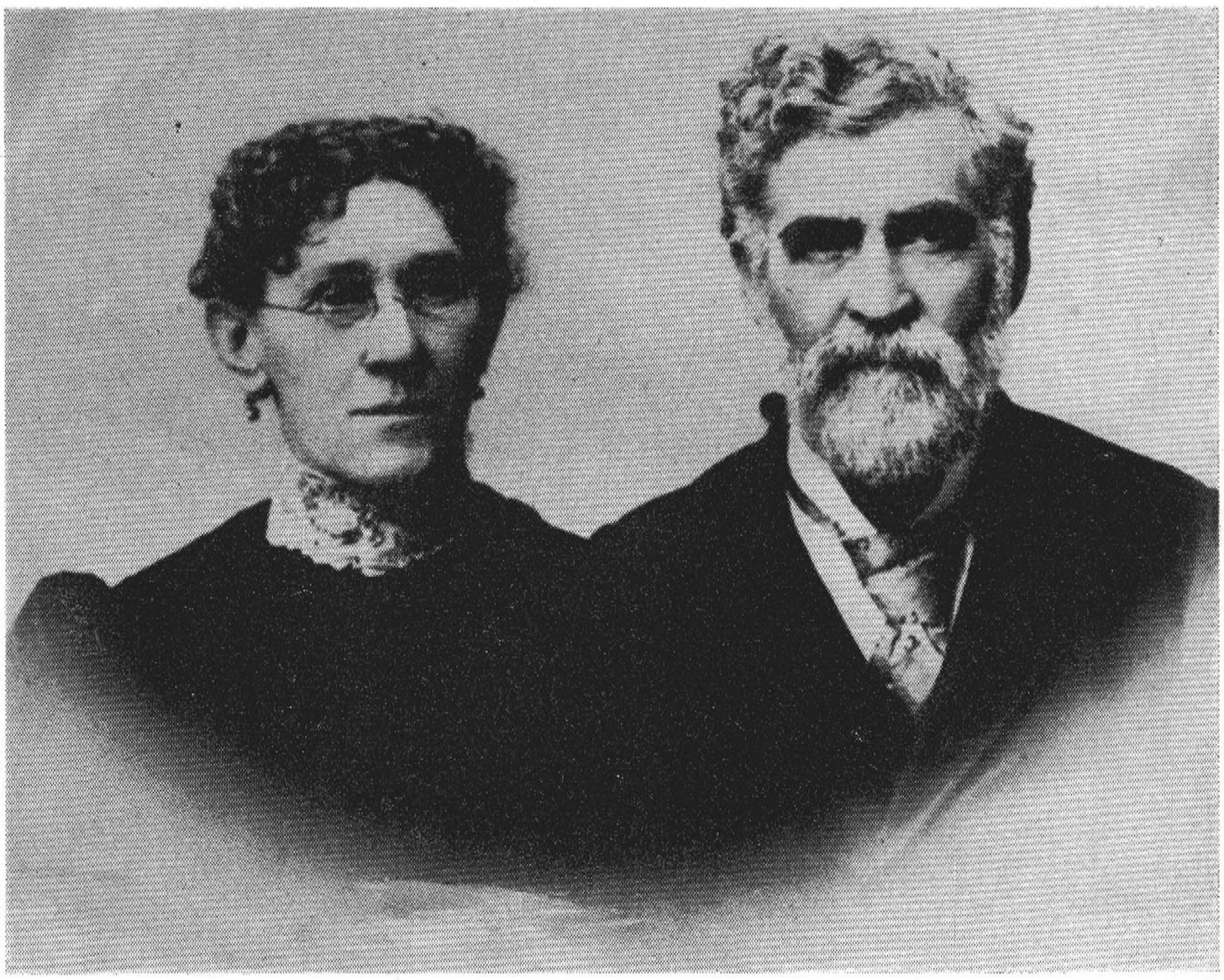
[61]Mark Twain, *Autobiography,* Vol. II, 320–321.

[62]Webster, *op. cit.,* 88.

[63]Paine, *op. cit.,* 253.

"His steam canal boat, (Orion's) could not be used in the winter-time; and in the summertime the commotion its wheels would make in the water would wash away the State of New York on both sides."[64]

After Jane Clemens passed away, Orion sent Mark what money she left. It was Mark's anyway for he had sent it to her. She had been a great care in her old age, what with only one eye to see out of and with the infirmities of old age. But Mark



MR. AND MRS. ORION CLEMENS

returned it to Orion. With this money he and Mollie built on a large addition to their house and began to take in boarders and roomers.

From some of the boarders it is learned of the beautiful and gentleness of Orion's character in his older years. They told of his several whimsical ways—such as putting an excessive amount of sugar in his coffee. Of this adventure Mark Twain said that "if anybody could have made it succeed she (Mollie) would have done it. She was a good woman and was greatly liked. Her vanity was pretty large and inconvenient, but she had a practical side,

[64]Mark Twain, *op. cit.*, Vol. II, 329.

too, and she could have made that boarding-house lucrative if circumstances had not been against her."[65]

After Orion had tried everything he could think of to make a living, printing, law, authorship, and invention, he turned to chicken raising. Borrowing $3,000 from Mark he took over a piece of ground near Keokuk belonging to Mollie's parents. Every month he borrowed more and was painstakingly honest about paying the interest out of the amount he borrowed, and in reporting to Mark every cent he paid out. He recorded what he paid for Mollie's hats, and for things he bought for their mother. But Mark was horrified when he came to the item of paying $25 for a pew in the church. His comment on that expenditure was "to change his religion and sell the pew." At the end of one year the chicken adventure had cost $6,000.

This experiment was the last that Mark Twain financed; he put Orion on a stipulated pension for the rest of his life—a practice he had been following for their mother for some time. And, after Orion passed away, he did the same for Mollie until she died in 1904.

Another common characteristic of the Clemens family was a burning desire to patent something which would make a fortune for them. The father had tried it and failed. Orion invented a wood-sawing machine which actually sawed wood but when he sent for a patent someone else had had the same idea, so nothing came of this scheme.

Sam Clemens was always trying to invent something too—he tried many, many things, a scrapbook for more easily saving his clippings. It was a good one and he received a patent for it, but no fortune came from it: Then Sam invented a history game, he had Orion look up various historical facts to be used in it. After he worked a while at this game, it was dropped. His most ambitious attempt is well known—the invention of the Paige type-setting machine to speed up this process. This was such a costly experiment it wrecked his fortune, and took much of his wife, Livy's, inheritance. He went bankrupt. Mark Twain's conscience forced him to take to the platform to earn money to pay his creditors. He did, and through his good friend, H. H. Rogers, he saved his copyrights.

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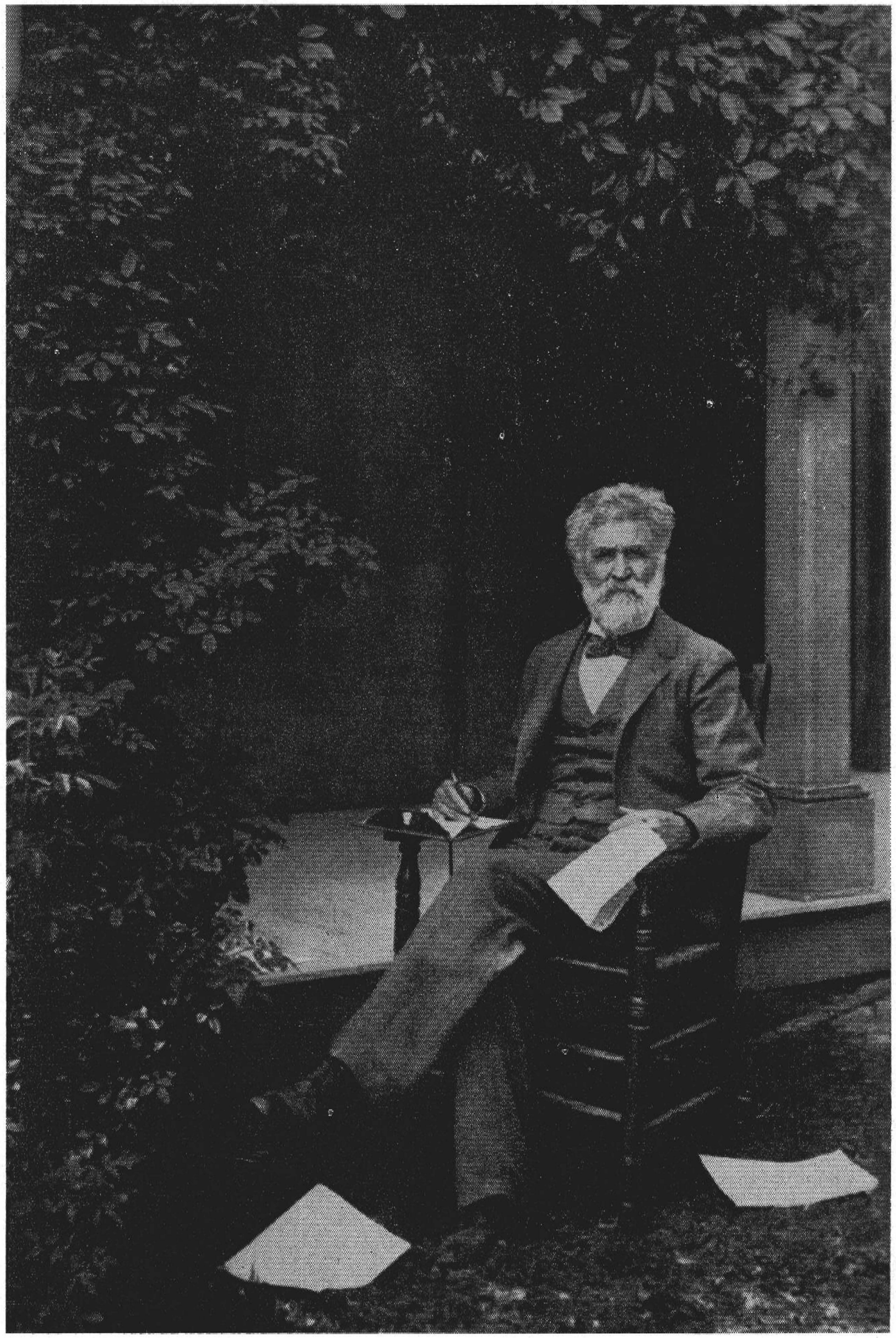
[65]Mark Twain, *Autobiography*, Vol. II, 328–329.



ORION CLEMENS, THE WRITER
Oldest Brother of Mark Twain

ORION CLEMENS—WRITER

It has been said that if Orion and Sam Clemens were psychoanalized today, the indications may well be that they were overly-gifted in too many fields of endeavor, and certainly underendowed in many more. That both of them went through life making business mistakes, is an historical record, that they were blessed with a super-abundance of enthusiasm which kept them working at something constantly, is another well known fact. They both worked constantly and assiduously at whatever they were doing. Both men were lecturers, both of them were authors; Sam was a successful pilot, and Orion was a satisfactory Secretary. But they were widely separated in their degrees of making a go of their enterprises. And this difference was, so far as it is known, today, the greatest, in their literary efforts.

The literary talents of Mark Twain has made him the most widely read author in America today. Indeed, in 1960, it was reported that the Mark Twain Estate Company increased in value over $600,000 in that year. That Orion could have been equally as good a writer may never be known, albeit he turned out reams and reams of manuscript. The reason for this situation lies in the fact that there exists only fragments of his writings. At least only small parts are available to the scholar. At Orion's death in 1894, most of his papers were boxed up and sent East to Mark Twain at his request, and, according to Albert Bigelow Paine, it was also Mark's wish that most of them be destroyed, and according to Fred W. Lorch, Orion's Iowa biographer, most of them were. And Lorch continues to state that "Such odds and ends as remain are deep in the dusty obscurity of a safe deposit and are not available".[66]

The story of Orion's authorship is intriguing; that he wanted passionately to excel is unquestioning. The earliest and one of the most expressive articles appeared in the *Muscatine Journal* March 10, 1854. It was written from Hannibal to which place he had gone on a business trip. Only a part of it is given in *Palimpsest*. However, since it has literary effect, and since there is very little with which to judge Orion's literary ability, the following quotation is given:

"On Tuesday night, pale-faced Fog, that white robed messenger of Delay stealthily crept around our boat like a winding sheet. It spread out from shore to shore; it hid the river; it stole upon the deck; it hovered over the boat; it wreathed up between the

[66]*The Palimpsest, op. cit.*, 364–371.

chimneys; it was everywhere, gently whispering "Stop!" Thus the wide world over, firm gentleness is always powerful.

"After several hours the fog sailed off, leaving air, woods, and water clear. Then the McKee's head was turned down stream, and she was soon again pushing on toward Montrose. But ere long we were obliged to encounter another opponent. The wind rushed against our boat, shrieking and howling; threatening to throw our chimneys, or lift off the cabin. It tossed the water into large waves, and at every stroke of the paddle-wheels it roared "Stop!" The Captain obeyed this boisterous superior power. Thus the wide world over, what gentleness fails to accomplish, force must".[67]

In the earlier days of comradeship between Orion and Sam Clemens, each one admired the letters each wrote. In 1856, Orion Clemens published, at his book and print shop at 52 Main Street, Keokuk, Iowa, the *first* "General Directory of the City of Keokuk." It was an exceedingly clean job of commercial printing at that time. It is still a clean job. As a preface Orion wrote a "Sketch of the Black Hawk War," and "History of the Half Breed Tract". There were statistics, and an article by the Mayor of the city. Sam and Henry helped to put out this Directory.[68]

When Orion and Mollie Clemens returned to Keokuk for the last time in 1873, Orion tried to write for a living. But in spite of his diligence, he did not succeed. The only money he ever received for any writing he did, was the $1,000 which Mark Twain promised him if he would send him the memorandum book he kept on their trip to Nevada, and for other papers belonging to this period. Mark used these notes extensively in writing *Roughing It;* he sent Orion the first royalties he received for this book. It was about this time that Mark Twain bought a home in Keokuk for their mother. And all three, Orion, Mollie, and Jane Clemens lived together until the mother's death in 1890.

The people of Nevada are glad Orion Clemens had had some book publishing experience before he came here. It has been stated that one of his duties was to get the Statutes of the Territory of Nevada printed. The first book with a Nevada imprint bears the name of Orion Clemens: *Laws of The Territory of Nevada* for 1861. Consisting of 600 pages, it was printed 1862, San Francisco, Valentine and Company.[69]

The phenomenal rise of Mark Twain to successful authorship

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[67]Fred W. Lorch, *The Palimpsest, op. cit.,* 365.

[68]*The Palimpsest, op. cit.,* 365–366.

[69]John Clyde Oswald, *Printing in the Americas,* 455–456.

must have aroused a burning desire in Orion to write also. Doubtless he felt he could write as well as Sam. There was some correspondence between the brothers on this subject: So Sam suggested that Orion write two books—"The Autobiography of a Coward" and "Confessions of a Life that was a Failure." Sam instructed Orion that he must be truthful, and frank, and that he must confess everything in his life. "Tackle one of these books," writes Sam, "and send me the first chapters for suggestions and comments. Mind, you must expect to have to tear up and rewrite the opening chapters several times till you get the hang of it."

Orion was always ready for some new development—so he began to write wildly at the "rate of ten or twenty pages a day, forwarding them as fast as written. When Sam received a package by every morning mail, he soon lost interest—and told Orion to let them accumulate. In the first chapters he stayed with the autobiography, but in the later ones he wandered off into a discussion on religion; they lacked human interest.

When it was finished, said to be some 2,000 pages, Sam sent the manuscript to William Dean Howells, Publisher of *The Atlantic Monthly*, requesting that the book be published, but Howells wrote back, "It wrung my heart, and I felt haggard after I had finished it. The writer's soul is laid bare; it is shocking."[70] It is not known where the manuscript is today. Some of the data was used in the biography of Mark Twain.

A description of the writing and lecturing of Orion Clemens would not be complete without mentioning his writing and lecturing on religious subjects. Although reared a strict Presbyterian, and active in church circles in Carson City and in Iowa, he did not believe all of the tenants of the church or the Bible. Because he wrote his honest beliefs and gave lectures on them, he was tried by the elders of this church and excommunicated. But he received many letters for his frank and honest opinions.[71]

ORION CLEMENS—THE MAN

During his life Orion Clemens had prospected many a "vein" of experiences. He had been a printer, a mining investor, insurance promoter, a journalist, a lecturer, a politician, a secretary, an inventor, and a writer. That he was able to change his mind easily is well known—he changed his politics three times, twice in one day, and his religion in as many more. Mark Twain was not

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[70]Webster, *op. cit.*, 144.

[71]*The Palimpsest, op. cit.*, 372–380.

kind in criticising his brother for his weaknesses. He spoke of his poorly regulated mind, and, of his instability in everything but of his honest character. Lorch said that "Mark was brutally disparaging" of Orion.[72]

Mark Twain knew his brother only in those years when he was on fire with some adventurous scheme, but as the fire burned out, the real virtues came out in him. From his neighbors and friends, one reads of his genial, kindly, and charitable disposition. Other persons spoke of his devotion to his mother in the last years of her life.

Orion Clemens died December 11, 1897. He had arisen early in the morning, as was his custom, to build a fire in the kitchen stove. While he was waiting for the house to warm, he died; he was sitting down and writing out some notes on a brief for a case he had in court. His death was greatly mourned. From Muscatine to St. Louis, the newspapers noted his death. All of them gave tributes to his wonderful character.

Reverend W. L. Byers, pastor of the Congregational church, and a friend of the family said: "I knew him for a genial, happy, kindhearted man who said no ill word, did no wanton unkindness, and went through the world making it brighter. . . . What worry he had, he locked in his own breast and gave to his fellows only and ever a smile and a sunny word. He was the man who walked through the snow to buy wheat for the sparrows when the days were cold and bleak. That is the parable of what he was at home and everywhere."[73]

Mark and Livy Clemens were in Europe when the cablegram came telling them of Orion's death. Mark cabled back: "He was good—all good—and sound; there was nothing bad in him, nothing base, nor any unkindness. It was unjust that such a man. . . . should have been sentenced to live seventy-two years. It was beautiful, the patience with which he bore it."[74]

Later Mark wrote to Molly from Vienna, December 11, 1897:

> Dear Molly:
>
> It is 10 in the evening. We sent you our cablegram of sympathy half an hour ago & it is in your hands by this time, in the wintry midafternoon of the heaviest day you have known since we saw Jenny escape from this life thirty-three years ago, & were then too ignorant to rejoice at it.
>
> We all grieve for you; our sympathy goes out to you from

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[72]*The Palimpsest, op. cit.*, 381.

[73]*The Palimpsest, op. cit.*, 385.

[74]Mack, *op. cit.*, 360.

experienced hearts & with it our love; & with Orion, & for Orion I rejoice. . . .

I & all of us offer to you what little we have—our love & our compassion.

Sam[75]

Something of the affection old friends had for Orion and Molly Clemens is reflected in the following poem, the unknown author of which was one of the guests at the occasion of their fortieth wedding anniversary in 1894:

THE KEOKUK PILGRIM

Put in a heaping spoonful, now,—
You needn't stir it up,
For you know I like the sugar
At the bottom of the cup.
It somehow so reminds me
As I sip my coffee, wife,
Of the sweets found near the bottom
Of the bitter cup of life.

Forty years since first you sugared
My morning cup for me,—
Forty years since first you sweetened
The days then yet to be.
Put in another spoonful,
And, while I drink it low,—
Our minds will watch life's phantoms
As they swiftly come and go.

Forty years! I can remember,—
Not much, though I'll be blessed,
About that day, except I know
How queerly you were dressed
Queer as dress in these days—
A big sleeved, low necked gown,
With waves and bands and folds
Of white and gold and brown.

Of myself I don't remember—
Forgetfullness is kind;
A few points have, however,

[75]*The Palimpsest, op. cit.,* 386.

Been kept green in my mind.
I'd forget, though, if you'd let me,
How on our wedding day,
I started for my honey-moon
My bride left by the way."[76]

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[76]*The Palimpsest, op. cit.,* 384–385.

No part of this biography of Orion Clemens may be quoted without the permission of the Director of the Nevada State Historical Society *and* Effie Mona Mack.

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This issue of the *Nevada Historical Society Quarterly* is Numbers 3 and 4 combined and concludes Volume IV. The biographies of Nevada's Territorial Governor James Warren Nye and Territorial Secretary Orion Clemens are so closely associated that to separate them would not give the reader a clear picture of the early government of Nevada.

—EDITOR'S NOTE