

The forgotten paternity of Carson

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“Carson City will miss ‘Uncle Abe,’” eulogized Alfred Doten in the Gold Hill News following Abraham Curry’s death in 1873. “To him more than to any man is that beautiful village indebted for its existence and success.”

No doubt Curry ultimately did more than anyone else to promote Carson City from its settlement in 1858 until his death fifteen years later. His vision of Carson City as a dynamic commercial and political center required that he influence politicians and business interests to share in his lofty aspirations. However, he did not act alone. There were other principal players in the drama and intrigue surrounding the founding of Carson City and the establishing of Nevada Territory that for much too long have been overshadowed by the much-deserved tributes to Abe Curry.

In its first 15 years, Carson City became the county seat of Carson County, Utah Territory, and then Nevada Territory after its creation in 1861. Following the organization of Nevada Territory, the town was designated the territorial capital and county seat of the newly created Ormsby County. It was chosen as the state capital during the constitutional convention in 1864.

After Congress passed legislation to establish a mint in Nevada Territory in 1863, Curry actively promoted Carson City as the appropriate site. A branch of the U.S. Mint finally opened in the capital city in January 1870 and Curry was appointed its first superintendent. When the Legislature granted a franchise for construction of the Virginia & Truckee Railroad, Curry influenced railroad officials to make Carson City the headquarters of the operation and he was responsible for the construction of the massive engine house in 1873. He seemed to have his hand in practically everything. Looking back after his death, it is not surprising that Curry has come to be known as the father of Carson City. A statue on the legislative grounds, dedicated in 1979, solely honors him.

In fact, there were four founders present at the birth of Carson City. The other three, Benjamin Franklin Green, John Jacob Musser and Francis Marion Proctor, have been all but forgotten today despite their contributions to the development of Carson City and Nevada in its earliest years.

Frank Proctor, as reported in the minutes of the second constitutional convention, actually took credit for naming the new community in Eagle Valley.

“I named the city myself,” he declared on July 27, 1864, “‘Carson City’ is what we used to call it.”

Now, all that remains to remind us of Curry’s partners are downtown streets named for Proctor, his wife, Caroline, and Musser; the Proctor and Green, and Musser subdivisions; and historic site markers.

All four of these pioneering men had come to western Utah Territory in 1858 from Downieville, Sierra County, Calif. Ironically,

Abraham Curry was the least prominent among them.

John J. Musser, born in Chambersburg, Penn., on Dec. 21, 1829, had been elected district attorney for Sierra County in 1855 and served "with marked ability" for two years. In one prominent criminal case that Musser prosecuted at Downieville and Nevada City, the three defense lawyers later became United States senators: Edward D. Baker of Oregon, Aaron Sargent of California and William Morris Stewart of Nevada. Musser ran for the California State Senate in 1858 but lost a close race.

If he had won, Musser surely would not have been among the founders of Carson City. He resigned his position as district attorney in May 1858 shortly before coming to western Utah Territory and Eagle Valley.

Frank Proctor was also an attorney in Sierra County. The Mexican War veteran served on the first grand jury for the court of sessions in Downieville in October 1852 with Benjamin F. Green. A Kentucky native, born on Feb. 6, 1828, Proctor was quite active in Democratic politics and came to California in 1849 in the heyday of the gold rush.

Proctor was appointed county assessor in October 1854 and served until 1856. He also had considerable mining interests in Sierra County. On Dec. 31, 1857, he married Benjamin Green's daughter.

Benjamin Franklin Green was the oldest of the four men, being 49 years old in 1858, and, like his son-in-law, a Kentuckian. He had extensive business interests in and around Downieville, including a partnership in a jewelry and watchmaking enterprise. Just prior to his move to Eagle Valley, he served as the Sierra County treasurer in 1856 and 1857.

As opposed to his three business partners, Abe Curry, a New Yorker who had moved to Downieville in 1857 from Nevada County, held no elected position in Sierra County. While he purchased real estate in the county and was involved in the construction trade, Curry had not established himself in the northern Mother Lode country as had Musser, Proctor and Green.

Two events provided the impetus and opportunity for Abraham Curry, John Jacob Musser, Francis Marion Proctor and Benjamin Franklin Green to look into acquiring land in western Utah Territory. In September 1857 hundreds of Mormon settlers in Carson, Jack's, Eagle, Washoe, Pleasant and Steamboat valleys, as well as the Truckee Meadows, were called back to Salt Lake City by church leader Brigham Young in anticipation of a conflict with the federal government over the administration of Utah Territory. In many cases, there was little time to sell their land and much of it was available for the taking, given the general antipathy for the Mormon Church and its followers.

The political chaos in western Utah Territory occasioned by the so-called "Mormon War" and the attaching of Carson County to Great Salt Lake County earlier that year, which effectively stripped the remaining citizens of most of their rights of self-government, provided great opportunity for ambitious men.

Efforts orchestrated by William M. Ormsby, who arrived in Genoa from California in April 1857 following his filibustering activities in Nicaragua with William Walker, resulted in a memorial from the citizens of Carson Valley addressed to President James Buchanan asking for a separate territory in the western Great Basin. Endorsed by the governor and legislature of California, and signed by Ormsby, the petition was presented by the president to the House of Representatives on April 9, 1858.

On the occasion of Ormsby's death in the Pyramid Lake Indian War in May 1860, the Territorial Enterprise wrote that, "... his name has been prominently connected with everything of moment transpiring in Western Utah, whether in a financial or political view. He was the first man who conceived and carried into execution the plan of applying to Congress for a separate Territorial organization. The future history of Nevada Territory will bear honorable testimony to the memory of Maj. Ormsby." There is evidence to suggest that Ormsby knew Curry, Musser, Proctor and Green while operating stage lines and other businesses enterprises in northern California and western Utah Territory.

At the same time, a disastrous fire swept through Downieville on Jan. 1, 1858, leveling much of the community. All four men apparently sustained financial losses, Proctor losing his residence and all it contained. Downieville, and the Mother Lode country, was in decline. Miners were leaving the area in droves, some to the Fraser River country in British Columbia and others across the Sierra into the western Great Basin.

From all indications, Curry, Musser, Proctor and Green relocated to the "Eastern Slope" or "Washoe Country," the names commonly applied to western Utah Territory by Californians, in July 1858 following a trip to the area earlier that year. Curry tried to purchase a lot in Genoa, the principal community in Carson Valley and Western Utah, to build a store for general merchandising. The price was said to be \$1,000 and despite all his efforts he could not negotiate a better deal. The story goes that the exasperated Curry finally turned to the prospective sellers and retorted, "'Well, then, I will build a city of my own'." Travelling northward to Eagle Valley, Curry met up with Musser, Proctor and Green in search of suitable land for purchase.

On Aug. 12, the Eagle Ranch was acquired from John B. Mankin. The sale concluded between Mankin and Curry, Musser and Proctor (as Green merely witnessed the transaction), included some 865 acres plus a separate one-half section claimed and taken up by George Mankin. The Eagle Ranch dated back to November 1851, and John Mankin acquired the property following the Mormon departure from the valley in September 1857. Contrary to the popular version of the sale in Myron Angel's "History of Nevada," (1881) which had Mankin receiving \$500 and some mustangs, the selling price was \$1,000, with \$300 in coin down, and the balance to be paid within 30 days from the date of the deed. Mankin had earlier mortgaged the land to Lewis Holdridge of Carson Valley on June 7 for the sum of \$216.76 with interest at the rate of 2 percent per month. Holdridge had the option to buy the land for an additional \$783.24 before the mortgage came due on Nov. 7; however Curry and his consortium moved quicker. The unpopular and contentious Mankin soon left Utah Territory with his family for Santa Cruz to avoid his creditors.

By early September, a town was being platted by surveyor John F. Long of nearby Chinatown (now Dayton). A correspondent for the Placerville Register writing from Genoa on Sept. 8, 1858 noted that "they have named the new town in Eagle Valley which I noticed in my last letter, Carson City, and already buildings are going up." The four men subdivided the new town, with Green building the first house, Proctor the second, and Musser the third. William Ormsby, with his wife Margaret, moved from Genoa to open the first hotel and store.

Curry was not to be outdone and the emerging community saw commercial and residential buildings being erected at his direction. "Mr. Curry at this very early day looked forward to some time in the near future when Utah Territory would be divided, the western portion be given to a new territory, which in short time would assume the proportions of a State of the Union,"

reminisced the Nevada Tribune on July 22, 1876, "the plaza, or Capitol Square, was fully designed by Mr. Curry to be the site for the Capitol building of the new State ..."

There was apparently more intrigue and less vision involving Abraham Curry and his partners' ambition. Richard N. Allen, writing as a correspondent for the San Francisco Herald under the name of "Tennessee," suggested that Abe Curry was privy to inside information provided by James M. Crane, the unofficial delegate to Congress for the proposed "Nevada" Territory. A former California newspaperman and printer by trade, lecturer and writer on the early discoveries and explorations on the Pacific coast and, according to Allen, a member of the San Francisco Vigilance Committee of 1856, Crane "... was finally drawn over the Sierra Nevada in the prosecution of his (research) enterprise, his friend, Major Ormsby - having casually met him at Marysville, and being himself a resident of the 'Eastern Slope,' and a great believer in its destiny, persuaded him to accompany him to his home on the other side" in 1857. (J. Wells Kelly, First Directory of Nevada Territory (1862), p. 30.)

Allen claimed in a correspondence dated Aug. 25, 1859, that "about a year ago James Crane, being then in Washington, wrote to his 'next friend' in this Territory, informing him that the Territory of Nevada would be established upon a certain day in December last, and requesting him to select a capital for this embryo empire of the West. Accordingly the 'next friend,' being at war with the inhabitants of Genoa, proceeded to Eagle Valley, fifteen miles north, and drawing at right angles across a desert a number of lines, some distance apart, he named the intervening spaces streets and blocks, and to the whole he gave the name Carson City." If Allen's allegation was essentially true, then the founding of Carson City was part of a greater plan formulated by a number of key players, including Ormsby, Crane, Curry, John Musser, Frank Proctor and Benjamin Green, to garner the territorial capital, territorial offices and, hopefully one day, the state capital for themselves.

Official recognition of the town came on Nov. 18, 1858, when a post office was established by the federal government with John F. Long as its postmaster. The winter of 1858-59 was a harsh one; however the handful of residents entertained themselves with dances, horse racing and general revelry. Capt. James H. Simpson, in his famous report on his search for a shorter route across the Great Basin, noted on June 11, 1859, that "Carson City has about a dozen small frame houses; two stores - Major Ormsby proprietor of one ... where I, for the first time since I left Camp Floyd [some forty miles south of Salt Lake City], encountered the society of ladies. Mr. Crane, the former delegate to Washington in behalf of the claims of that section of country to a new Territory (Nevada), to be taken off from the western portion of Utah, was present." Crane was living in Ormsby's hotel at the time.

Times were booming in Carson City by the end of 1859 with the gold and silver discoveries on the nearby Comstock. The Territorial Enterprise, observing that "all is life, bustle and activity at this growing place," moved its office from Genoa to the fledgling burg. Proctor and Musser opened law practices. Together they successfully defended William Sides in a controversial murder case before a people's court in which Ormsby served as chief judge. Green advertised himself as a jeweler and gunsmith and stated he cleaned shotguns, rifles and pistols.

Musser had been selected as president of a constitutional convention held in Genoa in July 1859 to create a provisional Nevada Territory. The insurgents went so far as to secede from Utah Territory, adopt a constitution (a procedure reserved for state-making), and elect territorial officers (the President of the United States appointed all territorial officials except the Delegate to

Congress at that time). Proctor, serving as a delegate from the Humboldt District, was chosen as a vice-president and soon declared his candidacy for Chief Justice of the Territorial Supreme Court. Like Musser, Curry served as a delegate from Eagle Valley.

William Ormsby served as a delegate from Long Valley. Ormsby and the three founders of Carson City must have been disappointed when the convention voted 83 to 25 to designate Genoa over Carson City as the territorial capital. However, Article VIII, Section I of the constitution provided that the "General Assembly," the proposed legislative body, could move the capital. The good news from their point of view came with the election victory of "Judge" Crane as delegate to Congress. The race against Major Frederick Dodge, the Indian agent in western Utah Territory, was hotly contested. Charges of fraud were made on both sides, the Walker River miners protesting the final tally, and Dodge ignored the election results and unofficially represented his constituency in Washington, D.C., in promoting a "Nevada" Territory.

In an ironic turn of events, John Jacob Musser was elected Delegate to Congress on Nov. 12, 1859, filling the vacancy left by the untimely death of "Judge" Crane in Gold Hill on Sept. 26. He spent the early months of 1860 trying to convince the House and Senate to recognize the highly unusual actions of the territorial convention, which had usurped the prerogative of both the Congress and the President in establishing a "Nevada" Territory. His initial efforts in Congress resulted in a House bill recognizing "a temporary government for the Territory of Nevada." Amendments were also proposed to provide for a permanent territorial government when the population of the area exceeded 20,000 inhabitants. On May 11, after an unsuccessful attempt to amend the bill to allow for slavery in the territory, it was tabled following a relatively close floor vote.

The continued growth of the region associated with the fabulous mineral wealth of the Comstock and other prosperous mining districts, and the coming of the Civil War with the secession of South Carolina and six other southern states prior to Abraham Lincoln's inauguration as president, finally influenced the remaining members of Congress to pass an Organic Act on March 2, 1861. As one of his last actions in office, President James Buchanan signed the bill the same day officially creating Nevada Territory.

In the meantime, in a desperate attempt to prevent the partition of Utah Territory, the territorial legislature in Salt Lake City designated Carson City the county seat of Carson County on Jan. 18, 1861. Curry and his associates must have taken great pleasure seeing Genoa lose its county seat status. Carson City would remain the county seat of Carson County, Nevada Territory until the territorial legislature, meeting at Curry's newly-constructed Warm Springs Hotel, created new counties in November.

On the 25th, Carson City was designated both the county seat of Ormsby County, named in memory of William Ormsby, and the territorial capital. Attorney William M. Stewart, the Councilman from Carson City and acquaintance of Curry, Proctor, Musser and Green when they all resided in Downieville, was instrumental in negotiating the political deals favoring Carson City.

The plaza that Abe Curry had set aside in 1858 was designated as the site for the construction of any territorial government office buildings. The Warm Springs Hotel was leased to the territory in 1862, converted into a prison, and Curry was appointed the first warden. He sold the property to the territory in 1864. During this period, Curry served in the Nevada territorial legislature, in both the House of Representatives in 1862 and Council in 1864.

John J. Musser enjoyed some success with the territorial legislature. He was granted a charter to establish a water system and a franchise for a gas company for Carson City in 1861. In September 1862, he finished a disappointing third in the election for Territorial Delegate to Congress. However, the following year the Acting Governor of Nevada Territory, Orion Clemens, appointed him prosecuting attorney for the Second Judicial District.

Musser also continued in his private law practice and remained close friends with Abe Curry. Leaving his family behind, he moved to Shermantown in White Pine County in 1869 to practice law. He fell ill in October 1870 and returned to Carson City, where he died on March 8, 1871, at the age of 41. Musser was eulogized in *The Daily State Register* as "a man of eminent ability; a sound lawyer; a brilliant orator, and socially, was genial as sunshine. He had his faults, as most men of genius have, but they will be buried with him, and lost sight of in the recollection of his intellectual brilliance and many noble traits of character."

By all accounts, Benjamin Green left the Carson City scene prior to the creation of Nevada Territory. It appears he had sold all his properties in Carson City following the Pyramid Lake Indian War in the spring of 1860 and for a brief period resided in nearby Virginia City. By the time of Nevada statehood in 1864, Green was living in Placerville, Calif., working as a shoemaker. He died and was buried there on Dec. 8, 1883 at the age of 74.

Benjamin Franklin Green's son-in-law, Frank Proctor, pursued his dreams on the transient mining frontier. He resided briefly in Sacramento in 1862. By the following year, he had interests in Jacobsville in Lander County's Reese River country. In 1864, Proctor, a resident of Lone City, served as a delegate from Nye County to the second constitutional convention in Carson City. The convention was held in the Ormsby County Courthouse, formerly Abe Curry's Great Basin Hotel, from July 4 through July 27. Proctor was one of 12 lawyers and the only Democrat among the 35 delegates attending the convention. Representing Nye County, he served in the first three sessions of the State Senate. It was during his residence in central Nevada that he lost his wife, Caroline, and a 3-year-old daughter, both dying of typhoid fever in Placerville at the residence of his father-in-law in August 1866.

Following the completion of the transcontinental railroad across Nevada in 1869, Proctor moved north to the new railroad town of Elko in search of fame and fortune. He ran the boundary line between Lander and Elko counties. Interestingly enough, the U.S. Decennial Census for 1870 listed his occupation as "Civil Engineer" and not lawyer.

In September, he met up with his old friend and prosperous business associate Abe Curry. Curry was attending the state Republican convention in Elko as a candidate for lieutenant-governor. Despite Curry's efforts, the incumbent, J.S. Slingerland, received the nomination. Ever the stalwart Democrat, Proctor had attended the state Democratic convention held earlier in the month in the Elko County seat. He surely took some delight in the Democrats winning both the governor's and lieutenant-governor's offices in the November election and breaking the Republican's dominance over Nevada politics, much to Curry's chagrin.

Curry and Proctor saw each other again during the 1871 legislative session when Proctor worked as a copying clerk in the Assembly.

Curry died on Oct. 19, 1873, in Carson City at the age of 58. Just prior to Curry's death, Proctor, suffering from poor health, had left Nevada for Texas, and then New Orleans. He soon returned to the West, first in 1877 to the Black Hills in Dakota Territory, then on to Montana Territory in 1881. He was a member of the Montana Constitutional Convention from Yellowstone County in 1884. From 1888 until the time of his death, April 25, 1892, he lived in Buckley, Washington, east of Tacoma where Benjamin Green's brother, W. Y. Green, was mayor. He was serving as the town attorney when he died at the age of 64. "His friends say that a kinder hearted man never lived," Proctor's obituary reported, "his only failing was his underestimation of the value of money and attribute it in part to the exceeding generosity of his nature, which led him, in pleasant companionship with friends in more prosperous days, to neglect the acquirement of wealth when the opportunities to do so were plentiful in those earlier days."

Unlike Frank Proctor, Curry clearly knew the value of money and saw his future in Eagle Valley. Despite his wanderlust, we can thank Proctor for his part in promoting a Nevada Territory and later designating Carson City as the state capital. Green, however, was not a full partner from the start, the generous Proctor sharing his interest with his father-in-law, and the small-time businessman moved from the area very early. While John Jacob Musser certainly had good business instincts, and played an important role in advancing the movement for a Nevada Territory, it was Curry who eventually emerged as a dynamic entrepreneur and principal promoter of Carson City by the time of statehood. Curry's myriad accomplishments and political activity have long obscured the contributions of Proctor, Musser and Green in the writings on Carson City and early Nevada.

Hopefully, this article will provide a new perspective and a greater appreciation of the three other "fathers" of Carson City who are not honored with statues and, until now, have been lost to history.