

NEVADA'S CROOKED

BY PATRICIA D. CAFFERATA, ESQ.

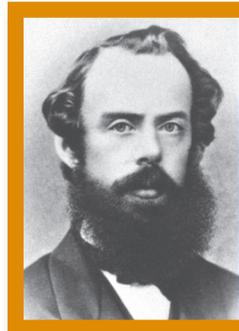
Justices' photos appear courtesy of the Nevada Historical Society.

A congressional act created the Territory of Nevada, and President James Buchanan signed the act that became effective on March 2, 1861. The law, among other policies, established the court system in the territory.

The Supreme Court consisted of a chief justice and two associate justices, with any two constituting a quorum. On March 27, 1861, President Abraham Lincoln commissioned 33-year-old George Turner as the chief justice, and he commissioned 35-year-old Horatio Jones and 49-year-old Gordon Mott as the associate judges. Like Lincoln, the three men were Republicans, and their term of office was for four years. Later, two more lawyers, Powhatan Locke and John North, were appointed to the bench.

All of these men resigned in disgrace before the end of their terms. The following is a brief biography of each of these tarnished jurists.

George Turner



Name: George Enoch Turner
Born: Ohio, December 5, 1828
Family: Wife Sarah, daughter Ellenora ("Nellie")
Education: Studied at Wesleyan University in **Connecticut**
Territorial Bench: 1861 to 1864
Died: San Francisco, 1885

Before Lincoln appointed George Turner as chief justice of the Nevada Territorial Supreme Court, Turner studied law in the office of W. V. Peck, in Ohio, in 1849. The voters in Scioto County, Ohio, elected Turner as the solicitor, or legal advisor, to the county on civil matters, on the American Reform ticket in 1855. The party supported education reform, temperance and women's rights.

After Turner was appointed the territorial chief justice, he traveled overland to Nevada, arriving in September 1861, and promptly signed his oath of office. He, his wife Sarah and his daughter Nellie lived in Carson City, where Turner became active in civic affairs and was a member of the first board of trustees of the Methodist Church.

Turner first held court in the mining camp of Aurora, in Esmeralda County. Later, Turner was accused of demanding payment from litigants for a favorable decision, and his corruption became well-known in the territory. In July 1864, the *Gold Hill Daily News* attacked him and referred to the wealth he had amassed since his arrival in Nevada. Other newspapers joined in the criticism.

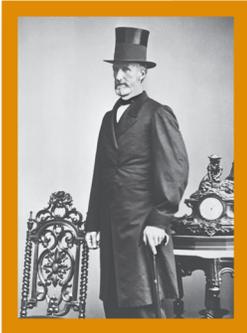
That August, a petition, allegedly signed by 3,000 people, demanded resignations from Turner and the other justices: John North and Powhatan Locke. Shortly thereafter, on August 22, 1864, the three justices tendered their resignations. In November, after the state had been created, the voters elected the state's first Supreme Court justices, but Turner continued to act as the chief justice until the elected justices were sworn in at the end of the year.

During his tenure, Turner collected 60 or more territorial court opinions, and the legislature voted to spend \$5,000 to

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print them. Gov. Henry Blasdel vetoed the bill, explaining that only a few of the opinions were authentic and most decisions were probably doubtful. When Turner moved to San Francisco, he took the opinions with him, and the decisions are considered lost. He opened a law office there, maintained a busy practice and appeared before the California Supreme Court in 12 cases. In August 1885, at age 56, he committed suicide in the Lick Hotel by shooting himself in the head with his ivory-handled, five-shooter pistol.

Gordon Mott



Name: Gordon Newell Mott
Born: Ohio, October 21, 1812
Family: Wife Amelia, three sons and one daughter
Education: common, or public, school
Territorial Bench: 1861 to 1863
Died: San Francisco, 1887

After studying in the law office of Joseph Updegraf, Gordon Mott was admitted to practice law in Ohio in 1836. An adventurer, that same year he enlisted in the army for the Republic of Texas during the Mexican War. After his discharge, he returned to Ohio to practice law. Struck with gold fever, in 1849 Mott and a few other men traveled in wagons, crossing the plains to California. After he settled there, his wife Amelia and their oldest son joined him.

In 1850, the California legislature elected Mott as a county judge, and Governor Peter Burnett also appointed him as a district judge. After his term, he opened a law practice in Marysville in 1857.

In February 1861, he applied for appointment as the chief justice of the Nevada Territory, and Lincoln nominated Mott as an associate justice. The first of the territorial jurists to reach Nevada, he arrived on June 2, 1861. Governor James Nye swore him in on July 12, 1861, and he settled in Carson City.

On September 3, 1862, the voters elected Mott on the Union, or Republican, ticket, as the territory's delegate to the 38th Congress. At the time, he was the presiding judge in the

Chollar Mining Company v. Potosi Mining Company case on the “single-ledge” versus “multiple-ledge” mining theories. He and Turner favored Chollar’s position of a single ledge. According to rumor, a Potosi official paid Mott \$25,000 to resign from the bench, so John North could be appointed, because he favored Potosi’s position in support of the multiple-ledge theory on mining claim ownership.

Even after his election to Congress, Mott remained in Nevada, but finally resigned from the bench on August 11,

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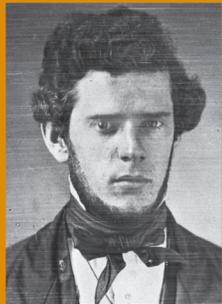
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1863. He should have traveled to Washington, but instead he journeyed to Ohio, allegedly because of his health. Apparently, he never took his seat in Congress. After Mott's resignation from the bench, North was appointed to fill the vacancy on August 28, 1863. (North ultimately decided in Potosi's favor.)

Mott's term as Territorial Delegate expired in October 1864, and he and his family moved to San Francisco, where he opened his law practice. In 1874, he was the court commissioner for the 19th District Court. He died there at age 74, on April 27, 1887.

Horatio Jones



Name: Horatio McLean Jones
Born: Pennsylvania, August 26, 1826
Family: Wife America and son, who died in childhood
Education: Graduate of Oberlin College in Ohio, 1849, and L.L.B. from Harvard Law School in Massachusetts, 1853
Territorial Bench: 1861 to 1863
Died: Michigan, 1906

In 1849, Horatio Jones graduated from Oberlin College in Ohio. He taught school before he graduated from Harvard Law School in 1853. Jones practiced law until he was selected to be the Missouri Supreme Court Reporter in 1856. When he accepted the appointment to be an associate justice in the Nevada Territory, he left behind uncompleted work in Missouri. After he arrived in Nevada, he took his oath of office in September 1861. He failed to hold court, so he developed a reputation for inaction and "wrong headedness;" as a result he became unpopular. No one claimed he was corrupt, merely incompetent. Under pressure, he resigned August 1, 1863, and Powhatan Locke was appointed to fill the vacancy on August 31, 1863.

Jones moved to Austin, Nevada, where he opened a law practice. He changed political parties and joined the Democratic Party. In 1864, the party nominated him as one of the party's presidential electors to the Electoral College. Since Republican Abraham Lincoln won the election, Jones did not cast a vote for the president. In 1868, Horatio and his wife America moved to St. Louis, Missouri, where their son Horatio McLean Jones, Jr., was born in 1868 and died in 1875. Horatio served as a Missouri circuit judge from 1870-1876, and then practiced law until 1884, when he became too ill to work. He died at age 79, in Michigan, on June 10, 1906.

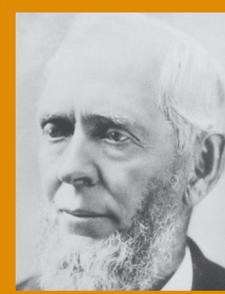
Powhatan Locke

Name: Powhatan B. Locke
Born: Kentucky, 1830
Family: Wife Tabitha, three sons and one daughter
Education: unknown
Territorial Bench: August 1863 to August 1864
Died: Missouri, 1868

By 1850, Powhatan Locke was practicing law in Missouri. The voters elected Locke as mayor of Savannah, Missouri, in 1854, and reelected him in 1855. Afterward, in 1862 and 1863, he served as the presiding judge in the county court in St. Joseph, Missouri. In August, 1863, Lincoln gave him a temporary appointment as judge of the Nevada Territory. He took his oath of office in October, and in January 1864, Locke was commissioned as an associate justice for a four-year term.

After ruling in Potosi's favor in *Chollar v. Potosi*, he was accused of being in cahoots with North. He denied all, but he hid out in his hotel room with a guard, so no one could get to him. In early August 1864, 3,000 people had signed the petition demanding the resignation of judges Locke, North and Turner, and they resigned before the end of the month. Locke remained on the bench until the new state justices were sworn in at the end of the year. Then, he moved back to Missouri and died at age 38 on June 13, 1868.

John North



Name: John Wesley North
Born: New York, January 4, 1815
Family: Wife Emma Bacon died in 1847; second wife Ann Loomis, six children with Ann
Education: Graduate, Cazenovia Theological Seminary in New York in 1838, and Wesleyan University in Connecticut in 1841

Territorial Bench: August 1863 to August 1864
Died: Fresno, 1890

John North acquired his legal education by studying law in the offices of William and John Jay in New York, and he was admitted to the bar in 1845. Four years later, North and his family moved to Minnesota, where he served in the Second Territorial Legislature for one term. Involved in politics, he organized the Minnesota Republican Party and was elected

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president of the Minnesota Constitutional Convention in 1857. In 1860, he campaigned hard for Lincoln's election, and after he won, North approached Lincoln to be appointed Superintendent of Indian Affairs. Instead, Lincoln named him surveyor general of the new Nevada Territory.

After receiving this appointment, North arrived in Nevada in June 1861 and was admitted to the Nevada bar the next year. He was settled in Washoe City by the time his family joined him.

In July 1862, he lost his surveyor general position when it was combined with the California surveyor general job. When Justice Mott resigned from the bench, North was temporarily assigned as the judge on August 20, 1863, and commissioned as an associate justice for a four-year term on January 20, 1864.

At the Nevada Constitutional Convention in Carson City in 1863, the delegates elected North president of the convention. North and attorney and later U.S. Senator William Stewart were on opposite sides on the "single-ledge" versus "multiple-ledge" theories of lode ownership. The dispute became a personal battle, and Stewart accused North of taking a \$25,000 bribe after he ruled in favor of Potosi's multiple-ledge theory in the *Chollar v. Potosi* case. In addition, the petition demanding that the justices resign had been circulated. Distraught, North took to his bed and resigned, allegedly for reasons of poor health, in August 22, 1864.

In December, he filed a defamation suit against Stewart; the matter was referred to three referees. They found North blameless but decided he was probably guilty of bad judgment. In 1865, after he won in court, he packed up his family, moved to San Francisco and opened a law practice. North died at age 75 on February 22, 1890, in Fresno.

Conclusion

The residents of the Nevada Territory knew of the corruption or incompetence of the territorial judges appointed by the president. While these jurists were political appointees, they had some legal training before they were appointed to the bench. Their training failed to keep them on a straight and narrow path, so the people forced them from the bench. None of them remained in Nevada following their resignations. Turner, Mott and North opened law practices in California, while Jones and Locke returned to Missouri, where Jones served as a circuit judge and Locke died within a few years. ■

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