NEVADA HISTORICAL SOCIETY QUARTERLY

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NEVADA HISTORICAL SOCIETY QUARTERLY

The *Quarterly* solicits contributions of scholarly or popular interest dealing with the following subjects: the general (e.g., the political, social, economic, constitutional) or the natural history of Nevada and the Great Basin; the literature, languages, anthropology, and archaeology of these areas; reprints of historic documents (concerning people, flora, fauna, historical or archaeological sites); reviews and essays concerning the historical literature of Nevada, the Great Basin, and the West.

Prospective authors should send their work to The Editor, *Nevada Historical Society Quarterly,* State Mail Complex, Las Vegas, Nevada 89158. Papers should be typed double-spaced and sent in duplicate. All manuscripts, whether articles, edited documents, or essays, should conform with the most recent edition of the University of Chicago Press *Manual of Style.* Footnotes should be typed double-spaced on separate pages and numbered consecutively. Correspondence concerning articles and essays is welcomed, and should be addressed to The Editor.

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Two Views of Nevada

The Nevada Scene Through Edward Abbey's Eyes

ANN RONALD

ANY READER who enjoys literature of the contemporary American West should be familiar with the works of Edward Abbey. A talented and prolific author, Abbey already has written six novels and nine nonfiction books of natural and personal history.[1] Each of these, whether fiction or nonfiction, centers its attention on a crucial question: How is modern man to live harmoniously with his natural surroundings?

Because Abbey himself displays such respect for his environment, and because he writes such crisp persuasive prose, he is uniquely able to speak to this very significant issue of the twentieth century. He does so by focusing on a particular geographic corner of the land. While his explorations have ranged from Alaska to Mexico and from Pennsylvania to Australia, he returns time and again to his favorite place—the desert of the American southwest. There he feels at home and there he writes most effectively. For Abbey, the red sandstone cliffs and the unbroken skylines of Utah and Arizona are concrete manifestations of a spiritual necessity. Looking at those surroundings, he can extrapolate philosophically about the wilderness, about the path of civilization, and about his own preservationist point of view.

Nevada, both civilized and wild, appears less frequently in his books than do her neighboring states. Nonetheless, an examination of Abbey's attitudes toward her boundaries reveals, in microcosm, his attitudes toward the past, the present, and the future of the modern world.

A chapter in *The Journey Home* called "Desert Places" contains his first printed acknowledgment of the silver state. It begins inauspiciously,

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[1] Edward Abbey's novels include: *The Brave Cowboy* (1956); *Fire on the Mountain* (1962); *Good News* (1980); *The Monkey-Wrench Gang* (1976). His works of nonfiction include: *Abbey's Road* (1979); *Cactus Country* (1973); *Desert Solitaire* (1968); *Down the River* (1982); *The Journey Home* (1977); *Slickrock* (1971). All are available in paperback.

Las Vegas: Fremont Street
HOWDY PARTNER . . .

but continues sarcastically, "These friendly words were addressed to me by a steel-and-neon cowboy fifty feet tall, with a six-foot-wide grin, and one moving arm. He towers above the street,"[2] dominating the Las Vegas scene. This artificial figure grows before the reader's eyes, quickly becoming a mechanical metaphor for the glitter, the tinsel, the superficiality, the emptiness that Abbey thinks he sees. "And the cowboy repeated his greeting, by rote and rheostat, and repeated it again and again, with mechanical persistence, at rigid one-minute intervals, all night long" [JH, 68].

HOWDY PARTNER . . .
HOWDY PARTNER . . .
HOWDY PARTNER . . .

To write about Edward Abbey's vision of Nevada is to start from a negative point of view or, even worse, to begin with a demoralizing look at modern life. Not only does the giant artificial cowboy symbolize the city he overlooks, but the city itself serves as a gaudy microcosm of an America that Abbey despises. Indeed, he metaphorically equates the Las Vegas setting with everything he hates about urbanism. Moreover, he associates that tinsel locale with a moment in contemporary history when the whole nation twisted awry: November 22, 1963. That evening, Abbey ruefully announces, was the first time he set foot in Nevada's largest city.

For an obvious reason, then, his impression of the nearby casinos becomes hopelessly tied to spiritual emptiness, the tragic void of modern life. To his right and his left he sees and hears "the California traffic and the clatter of dice, the rattle of chips, the jingle of silver dollars," surrounded by "the click and whirr of the roulette, the flutter of cards, the chant of the keno callers, the shuffle of the crowd, the slap of leather, the tramp of guards, the creaking pelvises of the change girls, the twinkling buttocks of the bar maids, . . . and the clash, roll, jangle, rumble, and rock of 10,000 concentrating mothers of America jerking in unison on the heavy members of 10,000 glittering slot machines" [JH, 68]. Building from simple observation to ironic extrapolation, Abbey compounds the superficiality of the gamblers' milieu. Switching from direct statement to more sexually suggestive imagery, he emasculates any virility that milieu might possess, adding,

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[2] Edward Abbey, *The Journey Home* (New York: E. P. Dutton, 1977), p. 67; further references to this work will be included in the text, with the letters JH followed by the appropriate page number.

ironically, a faintly militaristic overlay of leather and guards. To expose the hollow facade of gambling is, for Abbey, to reveal the paucity of all urban existence. With a satiric slash of his pen, he perforates the guise of tinsel and luck and pleasure.

But one need not suppose Las Vegas is a single target; Abbey sees little virility in any plasticized version of twentieth-century America. Whether writing fiction or nonfiction, fantasy or personal history, he takes every available opportunity to jab at the edifices of modern life. Duke City, *The Brave Cowboy's* barely-disguised Albuquerque of the late 1950s, already boasts an urban sprawl of dust and dirt, while the fictional Phoenix foreshadowed by *Good News* is pictured in even harsher and more revolting terms. These two novels, along with *Fire on the Mountain* and *The Monkey-Wrench Gang,* attack the invasion that Abbey believes is upon us, the one which too rapidly is changing his beloved open desert country into artificial and impotent cities and towns.

His nonfiction, as directly and perhaps more critically, continues his onslaught. *Desert Solitaire* fires an opening salvo, although its core argument centers more on untouched desert than on encroaching cities. Abbey's later personal histories—*The Journey Home, Abbey's Road,* and *Down the River*—carry the battle forward with vituperative descriptions, "a thin chill greasy patina of poisonous dew. The fly ash everywhere, falling softly and perpetually from the pregnant sky" [JH, 90].

If this is true of the country from coast to coast, why should Las Vegas remain unscathed? A city like all other cities, unique only because of its special economic focus, Las Vegas is a convenient whipping boy for Abbey's annoyance at the generic urban milieu. Repeating trite aphorisms and cruel platitudes, Abbey isolates and interprets distinctive features of the southern Nevada locale. "Not a wide-open town at all. The police—public, private, plain, and secret—are everywhere, watching you with stony eyes, marking every move. It's a tight, clean, prim, bright, business-like town, run not by hoods but by sober-sided middle-class gangsters—Mormons from Utah, Baptists from Oklahoma, Presbyterians from Pennsylvania, Roman Catholics from New Jersey, Jews from Texas" [JH, 69]. Such generalizations, reminiscent of a thousand newspaper clippings, a hundred magazine exposés, add little to an understanding of the silver state. Nonetheless, Abbey continues to slash at every credo and creed because he wishes to underscore the corruption of middle America and its hollow dreams. Everyone is guilty, he thinks, so no one should escape the collective responsibility.

Even peripheral participants receive his barbs. "The girls of Nevada are skillful and efficient," he observes. "For $100 a trip half-way around the world and back. By jetstream. A good buy at twice the price, more therapeutic by far than any osteopathic massage, psychoanalysis, colonic irrigation, or Gestalt group encounter known to man—the only honest game in the state" [JH, 70].

The only honest game? Perhaps a Nevada reader, or any open-minded reader, might querulously ask, "Is Edward Abbey's an honest game?" Can we trust his assessment of the state's latest and greatest boomtown? Circumstance, a bleak November day, of course dictated the response he felt when he first saw Fremont Street. Moreover, any writer's imagination must be influenced by the prejudices of more than a quarter century of popular denigrations. As we all know, the very name "Las Vegas" brings a host of associations—right or wrong—to mind. So Abbey's response, an honest one, differs little from what one might expect. Because he arrived with a preconceived distaste for the casino scene, he envisions a nightmare. "HOWDY PARTNER . . ." The sugary epithet speaks only to harried denizens of Los Angeles, bidding no welcome to a desert rat who prefers solitude to human company, distant stars to neon lights, a lonely mountain lookout to the phallic towers of any megatropolis. Edward Abbey has little interest in shaking hands—with the giant blinking cowboy, the pink polyester tourists, the 10,000 flashing slot machines. Rather, he prefers his desert undefiled.

"Goodbye to Las Vegas." He tries to escape its magnetic pull. "Very early next morning by the dawn's early light we lit out north by west," he reports, "passing en route a portion of the Las Vegas Bombing and Gunnery Range where the Pentagon plays furtively with its secret toys. Among the several lifeless hills in the area are two named by the poetry of pure coincidence Skull Mountain and Specter Mountain. Check your map if you don't believe it" [JH, 70]. Picturing Abbey's delight as he unfetters the city's chains, the reader knows the air smelled cleaner immediately, the sky looked bluer, the straight highway appeared a lifeline into the desert. Not "lifeless hills" but "interludes of illusion"[3] must lie ahead. Out there, in the open desert, waits the Nevada landscape Abbey admires.

Unfortunately, he now fears that it too may be savaged by powerful alien forces. Only the technique differs. Las Vegas grew from a sleepy railroad oasis into a twenty-four-hour adult playground filled with neon

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[3] Edward Abbey, *Down the River* (New York: E. P. Dutton, 1982), p. 91; further references to this work will be included in the text, with the letters DR followed by the appropriate page number.

toys, but the Nevada desert has, until recently, remained relatively untouched. In 1977 Abbey could smile ironically about "the poetry of pure coincidence" and chuckle as he passed Skull and Specter mountains. The lonesome sterility of a distant firing range seemed self-contained, and was unlikely to swallow more sagebrush and sand. But in the 1980s its isolated landscape has been rediscovered. The military stands ready to extend its territory both north and east; the nation seems eager to base its defense in a distant West. As a result, Abbey is driven to write about the potential devastation. Otherwise, unless his audience is warned in time, he fears another part of Nevada may well become a nightmare.

He calls Chapter 6 in *Down the River* quite simply, "MX," and argues forthrightly about the issue. "The MX—Missile Experimental—casts a long shadow over the American West, and across most of Western civilization, for that matter. A shadow that extends from Tonopah, Nevada, to Vladivostok, Kamchatka, Siberia" [DR, 83]. He goes on, then, to equate his alarm for the Nevada desert with his alarm for desert everywhere, to measure his dismay at its possible destruction against his horror at the destructiveness of all mankind. His pattern is similar to the one used to describe Las Vegas. That is, Nevada scenery becomes a microcosm, a mini-version of the larger country and its twentieth-century ills.

What is different about the chapter called "MX," however, is its obvious appreciation for the land itself. While Abbey's prejudices against any plasticized urban conglomerate preclude any appreciation for Las Vegas and its environs, his love of this desert, all deserts, adds a welcome dimension to his prose. "Behind the dust," he writes in *Desert Solitaire,* "under the vulture-haunted sky, the desert waits—mesa, butte, canyon, reef, sink, escarpment, pinnacle, maze, dry lake, sand dune and barren mountain—untouched by the human mind."[4] The Nevada desert waits, too. And Abbey's fear that it will indeed be touched by a military human mind compels him to write a powerful essay about its essence. "Here is one place, surely, where the human world's confusion and hatred will never reach" [DR, 96-97]. Perhaps these merely are words cast into a bottomless desert wishing-well, for this thought that appears on the last page of the MX essay sounds an oddly naive note.

Otherwise, "MX" is a strongly argumentative, and logically argued, piece of prose. Abbey begins his attack subtly. First he quotes liberally

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[4] Edward Abbey, *Desert Solitaire* (New York: Ballantine Books, 1968), p. 272; further references to this work will be included in the text, with the letters DS followed by the appropriate page number.

from Pentagon brochures, and outlines the basic plan for what he calls a military "shell game." In so doing, he tacitly models his essay as propaganda—turning the Pentagon's polemics back in on themselves, stating his own case forthrightly, and cajoling the reader to agree with his point of view. "The effect of MX on the balance of terror appears vague, unpredictable," he summarizes. "As usual the experts disagree. What is neither vague nor unpredictable is the impact of the project on the farms, ranches, small towns, the water supply, the land and landscape and people, the life both animal and vegetable of the present inhabitants of Nevada and western Utah" [DR, 89]. In other words, the Pentagon position is untrustworthy—"vague," "The experts disagree"—while Abbey is to be listened to and respected, his position "neither vague nor unpredictable," his concern focused on the "impact" projected throughout the Great Basin.

Three years ago the Nevada Humanities Committee funded an eighty-page pamphlet entitled, *MX in Nevada: A Humanistic Perspective.* A collection of ten short essays, the publication views the MX debate from a variety of perspectives, including the rhetorical. Thomas L. Clark's analysis of the linguistic techniques employed by both proponents and opponents of the MX system spotlights exactly what Edward Abbey means to do. "Part of an audience's response to any proposal," Clark explains, "is determined by the perceived self-interest on the part of the writer or speaker."[5] Surely Abbey's love for the desert fits into this category. In addition, responses may be influenced by such rhetorical techniques as playing on the emotions, intensifying certain arguments, downplaying others, and making a series of collective suggestions that build up an argument over a period of time. Finally, Clark summarizes, "The rhetorical stances taken by proponents and opponents of the MX proposal, whether by accident or design, appear to have three effects: the arguments sometimes convince one through clear and rational thinking; sometimes convince one through creating emotional response; and sometimes confuse one through apparently conflicting statements and figures."[6] Abbey, a determined propagandist, achieves the first two goals while eschewing the trap of the latter. He cogently presents his case by combining the most effective modes of persuasion.

The first six pages of "MX" exemplify the kind of clear thinking that characterizes this author's best prose. Systematically, he takes the

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[5] Thomas L. Clark, "The Rhetoric of MX," in *MX in Nevada: A Humanistic Perspective,* ed. Francis X. Hartigan (Reno: Nevada Humanities Committee and the Center for Religion and Life, 1980), pp. 16–17.

[6] Clark, "The Rhetoric of MX," p. 16.

Pentagon's own statements and dismembers them, sometimes dissecting them rationally, sometimes pricking them with sarcasm. When a handy brochure insists that the "MX will present new business opportunities for companies during construction and operation," Abbey responds: "The labor, brains, materials, and money required to build the thing must be subtracted from resources that might otherwise be expended upon food, clothing, shelter (human shelter), and, who knows, even love" [DR, 85–86]. "Frills," he adds sardonically.

It is the humorous undercutting of every governmental statement that adds life to Abbey's essay and attracts the reader to his point of view. Two further examples show off the technique. "For real lunacy on the grand scale you need a committee (better yet, an institution), staffed with hundreds and thousands of well-trained technicians, economists, intellectuals, engineers, and administrators" [DR, 84]. Both the Kremlin and the Pentagon fit this description, he decides. But after reading the handiwork of the American "committee," he can come to only one conclusion. "The functional drive-force behind the MX project is not so much military defense as intellectual inertia—the natural institutional tendency to continue along familiar grooves" [DR, 88–89]. Again, no reader can deny the truth of this observation. Even those who embrace the entire MX project must tacitly acknowledge the massive lethargy that blocks almost any governmental movement or change. Abbey merely points out the obvious, then gently twists it until it becomes effective propaganda.

After completing this satiric volley with the Pentagon's prose, he then turns away from the mechanics of argumentation and outlines a personal exploration into the desert country of western Utah and eastern Nevada. "I wanted to see for myself, smell, taste, touch, and divine for myself the sagebrush and juniper, the dry lakes and arid mountains, the color of the light, the feel of the place" [DR, 89]. In so doing, he obeys Clark's second condition for effective persuasion, and argues from the heart.

First he entices his readers by personally luring them into the landscape itself. "We drive on into the shimmering April afternoon. Grand, arid, primeval country opens before us, range after range of purple mountains, each separated from the next by a broad open basin" [DR, 91]. Then, as he does in his other personal histories, he catalogues a collection of desert treasures while rejecting any sort of technological intrusion:

> Contrary to the apparent belief of the military, this region is fully inhabited. It is not empty space. Wide, free, and open, yes, but not empty. The mountains and valleys are presently occupied to the limit of their economic carrying

capacity by ranchers, farmers, miners, forest rangers and inspectors of sunsets, and by what remains of the original population of Indians, coyote, deer, black bear, mountain lion, eagles, hawks, buzzards, mice, lizards, snakes, antelope, and wild horses. To make room for MX, its thirty thousand construction workers, and its glacier of iron, steel, cement, and plastic, many of these creatures, both human and otherwise, would have to be displaced" [DR, 89].

No "inspector of sunsets" can read such a passage without feeling an emotional tug, so once again Abbey has met a criterion for convincing prose.

But he does not deal solely in generalizations. As his journey into the wilderness proceeds, he focuses his argument on the landscape's details. He stops, for example, at a desert spring where the stone walls of a Pony Express station still stand. Drinking from the cool seep, he considers the billions of gallons needed to maintain the proposed missile system and he speculates about a source. Down? Into the aquifers beneath the surface? The notion portends a fall of the current water-table, a drying-up of the very spring from which he drinks. Without further comment, he allows the reader to reach his own conclusion. The next day he passes alkali flats and dry lake beds that extend from mountain range to mountain range. "What would happen to one of those 750-ton TEL missile transporters," he wonders, "if it had to be driven across or even near one of these lakebeds after a good rain? Might sink to the chassis frame in oleaginous muck" [DR, 94]. Another small word-drawn picture is enough to suggest the larger futility of an entire MX project.

Edward Abbey's prose is at its best when he writes this way. As Clark explains, rhetorical devices sometimes can be confusing, while the proper tactics can be overwhelmingly effective. In "MX" Abbey avoids heavyhandedness, presenting his case cogently, combining logic with affection and laughter. The result is a persuasive assessment of what the proposed missile system would do to the Nevada scene.

It is instructive to compare this kind of propaganda with the techniques used by the same author to describe Las Vegas. In the essay discussed earlier, Abbey's sarcasm dominates. "HOWDY PARTNER . . ." Furthermore, the focus wavers between the city itself, the moment in history, and, unaccountably, a later bloody incident of guerrilla warfare. The chief connecting link is the pseudo-synthetic line, "HOWDY PARTNER . . .," that exposes the superficiality of the environment Abbey perceives. But that connection is not enough, and the essay finally fails to convince the reader of much beyond the paucity of modern pleasure palaces. Las Vegas has been stripped bare, but in no freshly meaningful way.

The MX essay, on the other hand, makes an original contribution to an already overly-publicized point of view. For the past three years, readers in the western United States have been inundated by arguments opposing any installation of the proposed missile system, arguments every bit as thoughtful as Abbey's own. "It is almost inconceivable that the people will have the privilege of continuing the peaceful patterns of life that have become typical of their community," James W. Hulse writes of Pioche, Nevada. "It is highly unlikely that they will continue to have the free access to the millions of acres around them which they and their predecessors have always known. They wait, like the Utes and Shoshones whose culture was overwhelmed by the first white settlers slightly more than a century ago, for a surge of human development mandated by the new capabilities for warfare which are now the primary preoccupation of the governments."[7] Similarly, readers have been bombarded by sincere arguments from the opposite side, proponents of MX who are convinced it would add to the Great Basin economy and to the nation's defense. And the military can sound as emotional, too. "All of the solutions are ugly," one key Air Force general asserted. "But of all the uglies, the MX is the most attractive."[8]

Edward Abbey argues from a somewhat different perspective. What looks most ugly to his eyes is the defilement of a desert landscape, the intrusion of military might upon the sacred energy of the earth, the disappearance of a horizon at once both wild and free. And because he argues logically, because he appeals to one's love of the land, because he laces his prose with a humor that belies the seriousness of the situation, because he is an artist, his essay, "MX," is effective. To be sure, most MX arguments—both pro and con—are written by authors who care in one way or another. But the communication of that personal concern enhances the better pieces of propaganda (see Hulse's essay, for example), while the recital of cold statistics (see any governmental brochure) carries little persuasive power.

So we have come full circle. Just as Clark suggested, the finest propaganda asserts the self-interest of the author. In this case the desert interests Edward Abbey; Las Vegas does not. Or, rather, Las Vegas appeals to him only in a metaphorical sense, as a figurative image of the superficiality in modern existence. Conversely, the Great Basin speaks to him in a much more personal way. To defile its landscape is

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[7] James W. Hulse, "A View From Pioche," in *MX in Nevada: A Humanistic Perspective,* p. 73.

[8] Quoted in Joseph A. Fry, "The History of Defense Spending in Nevada: Preview of the MX?" in *MX in Nevada: A Humanistic Perspective,* p. 42.

to damage Abbey himself; to take away its wildness is to subtract a crucial portion of Abbey's soul.

Quite possibly these generalizations hold true for all of his prose. When he writes about industrialization and urban crowding, he slashes aggressively at the "incredible *shit* . . . , the foul diseased and *hideous* cities and towns we live in" [DS, 177; italics Abbey's]. When he writes about the landscape, his deep-seated affection for the desert mutes his tone. "Even after years of intimate contact and search this quality of strangeness in the desert remains undiminished. Transparent and intangible as sunlight, yet always and everywhere present, it lures a man on and on, from the red-walled canyons to the smoke-blue ranges beyond, in a futile but fascinating quest for the great, unimaginable treasure which the desert seems to promise" [DS, 272]. Nevada's Great Basin, undefiled, holds that promise; Las Vegas does not. Abbey's perception of the Silver State is but an echo of his interpretation of every portion of the American West. Cities are to be rejected, and deserts respected. For him, nothing less will satisfy the human spirit.

So a reader of Abbey's two Nevada essays is instructed in two ways. First, "HOWDY PARTNER . . ." and "MX" well demonstrate the nature of his propaganda. The former repeats trite aphorisms and observations, while the latter shows his regard for a wilderness worthy of his homage. Each carries its own appeal, although "MX" would seem to reach a wider audience in a more profound way. Both, however, are microcosms of their author's mental outlook. To read "HOWDY PARTNER . . ." and "MX" is to whet one's appetite for other Abbey prose, to share his vision, to see with him a western landscape that stretches from Nevada far into the imagination and beyond. "The land tilts upward, stony and harsh. The long shadows of the yucca, the cliff rose, the squawbush, the scrubby juniper stretch across basins of sand, the hump and hollows of monolithic sandstone—golden in the evening sun. I sense an emptiness ahead. I come to the edge. . . . The silent desert makes no reply."[9]

[9] Edward Abbey, *Abbey's Road* (New York: E. P. Dutton, 1979), pp. 194, 196.

The Office of the Attorney General of Nevada in the Nineteenth Century. Part II.

WILLIAM N. THOMPSON

Michael Augustus Murphy

NEVADA'S FIFTH ATTORNEY GENERAL, Michael Augustus Murphy, had extensive experience as the Esmeralda County district attorney prior to his election to the highest legal position in the state. Indeed, he may well have received the nomination for the attorney generalship in 1878 because he lived and worked in the Esmeralda area, and because the Republican convention needed a geographically-balanced slate of candidates.[1]

Murphy was born in New York state in 1837;[2] shortly after his birth, his family moved to McHenry County, Illinois. When he was sixteen, he ventured to California to search for gold, and ten years later he moved to Aurora, Nevada to become a miner.[3] He then studied law, and entered political life. After serving a term as county assessor, he was admitted to the bar in 1872; he was elected district attorney, and was subsequently reelected in 1874 and 1876.

During his term as attorney general, Murphy issued twenty-one opinions. These dealt with a variety of routine items. Several concerned salaries and fees of officials, and others concerned implementation of legislation. Most pertained to taxation and financial matters. Among

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Part I of this article appeared in the Winter, 1983 *NHS Quarterly*.

[1] James G. Scrugham, *Nevada* (Chicago and New York: The American Historical Society, 1935), v. II, pp. 38-39.

[2] *Carson City Appeal,* October 26, 1909.

[3] Scrugham, loc. cit.; and *Daily Nevada State Journal,* September 20, 1878; *Reno Evening Gazette,* September 20, 1878; *Territorial Enterprise,* October 5, 1878. The Republican convention also nominated four candidates from Ormsby, two from Washoe, and one each from White Pine, Humboldt, Storey, and Lincoln counties.

the last were opinions regarding assessments of the value of bullion, access to lists of bank deposits by county assessors, and a ruling on railroad taxes in Lander County. In that case, Murphy determined that the board of commissioners of Lander could not deduct the costs incurred in using attorneys to collect taxes from the Central Pacific and Nevada Central Railroads from taxes the county collected for the state.[4]

Murphy compiled three reports of his activity, one covering each of the first two years of his term, and a third covering his last two years. In the first report, he indicated that the prison property case which had been started in Kittrell's term had been successfully concluded, ending thirteen years of controversy.[5]

Murphy used his annual reports as vehicles for offering advice to public officials. For instance, he gave the legislature directions on the form legislation should take. He told the lawmakers that improvements were needed in property assessment laws.[6] He advocated a one-year residency period for voting, and recommended changes in procedures for criminal trials;[7] in addition, he urged the consolidation of Ormsby and Douglas counties, and also of Churchill and Lyon counties.[8] Murphy was opposed to the idea of calling a constitutional convention, mainly for financial reasons, although he felt that several amendments to the state constitution were desirable.[9] Specifically, he recommended changes to allow the legislature to meet only once every four years.[10]

The reports show that Murphy retained two Washington, D.C. attorneys as special counsels to seek payment from the federal government for a share of public land sales in Nevada.[11] When Nevada became a state, the federal government had agreed to pay Nevada five percent of the cost of public lands sold, but the state had not received any of the funds.

Murphy's reports also recorded the cases in which he appeared for the state. The fifty-one cases included thirty-six appeals of criminal

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[4] Opinions of the Attorney General, p. 175, undated, 1881. Reference is to a handwritten volume of opinions from 1864 through 1902, which is in the collections of the Nevada Historical Society, Reno. Cited below as OAG.

[5] *1879 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 10th Session, 1881, p. 5. Cited below as 1879 *Report.*

[6] 1879 *Report,* p. 4.

[7] *1880 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 10th Session, 1881, p. 18.

[8] *1881-1882 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 11th Session, 1882, p. 14.

[9] 1881-1882 *Report,* pp. 14-17.

[10] Ibid., p. 16.

[11] 1879 *Report,* pp. 4-5; 1880 *Report,* pp. 17-18; 1881-1882 *Report,* p. 12.

convictions. Murphy sustained twenty-four of the convictions, but the twelve losses bothered him a great deal. He chastised the district attorneys for deficiencies in their initial prosecutions of these cases:

> while they are ardently laboring to secure a conviction in proper cases, [they] frequently forget that the proceedings of lower courts may be subject to review in the appellate court. . . . While vigorous prosecutions are always essential to the proper enforcement of the law . . . the state does not demand that public officers shall seek and obtain improper advantages for the purpose of procuring convictions . . . which must result in reversals.[12]

In fifteen civil cases, Murphy successfully defended the state's interest (as he saw it) each time. The cases involved such matters as taxation, salaries of public officials, appropriations, the sale of public lands, and changes in judicial districts. In two cases Murphy went to court and challenged the constitutionality of new legislation. Interestingly enough, these cases represented a *reversal* of the attorney general's obligation to defend the state law.

His final report indicated that he had "let the chips fall where they may."

> I opposed those [acts] I believe to be detrimental and injurious; and after such Acts have been passed . . . I did not hesitate to attack them, and I have the pleasure of saying that every Act . . . that I opposed and afterwards called to the attention of the Supreme Court, that honorable body held my position to be correct. . . . [In] the discharge of every public duty I have been actuated by no other motive than that of doing my duty, faithfully, honestly and conscientiously, and to the best interest of the people of the State.[13]

The Republican state convention of 1882 failed to renominate Murphy for the office of attorney general.[14] He did, however, win nomination and election for a position on the district court bench.[15] He was later elected to the Nevada Supreme Court, and he served one term. In 1898 Murphy was again nominated by the Republicans to be the candidate for the post of attorney general, but he lost to the Silver Party candidate. Subsequently he served one more term as a district court judge.[16]

Murphy died in Carson City on October 26, 1909. His wife since 1859, Martha, had died in 1892. Murphy left a daughter and a son,

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[12] 1881–1882 *Report,* pp. 3–4.
[13] Ibid., p. 17.
[14] *Reno Evening Gazette,* September 5, 1882.
[15] *Political History of Nevada 1979,* p. 126.
[16] Ibid., pp. 206, 210, 211.

Frank, who was the vice-president of the Virginia and Truckee Railroad.[17]

William H. Davenport

Succeeding Michael Murphy as attorney general was William H. Davenport. Davenport was born in Delaware in 1831,[18] and came west when Nevada was still a territory. In 1862 he represented Storey County in the territorial house of representatives.[19] In 1864 he served as the police recorder and justice of the peace of Virginia City,[20] and he soon thereafter established a law practice in Treasure City, and then in Eureka. He was the first attorney in Eureka County. In 1872, he was appointed to be the register in bankruptcy for the district of Nevada.[21] In 1880 he was elected district attorney of Eureka County.[22]

The choice of Eureka as a place to settle was a fortuitous one for Davenport. In 1882 he was located in the right place at the right time. Davenport defeated Michael Murphy and W. M. Boardman of Washoe County for the Republican nomination for attorney general. The *Reno Evening Gazette* reported that "the defeat of Mr. Boardman for Attorney General was rather a surprise, but it could hardly have been helped when Eureka only asked for that one office, and presented such a good name as that of Mr. Davenport for the place."[23] In the

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[17] *Carson City Appeal,* October 26, 1909; Memorial, 31 *Nevada Reports* 542 (1910).

[18] The 1875 Nevada Census lists Davenport's age as forty-three years, v. I, p. 236. His obituary indicated that he was 74 years old. *Eureka Sentinel,* February 3, 1906.

[19] Andrew J. Marsh, *Letters from Nevada Territory, 1861-1862* (Carson City: Legislative Council Bureau, State of Nevada, 1972), p. 446.

[20] *Daily Old Piute* (Virginia City), May 17, 1864, and August 25, 1864. In his role as justice of the peace, Davenport was forced to deal with a set of rather unsavory characters. One day the dignity of his court was upset by a man named Farmer Peel. Davenport fined Peel $60 for shooting his gun off on the street. Peel addressed the court with a certain bravado, saying, "You have fined me $60, but what are you going to do to get it?" Davenport replied that Peel would be sent to jail if the fine were not paid. Peel then rushed upon the judge and "grabbing his whiskers pulled him from the bench." Bystanders in the courtroom intervened to protect the safety of the judge's person. Peel's friends stepped in and paid the fine, ending the episode. Farmer Peel was reputed to have killed four or five men afterwards, and he was gunned down by Johnny Bull in Helena, Montana. *Eureka Sentinel,* February 3, 1906.

[21] Marsh, p. 698; Myron Angel, ed., *History of Nevada* (Oakland, Calif.: Thompson and West, 1881), p. 439. Cited as Angel, *History of Nevada.*

[22] Angel, *History of Nevada,* p. 427.

[23] *Reno Evening Gazette,* September 8, 1882. The Republican convention had already nominated a Washoe County man for congress, and they also nominated a Washoe candidate for surveyor. Murphy's attempt at renomination may have been thwarted by the fact that the party had selected an Esmeralda candidate for secretary of state. The ticket was further balanced with two Storey candidates, four from Ormsby County (two of these for the minor offices of printer and supreme court clerk), and single candidates from Lincoln and Humboldt.

November election, Davenport defeated Democrat George Merrill, also of Eureka, by a vote of 7181 to 7116.[24]

Attorney General Davenport recorded only twelve opinions during his term in office, and all of these were issued during his first thirteen months in office. Several of the opinions involved routine financial questions and taxation matters.[25] He also wrote rulings on school law, public officials' oaths, land sales, and the powers of the lieutenant governor.[26] On the last topic, he ruled that the lieutenant governor in his role as the adjutant general of the state had no authority to sell obsolete arms belonging to the state.[27] He also advanced his views regarding the status of the lieutenant governor in the legislature when he ruled that the lieutenant governor had no right to cast tie-breaking votes on the passage of bills or joint resolutions; the right to have a "casting vote" applied only to ties on other types of senate action.[28]

The assembly asked Davenport to clarify constitutional amendment procedures. He held that the 1883 session of the legislature could not submit an amendment to the people for ratification if the 1881 session had not first approved it. An amendment had been proposed by the 1879 legislature, and Davenport ruled that two consecutive sessions, not any two sessions, had to make the proposal.[29]

Davenport appeared before the Nevada Supreme Court in ten criminal appeals cases, winning nine, and in thirteen civil cases, sustaining the state's position twelve times. In his one losing civil case, the court refused to order a district judge to permit the trial of an Indian for the murder of another Indian off a reservation.[30] In other cases, the attorney general secured the ouster of the lieutenant governor as the

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[24] *Political History of Nevada 1979,* p. 205. The results of the election were in doubt for several weeks after the polls closed. It was reported that "congratulations and celebrations were in order between Davenport and Merrill as telegrams came announcing first the election of one and then the other, until finally the former was declared the victor." *Eureka Sentinel,* February 3, 1906.

[25] For example, one opinion ruled that salt taken out of mines of the Nevada Borax Company was to be assessed as personal property. The same opinion found that merchants making sales on Indian reservations had to secure Nevada state merchant licenses. OAG, p. 218, July 11, 1883.

[26] OAG, p. 214, June 28, 1883; p. 222, July 17, 1883; p. 208, January 22, 1883; p. 220, July 16, 1883; p. 216, June 30, 1883.

[27] Ibid., p. 224, July 30, 1883.

[28] Ibid., p. 210, February 3, 1883.

[29] Ibid., p. 205, January 29, 1883.

[30] The cases are reported in full in *Nevada Reports,* v. 17–19 (1882–1887). They are described in Davenport's *1883 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 12th Session, 1885; and *1884 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 12th Session, 1885; and *1885 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 13th Session, 1887; and *1886 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 13th Session, 1887.

state librarian, because he failed to file a proper bond for the office, and the ouster of an entire school board for its failure to take a proper oath of office.[31]

Several cases and opinions involved Davenport's legislative recommendations. He called for a clarification of the duties of the lieutenant governor,[32] the passage of a licensing law for travelling merchants,[33] the clarification of salaries and bonds for public officials,[34] and the repeal of acts which were declared unconstitutional by the courts.[35]

Newspaper accounts of the 1886 Republican state convention make no reference to Davenport's participation. The final words of his 1886 Report suggest that he voluntarily chose to retire from politics at the end of his single term: "Although during my term of office I have suffered greatly from physical indisposition, I resign the office to my successor with the satisfaction of believing that the interests of the State have not suffered through acts or omissions of mine."[36]

Davenport moved to San Francisco in 1887, and later to Bakersfield, where he died on January 31, 1906. He was survived by two sons, Charles and William.[37]

John F. Alexander

Davenport's successor was John F. Alexander. Alexander was born in 1853 in Iowa;[38] he came to Nevada in 1859, and his family settled in Virginia City.[39] Alexander graduated from the California State University College of Agriculture in 1875, but he did not go into farming. On March 8, 1876, he joined with Tom E. Hayden to begin the publication of the *Reno Evening Gazette,* "a live daily newspaper,"[40] later described as "one of the spiciest Republican journals in Nevada."[41] On September 2, 1878, Alexander became the sole proprietor of the paper.[42] Just fourteen months later he sold the *Gazette* to R. L. Fulton

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[31] Ibid.

[32] 1886 *Report,* p. 11.

[33] 1884 *Report,* pp. 12–13.

[34] Ibid., p. 14.

[35] Ibid.

[36] 1886 *Report,* p. 11.

[37] *Eureka Sentinel,* February 3, 1906.

[38] The 1875 Nevada Census, v. 2, p. 697, lists a J. F. Alexander, native of Iowa, age 21. His occupation is listed as farmer. His obituary indicates that he was from Iowa. *Reno Evening Gazette,* May 19, 1891.

[39] Alfred Doten indicates that Alexander was "one of Virginia's smart boys." *The Journals of Alfred Doten,* Walter Von Tilburg Clark, ed., (Reno: University of Nevada Press, 1973), p. 1319.

[40] *Nevada State Journal,* June 6, 1875; Doten, p. 2244.

[41] *Nevada Tribune,* September 27, 1886.

[42] Doten, p. 2244.

and W. F. Edwards.[43] He remained on the staff, and also began the study of law.[44] On April 4, 1881, he won admission to the bar, and entered into a partnership with W. M. Boardman.[45]

In 1882, Alexander was elected district attorney for Washoe County, and he was reelected in 1884.[46] The 1886 Republican state convention gave the attorney general nomination to Washoe County—Alexander defeated H. F. Bartine of Ormsby by a vote of 85 to 59.[47] He became the youngest candidate on the Republican ticket, and was described as "one of the most brilliant."[48] The *Nevada Tribune* wrote, "we firmly believe [he] will make the very best Attorney General Nevada ever had."[49] The *Gazette* added, "Our John is destined to make the most brilliant and distinguished Attorney General the state has had since General Clarke."[50] The November contest resulted in Alexander's defeating the Democrat J. F. Boller by a vote of 6,857 to 5,493.[51]

John F. Alexander began his term with the expected vigor of a young man; however, his level of activity soon declined. He recorded fifty-one letter opinions, but all of these were written in 1887 and 1888. He appeared before the supreme court six times in 1887, twelve in 1888, three in 1889, and four times in 1890. He made no official report of his office activity for 1889 or 1890,[52] and he did not contest for renomination in 1890.

Alfred Doten indicated that Alexander was "Dying from consumption at the conclusion of his term."[53] The *Gazette* reported his steady decline in the months after he left office. He died on May 19, 1891, in Pervis, San Diego County, California, where he was buried.[54] He was

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[43] Ibid.

[44] *Reno Evening Gazette,* May 19, 1891; Samuel Post Davis, *The History of Nevada* (Reno: Elms Publishing Company, 1913), p. 497; *Reno Evening Gazette,* May 25, 1891.

[45] 31 *Nevada Reports* 31 (1909); *Reno Evening Gazette,* July 7, 1882.

[46] *Reno Evening Gazette,* November 6, 1884.

[47] *Territorial Enterprise,* September 26, 1886; *Nevada Tribune,* September 23, 1886. Bartine's candidacy was probably handicapped by the nomination of four others from Ormsby County (treasurer, supreme court justice, court clerk, and printer). Alexander was the sole Washoe County entry on the ticket. The Republicans also advanced two candidates from Storey, and one each from Humboldt, Esmeralda, Lincoln, Eureka, and Lyon counties.

[48] *Reno Evening Gazette,* September 27, 1886.

[49] *Nevada Tribune,* September 23, 1886.

[50] *Reno Evening Gazette,* October 30, 1886.

[51] *Political History of Nevada 1979,* p. 205.

[52] *1887 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 14th Session, 1889; *1888 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 14th Session, 1889.

[53] Doten, p. 2244.

[54] *Reno Evening Gazette,* January 8, 1891; January 19, 1891; May 9, 1891; May 21, 1891. Health may have been a problem for Alexander throughout his term. In 1887 he wrote about having an "enforced absence from office," OAG, p. 243, April 24, 1887; and on July

survived by his mother, a sister, and his wife, Kate Benham Alexander.[55]

The early opinions of John Alexander demonstrate an involvement in the legislative process not witnessed in any of his predecessors. He issued opinions urging that certain legislation not be passed, because it would violate the constitution.[56] He also presented views on various policies. He advised that the legislature should not create an elective office of prison warden.[57] In addition, he instructed the legislature on the format of legislation and the manner in which legislative journals should be kept.[58]

Prior to his coming to office, the legislature had changed terms of local officials from two to four years. This legislation caused many questions to arise which were dealt with in opinions of the attorney general.[59] Alexander also rendered opinions on the possibilities of electing university regents,[60] and on abolishing the office of lieutenant governor, a matter subsequently litigated.[61]

Fees for county auditors,[62] clerks,[63] assessors,[64] and treasurers[65] were also matters for his attention, as was the removal of a treasurer because of a violation of bonding procedures.[66] Alexander also ruled on routine questions concerning taxation, land purchases, and criminal law procedures. He interpreted a law regarding the spearing of fish, and ruled that Indians were exempt from seasonal spear fishing prohibitions and also restrictions on the use of grab hooks as long as their catch was for personal use.[67] He was also quite willing to give advice to private parties, doing this more frequently than did his predecessors.[68]

Alexander appeared in the supreme court as the counsel for the state twenty-four times. Seven of the cases were criminal appeals, and he

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6, 1888, he wrote that he had been confined in bed for two weeks as a result of an accident; OAG, p. 272.

[55] *Reno Evening Gazette,* May 21, 1891.

[56] OAG, p. 231, January 26, 1887; p. 229, January 12, 1887.

[57] Ibid., p. 232, February 22, 1887.

[58] Ibid., p. 234, February 4, 1887; p. 235, February 21, 1887.

[59] Ibid., p. 240, April (no date), 1887; p. 242, June 30, 1887; p. 236, February 25, 1887; p. 272, July 6, 1888; p. 269, June 12, 1888.

[60] Ibid., p. 234, January 25, 1887.

[61] Ibid., p. 291, December 15, 1888.

[62] Ibid., p. 237, March 7, 1887.

[63] Ibid., p. 246, June 12, 1887.

[64] Ibid., p. 237, March 7, 1887; p. 290, December 15, 1888.

[65] Ibid., p. 237, March 7, 1887.

[66] Ibid., p. 250, February 8, 1888.

[67] Ibid., p. 251, February 9, 1888.

[68] Ibid., p. 286, October 25, 1888; p. 274, July 7, 1888; p. 269, May 22, 1888; p. 271, July 6, 1888; p. 261, April 24, 1888.

won five.[69] Nineteen civil cases included several suits designed to determine the constitutionality of certain state actions. The most important of these cases regarded an amendment abolishing the office of lieutenant governor. The court ruled that the procedures followed in notifying the public about the proposed amendment before the ratifying vote were deficient, and the amendment was voided.[70] Alexander did battle with the Central Pacific Railroad three times over taxes, and he was able to win two of the cases.[71]

In a major case, *Reno Smelting Works Company v. Stevenson,* Alexander successfully advanced the proposition that the law of prior appropriation should take precedence over riparian water law in Nevada.[72] The Reno Smelting Works built a dam across the Truckee River resulting in the creation of a pond of water. The smelting works diverted some of the water from the pond in order to generate power. The state insane asylum was located below the smelting works on the banks of the Truckee. The state also saw the pond as a source for power, and authorities tapped its waters by building a flume. After generating power, the water was returned to the lower part of the river, but the state flume diminished the *quantity* of water available to the smelting company for its power use. The company sued the state in order to establish its right to use of the waters diverted by the state. Reno Smelting asserted the common law doctrine of riparian water rights, which prohibits a water user from "substantially diminishing the quantity or quality of water."[73]

Alexander recognized that Nevada had adopted the English common law, but he claimed that the state followed only those parts of the common law that were suitable to conditions in Nevada. Because water in the West was scarce, it was needed for irrigation, and users had to be assured that they had rights to water that they gathered to their use

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[69] See *Nevada Reports,* v. 19-21 (1885-1893).

[70] Nevada v. Davis, 20 *Nevada Reports* 269 (1889).

[71] In an 1889 case the court sided with Alexander in ruling that 140,550 acres of unsurveyed land granted to the railroad by congress could be taxed even though it was granted with the stipulation that it could not be taxed until it was surveyed. The court reasoned that since it was the railroad's obligation to pay for the survey, the lack of a survey could not be used as an excuse to avoid payment of taxes. Nevada v. C.P.R.R., 20 *Nevada Reports* 372. However, in an 1890 action, the court ruled that other unsurveyed lands held by the railroad were not taxable. Nevada v. C.P.R.R., 21 *Nevada Reports* 94. Also in 1890, the supreme court upheld a Lander County assessment against C.P.R.R. track at $12,000 per mile even though the railroad showed it could build track at $9,000 per mile. The court held that the assessed value of the track should be its value as an "integral" and "continuous" part of an operating line. 21 *Nevada Reports* 75.

[72] 20 *Nevada Reports* 269 (1889).

[73] Robert Emmet Clark, ed., *Waters and Water Rights* (Indianapolis: Allen Smith Company, 1976), v. 7, pp. 272-273.

as they developed the land. Riparian water law was not appropriate to these conditions. The court agreed, and it held that Nevada would follow the water law doctrine of appropriation. Under this doctrine, water may be acquired by diverting it and applying it to a beneficial use. The first user gained a superior right to the water over subsequent users.[74] Hence the asylum had gained a right to the water and could in effect diminish the quantity available to the smelting works.

Alexander's successful advocacy in this 1889 case has had an impact upon land development in Nevada for almost a century. Throughout his term, Alexander actively intervened in major court issues such as water rights, taxation of railroads, and the attempted abolishment of the post of lieutenant governor. He was inclined to involve his office in the legislative process more than his pedecessors, and he also gave counsel to private parties as well as to his state government clientele. Under Alexander's guidance it appeared that the office of attorney general was expanding its power and base of operations. Yet the office was still the domain of a single attorney, and of one who did not enjoy the benefit of good health. Alexander's declining health and early death deprived the office of an incumbent who quite possibly could have changed the position into a potentially-powerful political office.

James D. Torreyson

After receiving the Republican nomination by acclamation, James D. Torreyson won the attorney generalship by defeating Democrat W. C. Love by a vote of 7,163 to 5,175 in the 1890 election.[75] Torreyson had the distinction of being the first Nevada attorney general to have a formal legal education; he attended Hastings Law School, and also read law with Robert M. Clarke.[76] The eighth state attorney general was born in Wellsburg, West Virginia, on February 14, 1854, and his family moved to Carson City in 1863.[77] When he was twenty years old he returned East to study at Yale University. He graduated with the class of 1879 together with William Howard Taft, who became a lifelong friend.[78] On January 4, 1882, he was admitted to the Nevada bar and

[74] Ibid., v. 7, pp. 309-310.

[75] *Political History of Nevada 1979,* p. 207. The 1890 ticket again reflected efforts at geographical balance. Torreyson was one of two Ormsby County candidates; Storey County had three; Washoe two; Esmeralda the governor; Lincoln the lieutenant governor; White Pine, the secretary of state; and Lander and Eureka counties had one candidate each. *Territorial Enterprise,* October 19, 1890.

[76] Thomas Wren, *A History of the State of Nevada* (New York: Lewis Publishing Company, 1904), p. 712.

[77] Ibid.

[78] Ibid.

he entered into a partnership with Sardis Sumerfield.[79] Later in the same year, he was elected to the post of Ormsby district attorney, and he was reelected in 1884, 1886, and 1888.[80]

In 1894 Torreyson became only the second attorney general in Nevada to win his party's renomination to the office—he did so by acclamation.[81] But like the renomination of John Kittrell the prize proved to be an empty one. The new Silver Party advanced the candidacy of Robert Muir Beatty, and Beatty won the general election victory after a four man race.[82]

Torreyson issued official reports for each of his four years in office,[83] but he treated his activities selectively. While he indicated he had "answered a great number of inquiries involving the construction of numerous statutes," he reported only twenty-three opinions.[84] Five considered election questions arising from the newly-adopted Australian Ballot law of 1893.[85] Two concerned the legality of a legislative fund for expenses of members.[86] One opinion was a response to claims that all the acts of the 1893 legislature were void because of an illegal reapportionment of seats at the session. Torreyson rejected this proposition by maintaining that the de facto presence of the legislature made the questions moot.[87] However, he did indicate that an act regulating saloon and gambling hall hours was unconstitutional in form[88]

Torreyson appeared in the Nevada Supreme Court twenty-one times

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[79] Ibid.

[80] Ibid.

[81] *Reno Evening Gazette,* August 25, 1894.

[82] *Political History of Nevada 1979,* p. 208. Torreyson himself had shown a casual interest in the Silver Party. Mary Ellen Glass, in *Silver and Politics in Nevada 1892-1902* (Reno: University of Nevada Press, 1969), pp. 42-43, cites a story about Torreyson, the lieutenant governor, secretary of state, and surveyor general meeting at the Carson Opera House in the spring of 1892 in order to form a Silver Club. However, politics being rather volatile at the time, a mob gathered at the scene to "jeer the silverites." Glass reports that all the state officials except the surveyor general became so frightened by this outbreak that they never again identified with the Silver movement. The surveyor general, J. E. Jones, went on to secure the Silver Party's gubernatorial nomination and election to the top state post in 1894.

[83] *1891-1892 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 16th Session, 1893; and *1893-1894 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 17th Session, 1895.

[84] 1893-1894 *Report,* p. 7.

[85] 1891-1892 *Report,* Numbers 3, 12, 13, 15; 1893-1894 *Report,* pp. 8-9.

[86] 1891-1892 *Report,* Number 1; 1893-1894 *Report,* pp. 7-8.

[87] 1893-1894 *Report,* pp. 7-8.

[88] 1891-1892 *Report,* Number 4. He also ruled on procedures to be followed in publishing acts of the legislature, and he upheld school laws and trespass laws. He advised on questions of how to apply for the purchase of public lands, assessments, license fees, rewards, taxation of banks, and the bonding of a contractor who was building sidewalks around the capitol grounds. In his final opinion, he advised that it would be permissible as an act of

as counsel for the state. Five were responses to criminal appeals.[89] Three of the civil actions concerned state suits against the Central Pacific Railroad. In one 1891 action, Torreyson won a court ruling that the Lander County board of equalization could not lower an assessment after it had once acted on the matter.[90] In companion actions, the attorney general lost an attempt to have unsurveyed lands of the railroad taxed; the court upheld earlier rulings on this issue.[91] However, he won a ruling the same year that allowed taxation of surveyed but unpatented lands. These railroad lands had federal liens on them covering the costs of the surveys.[92]

The Nevada legislature passed a law requiring district attorneys to make reports to the attorney general,[93] and Torreyson included these in his annual reports for 1891 and 1892.[94] However, in his 1893–1894 report he chastised the district attorneys for submitting reports that "were so meager and so unsatisfactory that they were of but little value." Nevertheless he deemed the 1889 law to be a "most excellent" law, and urged better reports in the future.[95]

After his public service, Torreyson returned to his law practice and partnership with Summerfield.[96] In 1898 he became an independent and sought a position on the district court bench, but again he was defeated by the Silver Party candidate.[97] This was his last try for office. On October 27, 1904, he fell victim to a fatal heart attack; he was only fifty years old, and his death was unexpected.[98]

Torreyson, like Alexander, was only in his thirties when he won the attorney general's post. He thus had time on his side if he wished to develop the office into a political force in the state. Although Torreyson did enjoy considerable success after his service as attorney general, it was not in the political arena; instead, he established a reputation as an outstanding private attorney. He did not adjust to the new political realities of Nevada in the 1890s, which involved the domination of the

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humanity for the board of the state orphan's home to admit a child as a half-orphan even though both parents were living, because the mother was confined to the state asylum. 1893–1894 *Report,* p. 18.

[89] Cases appear in the *Nevada Reports,* v. 21–22 (1890–1895); 1891–1892 *Report;* and 1893–1894 *Report.*

[90] Nevada v. C.P.R.R., 21 *Nevada Reports* 172 (1891).

[91] Ibid., 260, 270.

[92] Ibid., 247.

[93] See 1888 *Report,* pp. 19–22; 1889 *Statutes of Nevada,* Chapter LIV, p. 54, Approved March 1, 1889.

[94] 1891–1892 *Report,* pp. 11–18.

[95] 1893–1894 *Report,* p. 6.

[96] Wren, p. 712.

[97] *Political History of Nevada 1979,* p. 210.

[98] *Carson City News,* October 27, 1904.

state after 1892 by the Silver Party. In a sense, Torreyson missed the political bandwagon, and was left behind. His two successors, Robert Beatty and James Judge, were aligned with the silver forces.

Robert Muir Beatty

Robert Muir Beatty won the Silver Party nomination for the office of attorney general by acclamation in 1894.[99] In the general election, Beatty won with 5,007 votes, while Torreyson trailed with 3,484, and People's Party candidate C. S. Sawyer garnered 1,144. Democrat W. C. Grimes received only 510 votes.[100] Nevada in the 1890s was strongly influenced by the movement for the free coinage of silver. Party realignment came quickly, and the office of attorney general was not exempt. In eight years, four men who had started their careers as either Democrats or Republicans came to the office under the Silver Party banner.[101]

Beatty was born on March 4, 1850, at Mount Morris, Ogle County, Illinois. His family moved to California in 1852, and he came to Nevada in 1868.[102] He studied law in Virginia City and was admitted to the bar in White Pine County in 1871. In 1873 he moved to Eureka, where he was elected district attorney as a Democrat.[103] Beatty served as state attorney general for less than two years; he was the first holder of that position to die in office.[104]

While in office, Beatty appeared before the Nevada Supreme Court eighteen times.[105] He won four of eight criminal appeals. In civil matters, he litigated several cases dealing with tax assessments, and with writs of mandamus ordering payments of state funds to individuals.

The two most far-reaching cases concerned Reinhold Sadler, who was elected lieutenant governor in 1894 on the same ticket as Beatty.[106] On

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[99] *Reno Evening Gazette,* September 6, 1894.

[100] *Political History of Nevada 1979,* p. 208.

[101] Ibid., p. 116.

[102] *Reno Evening Gazette,* December 11, 1896.

[103] *Nevada State Journal,* December 11, 1896.

[104] Ibid. He died December 19, 1896. Beatty was survived by three children, and a brother and sister who resided in San Francisco.

[105] See *Nevada Reports,* v. 22-23 (1894-1896).

[106] *Political History of Nevada 1979,* p. 208. Sadler was also from Eureka. Both men were reputed to be part of Black Wallace's "ring." (*Reno Evening Gazette,* March 20, 1891). Wallace, also from Eureka, was the leading power broker in the state. He became a dominant figure in the Silver Party when it organized in 1894. After the party's Carson City convention, the *Reno Evening Gazette* indicated that Beatty was "not known at all" outside of Eureka. (September 6, 1894). The same could probably have been said of several of the Silver Party nominees of 1894. In stark contrast to the Ormsby-Washoe-Storey based Republican tickets, selectively balanced with single representations from outlying counties,

April 10, 1896, Governor John E. Jones died.[107] Prior to that time he had been ill, and Sadler had served for seventeen days as the acting governor. He believed that he was entitled to $136 in compensation for that service. However, the state controller denied his request. The district court agreed with Sadler and ordered payment. The state appealed, and Beatty became the counsel against Sadler. Beatty lost. After his succession to the governorship, a similar case arose. Since Sadler was serving as governor, albeit with the title of acting governor, and since he was performing all the powers of the office, he desired to be paid the gubernatorial salary. Sadler argued that he not only was given the powers necessary to perform the duties of the office, but also that he had "the right and power to demand and receive the salary attached to the office." Beatty's response claimed that since there was no provision for filling a vacancy in the office of lieutenant governor, Sadler actually held that position, and therefore deserved only the per diem salary given to the lieutenant governor while acting as governor and not the governor's full salary. The supreme court disagreed with Beatty, and Sadler eventually received the governor's salary. In both cases, Sadler was represented in court by James R. Judge.[108]

Beatty issued a multitude of opinions on a wide range of subjects from the use of prison quarry stones to the licensing of sheep.[109] Among his rulings was an opinion that a law authorizing the appointment of women as notaries public would be unconstitutional; he held that notaries were "officers" under the state constitution and thus had to be men.[110] He also advised the state senate that a state income tax would not be unconstitutional.[111] In an opinion given to the governor, he ruled that a person promoting a prize fight was committing a felony; further, if a prize fighter were to die in a bout, the promoter

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the Silver Ticket of 1894 was dominated by the more remote counties. There were Eureka County nominees for governor, lieutenant governor, and attorney general; the controller and supreme court justice nominees were from Humboldt County, and the candidate for secretary of state was from White Pine County. Other candidates were from Lyon, Douglas, Esmeralda, and Lander. No candidate was from Washoe or Ormsby. Only the candidate for state printer was from Storey. *Reno Evening Gazette,* September 7, 1894.

[107] *Political History of Nevada 1979,* p. 113.

[108] Sadler v. Nevada, 23 *Nevada Reports* 141 (1896); Sadler v. La Grave, 23 *Nevada Reports* 216 (1896).

[109] *1895 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 18th Session, 1897; *1896 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 18th Session, 1897. Topics addressed also included executive appointments, taxation of aliens, use of federal funds by the university, county boundaries, licensing of Pullman cars as hotel rooms, as well as tax assessments, claims against the state treasury, and school law.

[110] 1895 *Report,* p. 8.

[111] Ibid., p. 10.

would be guilty of manslaughter.[112] Other opinions concerned questions raised in cases regarding the lieutenant governorship. In one he held that even with Sadler's assumption of the powers of the governor, no vacancy existed for the post of lieutenant governor. Therefore, a successor could not be elected for the remainder of the lieutenant governor's term.[113]

While Beatty did offer several opinions to local officials, he maintained that he had

> always declined to advise county officers officially on public matters, unless such officers had first applied to their respective District Attorneys, or given sufficient reason for not doing so, as I consider that I am in duty bound, so far as in my power lies, to see that county affairs are submitted to the proper county officer . . . before any question of a county nature should leave the county.[114]

The 1895 Report of the Office of Attorney General also included annual reports from the district attorneys. Beatty was not satisfied with the reports he had received. He wrote, "I must say, like my predecessor, that it is a very difficult matter to get these gentlemen to forward the statistics required by law or at the time they should."[115] The Report also gave a lengthy statement of recommendations; many of these suggestions concerned improvements in state records and reports. The most important was a call for a new compilation of the statute laws of the state.[116]

To Acting Governor Sadler fell the duty of replacing Beatty after his untimely death. Sadler's offices—lieutenant governor and governor—had played a prominent role in Beatty's activities. The governor was quite satisfied with the resolution of the issues concerning the offices, and so for a replacement he turned to his faithful counsel, James R. Judge. Judge became the chief law officer of the Silver State on December 21, 1896.[117]

James R. Judge

James R. Judge was born in Huntington County, Pennsylvania, on September 8, 1849,[118] and he received an engineering education at St.

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[112] Ibid., p. 7.
[113] 1896 *Report,* p. 8.
[114] 1895 *Report,* p. 22.
[115] Ibid., p. 31.
[116] Ibid., pp. 38–42.
[117] *Reno Evening Gazette,* December 22, 1896.
[118] Judge's memorial biography, 35 *Nevada Reports* 517 (1912), lists his birthplace as Altoona, Pennsylvania, and his birthdate as September 9, 1850. His obituaries support an

Francis College. He came to Nevada in 1877 to work for a survey party with the Virginia and Truckee Railroad,[119] and two years later he began the study of law under Colonel A. C. Ellis and Cameron King. He was admitted to the practice of law on May 5, 1881, and began his professional career in Carson City.[120]

Judge became "identified with some of the biggest and most important litigation" in Nevada's state courts. His memorial committee wrote that "as one of the leading counsel for Governor Sadler in his election contest case, he ably and successfully defended his title to the office, and in that long-drawn-out struggle in which the foremost legal talent of the State challenged each other, he was conspicuous for his unflagging zeal and close attention to the mass of detail involved in the suit."[121] Besides serving as Sadler's counsel, Judge also operated as the governor's private secretary.

As attorney general, Judge was a counsel for the state in sixteen cases heard in the Nevada Supreme Court. In the case of *Hardin v. Sadler,*[122] he was able to sustain Beatty's opinion that there was no vacancy in the office of lieutenant governor when the governor died. Other cases involved routine questions such as salary disputes and criminal jurisdiction in federal buildings.

Judge was also heavily involved in the nearly-perpetual issue of railroad assessments. Two cases pitted Judge against his former employer, the Virginia and Truckee Railroad. The first of these was an appeal from a district court ruling against the railroad in Storey County. There the district attorney had won a jury verdict sustaining an assessment of railroad property. The railroad had introduced evidence to demonstrate that the county assessors had not taken into consideration the current rates of interest in capitalizing net earnings for determining the value of the property. The district attorney offered no evidence in rebuttal; still, the jury ruled in his favor. The district attorney joined with Attorney General Judge in defending the jury's decision before the Nevada Supreme Court. However, that court overruled the assessment, because the jury had not based its decision on the basis of evidence on the record.[123]

1849 birthdate; they list his age at sixty-two years when he died in July 1912. *Carson City News,* August 1, 1912; and *Reno Evening Gazette,* August 2, 1912. The source of the specific date September 8, 1849, and the birthplace of Huntington County is Wren, p. 388.

[119] Memorial, 35 *Nevada Reports* 517 (1912).

[120] Wren, p. 388; however, the memorial biography lists his date of admission as April 5, 1881, as does the listing of members of the bar appearing in 24 *Nevada Reports* 25 (1897).

[121] The memorial committee members were William Woodburn, Samuel Platt, and E. T. Patrick.

[122] 23 *Nevada Reports* 356 (1897).

[123] Nevada v. Virginia and Truckee Railroad, 23 *Nevada Reports* 432 (1897).

In the second case, a jury in Washoe County upheld an assessment which was arrived at by capitalizing earnings at prevailing interest rates. The railroad claimed that the "current rates" used should not have been the prevailing rates in the community, but rather the rates the railroad was paying on short term loans it had negotiated. Judge joined with the district attorney of Washoe in a successful defense of the lower court action.[124]

Judge recorded twenty-nine opinions. Almost all were of a routine nature, such as salary questions, fees, sales of lands, and sheep grazing privileges. One opinion stands out, because it was the first ruling by a Nevada attorney general on the question of licensing gaming establishments. The district attorney at Delamar indicated he was having difficulties with establishments which were not purchasing licenses for games of roundtable stud-horse poker. Operators contended that since they received only revenues from the sale of drinks and cigars purchased by players they did not need to be licensed. Judge interpreted a statute of 1885 to mean that a person carrying on such a game needed a license even if that person was not a player in the game. He instructed the district attorney that an establishment with a game and no license was in violation of the law.[125]

In 1898, the Silver Party nominated Judge to be its candidate for the lieutenant governorship, and he defeated three other candidates in winning the post in the fall elections. In reality, Judge was probably handpicked by Governor Sadler to be his lieutenant governor. In any event, it was fortunate for Sadler that Judge yielded his job as attorney general to Jones, for by so doing Judge became free from potential legal conflicts, and also became free in terms of available time to serve again as Sadler's personal attorney. In the 1898 election, Sadler defeated Republican William McMillan by a scant twenty-eight votes. The returns were challenged in the Nevada Supreme Court, and Judge led a team of lawyers in a successful defense of Sadler's victory. His co-counsels included former attorney general Robert Clarke, and future attorney general William Woodburn. Michael Murphy, defeated for the attorney general post, was again defeated by the court, since he was serving as McMillan's counsel.[126]

Judge left public life after one term as lieutenant governor. He remained in private practice until 1911, when he became the deputy

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[124] Nevada v. Virginia and Truckee Railroad, 24 *Nevada Reports* 53 (1897).

[125] *1897-1898 Report of the Office of Attorney General,* in Appendix to the Journals of the Senate and Assembly, 19th Session, 1899, pp. 32-33.

[126] *Political History of Nevada 1979,* p. 210; McMillan v. Sadler, 25 *Nevada Reports* 131 (1899).

attorney general under Attorney General Cleveland Baker. He died in 1912.[127]

Conclusions

The nineteenth-century attorneys general in Nevada performed vital functions for nascent political structures in an American frontier setting. This study is an exploratory effort to examine an office by focusing on its incumbents and their activities. The particular actions that stand out in the records of Nevada revolve around the official recorded opinions of the attorney general, and the office's involvement in state court cases. Overwhelmingly, these activities were routine, mundane, and ordinary. Problems that today would command attention of the law clerks of the deputy attorneys general were then performed by the only lawyer in the office, the attorney general himself. Today the matters would be dealt with summarily on the basis of established precedence. One hundred years ago, however, there was little Nevada precedence, and the attorney general had to exercise a reasoned discretion based upon his incomplete understandings of constitutional, statutory, and case law of the United States, Nevada and other state jurisdictions. The attorney general was the only full-time lawyer working for the state government. He was there on a day-to-day basis to answer questions about the operating rules for a new government.

The attorney general was available to respond to questions concerning boundaries, terms of office, oaths of office, fees, salaries, taxes, appropriations, licensing of businesses, and a variety of other minutiae that taken together allowed the wheels of government to turn. Many of the routine subjects of opinions were also matters for litigation. On several occasions, the attorney general had to defend his opinions in court cases. The court records reveal that the officeholders usually did credible jobs in court; at least, they won more cases than they lost. Some of these cases did concern issues of major importance and lasting impact—the determination of water law for the state, and taxation of railroads are two examples.

Nevertheless, it is safe to conclude that the office was not a major policy vehicle for Nevada's state government in the nineteenth century. It was not a power center. While the position did attract candidates who often had prior political experience, it appears not to have attracted many who had realistic ambitions for higher political posts.

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[127] He was survived by his wife Della Upton Judge, and a brother who resided in Tyrone, Pennsylvania. Judge was buried in Carson City. *Carson City News,* August 1, 1912; *Reno Evening Gazette,* August 2, 1912.

Instead, it appears that at times the office was used to provide balanced tickets for the general election races. When a nomination would interfere with desired balances, it would often be discarded, even if an incumbency had to be sacrificed. The incumbents could not capitalize on their vital role in a new government in order to build a base of power for bigger political battles. In the nineteenth century, attorneys general progressed only to lower court judgeships, local offices, or the legislature, and in one case the lieutenant governorship.

A series of personal failures and accidents also subtracted from a growth of power in the office. In territorial days, had Benjamin Bunker been more of a viable politician rather than Mark Twain's laughingstock, he might have launched the office in a more influential and powerful manner. His failure to win the battle to control appointments of district attorneys was a critical loss for the office. The first state attorney general, George Nourse, challenged an important political power structure of the day, and he lost renomination by six votes. Had he not been closely aligned with John North, had he not locked horns with Abraham Curry and A. W. Schmidt, he might have survived. His reelection would have given the office an early power figure.

Robert Clarke certainly wanted power. He came to office after serving as both a county district attorney and United States Attorney for Nevada. He later had illusions about a United States Senate seat. In 1870, he could not even win a seat at his party's nominating convention, let alone win renomination.

Luther Buckner came out of nowhere to win the post in 1870, and he returned to political obscurity after his term ended. John Kittrell had a power base of sorts, but he was probably too much of an individualist to have built the office into a strong post even if he had won a second term. Michael Murphy was a ticket balancer. In 1878, Esmeralda County needed a spot on the ticket. Then in 1882 his county laid claim to another post, and he became expendable. While he later served on the Nevada Supreme Court, his political influence was not great.

William Davenport brought experience to the office. He had served in the territorial legislature, and had been a justice of the peace and a district attorney. But in truth the experience did not count as much as his Eureka County residency, which seems to have been the important factor in his elevation to the attorney generalship. His knowledge of Nevada may have helped him strengthen the office, but his health denied him the opportunity to make a serious effort in that regard.

Health also stopped John Alexander's efforts to make the office a more important post. He was the first attorney general to have a combination of youth, political connections, and experience, and to use

these qualities to give the office an increased measure of activity and involvement in state affairs. However, his activity could not be sustained in the face of the illness which took his life at the age of thirty-seven. Perhaps a two-term attorney generalship guided by Alexander could have considerably altered the course of the history of the office.

The rise to prominance of the Silver Party brought down Alexander's successor, James Torreyson. Like Alexander, he came to the office in his thirties; he had experience, an affinity for politics, and he also had a solid legal education. He just did not adjust to the new alignment of parties in the 1890s. The attorney general's post lies directly in the midst of two career paths, one for partisan politicians, and the other for legal technicians. The emergence of the Silver Party diverted Torreyson away from the political path and into the private legal profession.

Some of the most powerful leaders of the Silver Party backed Robert Beatty for the attorney generalship. He took a very cautious approach toward his activities. He did the proper thing, although it might not have been the most politic, when he opposed Sadler's financial desires regarding office fees and salaries. Beatty was reluctant to offer advice to local officials. His recommendations for improving state law concerned mundane technical matters. He had political connections, and they helped him achieve his office. His death at forty-six prevented him from completing his service as attorney general, and then either returning to law practice or being a candidate for a judgeship.

James Judge was a team player. He achieved success by doing Sadler's bidding. He was first rewarded by being given the attorney general's post, and second by being selected for the lieutenant governorship. The fact that he would willingly trade a full-time position (the attorney generalship) for a temporary part-time endeavor (the lieutenant governorship) suggests something about Judge and something about the office. First, Judge probably saw more personal rewards in the private practice of law than in being attorney general. He could have a full practice while he was lieutenant governor. Second, it illustrates that the attorney generalship was considered a minor office in the scheme of state politics. Judge's act was perhaps a revealing testimonial to the stature of the position as the nineteenth century came to a close.

As the State of Nevada began to emerge from its period of depression, and as its population began to increase, it gradually became clear that the twentieth century would bring a new set of challenges and legal issues to the office of attorney general for consideration. Yet the office itself was still comparatively undeveloped, and it did not have a legacy of strong actions by powerful and influential officeholders. For a variety of reasons, the office had not fully matured in the over one-

third of a century that Nevada had been a state. Thus in the new century, the state's attorneys general not only had to build on past precedents, but they also had to considerably strengthen and expand them, and transform a weak office into a much stronger one.

NOTES AND DOCUMENTS

Education on the Frontier: The Country Schools of Southern Nevada

DOROTHY RITENOUR

WHEN NINETEEN-YEAR-OLD Violet Oppedyk arrived in Sandy Valley to teach in 1929, it was one of the most desolate locations to be found in Nevada, consisting of just a few scattered buildings on a flat, treeless, expanse of desert. Violet lived in the home of Frank and Edith Williams, who had established the school for their two young daughters, Helen and Ruth. This was to be her first (and only) year of teaching; the next year she got married and quit her job. But for that one year Violet lived in the searing heat and dust of the tiny mining community, instructing five small children. "I learned more than I taught," she claimed. "It was a lot of fun."

The children had a great deal of freedom when they were not in the classroom. One day, she recalled, one of her students, seven-year old Johnny Ewing, killed a rattlesnake and placed it in the path Violet ordinarily took to school. "If I hadn't seen him do it," she said, "I'd have been running yet."

There were many such small communities throughout Nevada in the early part of the century, and most of them had schools. Before the era of the consolidation of school districts into larger, more efficient, units, there were schools established for as few as five children. In areas with meager resources and transient populations, school facilities were often the products of the ingenuity and determination of community residents. School buildings were sometimes little more than shacks; often part of a home was set aside for school use.[1]

The author wishes to thank Nancy Cummings, Director of the Yuma City/County Library, for the use of her research materials, particularly the interview with Violet Tracht.

[1]Most of the information in this essay is taken from the author's M.A. thesis, "Rural Schools of Southern Nevada: Education on the Frontier" (University of Nevada, Las Vegas, 1981).

Sandy Valley, 1938. *(Courtesy of Elbert Edwards)*

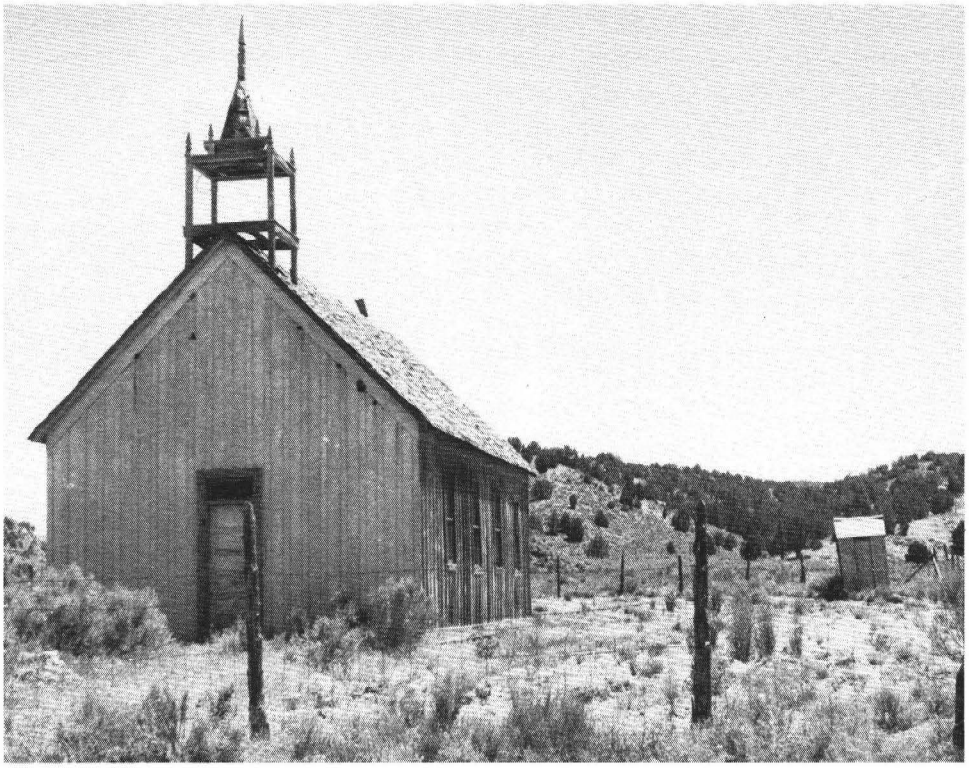
Violet Oppedyk Tracht, age nineteen, in front of the Sandy Valley schoolhouse in 1929. *(Courtesy of Helen Williams Holt)*

Teachers in these sometimes makeshift, often uncomfortable rural schools were usually young, unmarried women, often teaching for the first time. The low pay and the less than desirable working conditions made these positions unattractive to male teachers, most of whom could aspire to something better. Many young women such as Violet Oppedyk planned to work for a year or two to help with expenses at home, perhaps contributing to a younger brother or sister's education. It was often the presence of these fresh and enthusiastic young teachers, combined with the challenge of surviving and even thriving in such adverse conditions, that made many of these school years memorable and unique for the students.

In 1981, a project sponsored by the Mountain Plains Library Association through a grant from the National Endowment for the Humanities was the vehicle for a study of country schools in eight states. Researchers in Kansas, Nebraska, North and South Dakota, Utah, Wyoming, Colorado, and Nevada taped interviews with former students, teachers, and administrators of small rural schools. Many schools still standing were photographed, and historic photographs were collected. This material formed the basis of a thirty-minute film, a table-top exhibit, and a fifty-six page booklet which last year was offered as a program throughout Nevada and the seven other states. The research materials, as well as the film and exhibit, are now housed at the Nevada Historical Society in Reno.

Just a sample of some of the contemporary and historic photographs demonstrates the diversity of school facilities in rural Nevada. Although some of the buildings were relatively more comfortable than others, all of them were set in isolated areas where students and teachers alike had to depend on themselves and the community for the amenities of life, which were usually few.

One such example was Clover Valley in Lincoln County, which was later known as Barclay when the railroad established a siding there. Twenty miles southeast of Caliente, Clover Valley was fairly remote until the railroad came through. A ranching community, it was established in 1869 by Lyman Lafayette Woods, who was part of the LDS colonizing mission in southeastern Nevada. Early in its settlement period, the residents of Clover Valley petitioned for a school district, and by the 1890s the Woods family had built a frame schoolhouse that was used until the 1940s, and which still stands today. Although a few other families moved into the area after the railroad came through in 1905, the community basically consisted of Lyman Woods' extended family and descendants. Grandson Elbert Edwards, who co-authored the family's history, recalled how his father, George Edwards, and his



Clover Valley School in Lincoln County. *(Dorothy Ritenour)*

Lyman Lafayette Woods and students at the Clover Valley School, circa 1900. *(Courtesy of Elbert Edwards)*

grandfather hauled the timber to their own sawmill and cut the lumber for the building. More than a school, it also functioned as a community center for dances, meetings, and church services. The neat and sturdy building, with its hammered metal cupola, is now the site of the annual family reunion of the Woods clan.

By contrast, the Cave Valley school in northern Lincoln County was dingy and stark. Also a ranching community, Cave Valley was far less harmonious than Clover Valley. Elbert Edwards, who was Deputy Superintendent of the Southern Nevada District from 1938 to 1940, reported that his predecessor in office had been unwise enough to visit one Cave Valley school board member first, so that when he came up to the house of another he was denied admission—the board member took his stand in front of the gate with a gun.

Edwards, in his oral history taped at the University of Nevada, described Cave Valley:

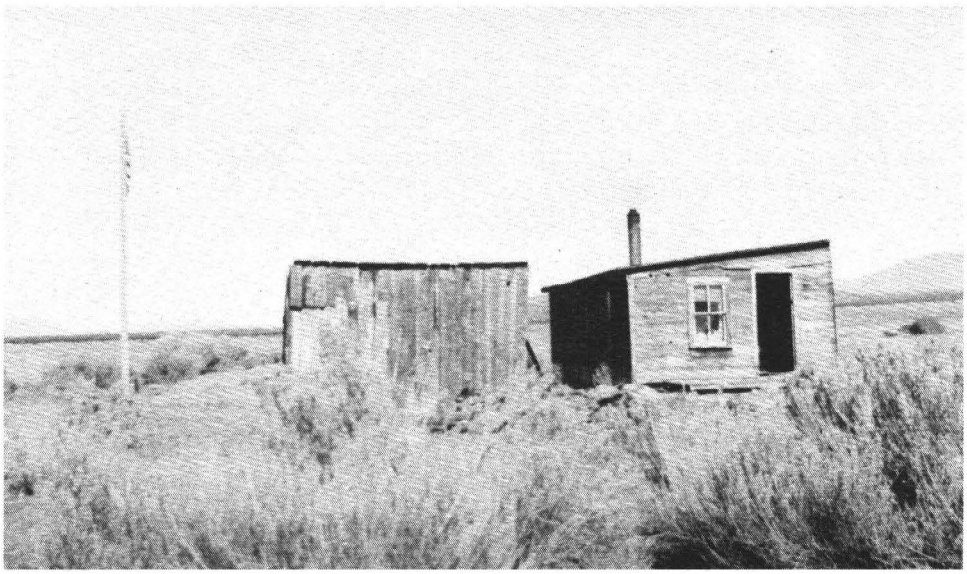
> Conditions in there were quite primitive. There were one or two fairly nice ranches, but a lot of the people were living at the poverty level . . . My impression of the school house there was of an old stable that had been boarded up and a rough floor put in the open spaces. You had to be careful as you went from one side of the room to the other to avoid the holes through the floor . . . All the kids had to ride horses to school. The teacher was telling me that she had tried two or three different horses before she could find one that could carry her to school.

Poor facilities did not necessarily reflect lack of support from the community. At the mining camp of Nelson, in Eldorado Canyon, the townspeople got together to enlarge the little shack that served as a schoolhouse. They traversed the desert to scavenge for materials, taking doors and lumber from abandoned mines. The 1931 report of the State Superintendent of Schools describes the cooperative spirit of the townspeople this way:

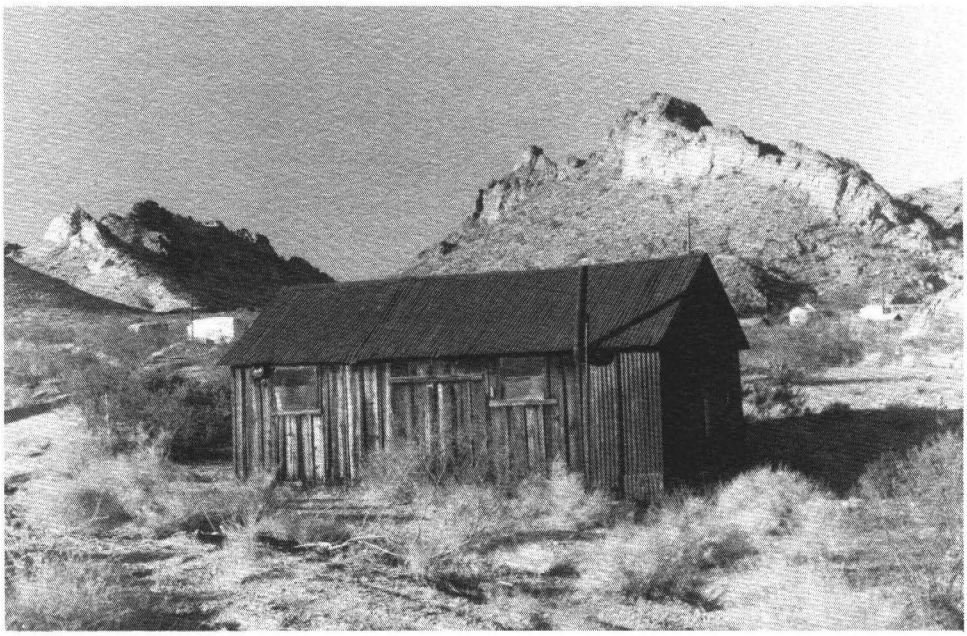
> At Nelson, the people of the community offered time, services, and materials, and as a result the El Dorado school has a bigger and much better equipped building without additional expense to the county or district funds.

Mrs. Eva Peterson, the school teacher in Nelson from 1929 to 1939, told how Ike Allcock, an old miner made deaf by blasting, served as general carpenter and handyman. He fashioned school desks out of gunpowder crates, and made a special little rocking chair for mine-owner Pop Simon's granddaughter, who was too young to go to school but who stayed in the classroom anyway.

Many rural communities had the resources and made the commitment to provide modern, well-equipped facilities. Both the Goodsprings



Cave Valley School in 1938, with the obligatory flag pole and flag. *(Courtesy of Elbert Edwards)*



Nelson School, Eldorado Canyon. *(Dorothy Ritenour)*

school in Clark County and the Beatty school in Nye County were singled out with pride as "model" schools. The Beatty school, built in 1930, was constructed from material salvaged from Rhyolite, a nearby boom town that had failed. The tin tile roof, one of its more unusual features, was taken from the Rhyolite school. The 1932 Report of the Superintendent of Public Instruction praised the school:

> Beatty, within the past two years, has provided a very satisfactory new two-room building in a fine location. After careful consideration and planning the trustees have furnished a building at moderate cost, which is standard and satisfactory in every way.

The building was used for many years as a library; only recently it reverted to the School District's use.

Goodsprings School, built in 1913, is the oldest building in Clark County still in use as a school. Although now equipped with modern plumbing and air conditioning, it has essentially not changed for almost seventy years. The Superintendent in 1914 described it in glowing terms:

> The Goodsprings schoolhouse is a very neat, and commodious building erected at a cost of $3,000. The yard is well fenced. This school makes the best appearance of any rural district in the Supervision District.

The very few remaining one or two teacher country schools are interesting links with the past in the way they function and in their place in the small communities they serve. Yet with the advent of modern transportation and communication, particularly that great leveler, television, country schools today are more dissimilar than comparable to their predecessors. The isolation and insulation of rural Nevada was probably nowhere experienced more poignantly than in these remote areas where young teachers struggled to bring a civilizing influence to the frontier.

Beatty School. For over twenty years it was used as a public library, until the new one was built in 1982. *(Dorothy Ritenour)*

Goodsprings School, 1938. *(Courtesy of Elbert Edwards)*

Book Reviews

Servant of Power: A Political Biography of Senator William M. Stewart. By Russell R. Elliott. (Reno: University of Nevada Press, 1983. 347 pp., illustrations, notes, bibliography, index. $11.25)

SENATOR WILLIAM MORRIS STEWART was a massive figure in Nevada politics and mining law from the beginning of the silver era until after the turn of the century. A veteran of California mining, law, and politics, he quickly came forward as a major personality in creating first the Territory and then the State of Nevada, while at the same time earning huge fees in the precedent-setting lawsuits over Comstock mining claims. When sent to Washington as one of Nevada's first two United States senators, he achieved a prominence unusual for a newcomer. He was the leader in drafting the nation's first real mining statute, and he had a significant role in persuading Congress to accept the Fifteenth Amendment to the Federal Constitution. Later in the century he was one of the most relentless of the western senators in pressing the silverites' fight. He made and lost several fortunes, built ostentatious mansions, and was one of the most colorful western leaders of the Gilded Age. Yet until now there has been no discriminating biography of him.

Our fullest account has been Stewart's autobiography, as "edited" (ghost written?) by George R. Brown one year before Stewart's death. Stewart's version of his controversial life was the self-justifying, self-glorifying narrative of a picturesque old man not always sensitive about precise truthfulness. Secondary accounts have not done much better. Effie Mona Mack's brief essay in 1930 and her much fuller one in 1964 were too devotedly laudatory, although they do provide useful leads. Ruth Hermann, who restored Stewart's honeymoon home in Nevada City, California, and collected quantities of memorabilia, newspaper stories and cartoons, photographs, and genealogical information about Stewart and his wife, summed up her findings in an equally uncritical book entitled *Gold and Silver Colossus: William Morris Stewart and His Southern Bride* (Sparks, Nevada, 1975).

Now at last a first-rate specialist in Nevada history, Russell R. Elliott, has set out to correct this long neglect. To this reviewer's regret, Elliott has firmly restricted himself to the subject matter indicated by the book's subtitle, perhaps out of respect for Mrs. Hermann's indefatigable research into Stewart's family life. But by limiting himself to politics, Elliott has left Stewart's personality and character to be suggested by indirection, by a close study of the details of Stewart's manipulative operations as politician and mining lawyer. Elliott has had to work under the severe handicap that "Stewart's own papers, the most important single source for analyzing motivation, do not begin until 1886" (p. ix), presumably because of losses in fires and moves. To some degree, Elliott has been able to overcome this deficiency by using the papers of Stewart's enemies and friends, such as John Wesley North, in the former category, and Collis P. Huntington, in the latter.

What emerges is a picture of intricate, politically shrewd dealing by a man of resourcefulness, elastic principles, fierce aggressiveness, and immense bluff. Elliott demonstrates that Stewart was abjectly subservient to Collis P. Huntington of the Central Pacific-Southern Pacific, and faithfully safeguarded the interest of the "Bank Crowd," the group of wealthy men who controlled the Comstock Lode through the Bank of California. Without trying to justify Stewart's conduct, Elliott does point out that Stewart's rivals for Nevada's senatorial positions were millionaires: John P. Jones, William P. Sharon, James G. Fair, and Francis G. Newlands. They did not need to raise campaign funds; Stewart did. In return for his very considerable services to his powerful patrons, Stewart never hesitated to ask for favors, especially at election time. Yet he loudly proclaimed himself a man of the people, and as one of Nevada's authentic pioneers, he made the allegation seem almost plausible. What is more, along with political adroitness went a resilient, typically western optimism in the face of adversity. To each of his several financial disasters he responded by starting all over again, by working still harder, confident that something would "turn up"—maybe a new mine, maybe a big law case, maybe a political deal.

Rodman W. Paul
California Institute of Technology

Westering Man: The Life of Joseph Walker. By Bil Gilbert. (New York: Atheneum, 1983. Pp. viii + 339. Maps, notes, bibliography, index. $17.95)

THIS WELL-WRITTEN BOOK dedicates discouragingly little time to the gigantic frontiersman Joseph R. Walker. Its major biographical contribution is that of fitting together on a broad scope scraps of information concerning this oft-mentioned figure of the Old West. The end result is to show how Walker's typical activities made him a most atypical frontiersman. If data directly concerning Walker were sorted out from other material, Gilbert's book would be about one quarter its present size. But the author fits Walker into a framework as a good "example of what a Frontier Hero could and should be," semi-legendary as such heroes are and have been. Living on the frontier, Joseph Walker took a Snake woman as his wife and had several children. Such liaisons were common since fur men "regarded their Indian wives as not simply available substitutes for white ones but as far superior, being prettier, cleaner, more stylish, seductive and much more useful than white women." Walker's family is presumed to have died sometime before 1846 and he never remarried.

Walker's ethnic background was frontier Scotch-Irish. As a youth he fought with Andy Jackson against the Creeks in the Battle of Horseshoe Bend. He emigrated early from Tennessee to Missouri's farthest frontier. He made early trips to New Mexico where he was a Taos trapper and to Texas where he was unimpressed. He guided the government party marking the Santa Fe Trail in 1825. He was the short-term first sheriff of Independence. He served several times as a fur brigade leader, including experiences with Bonneville's unsuccessful trapping attempts, during which Walker led the first mountain men via the central route to California by way of Walker Lake, Walker River and a southern pass later named for him. Walker and his trappers were the probable discoverers of Yosemite. In 1843 he guided the first overland wagon train of agricultural immigrants to California. He gained some measure of fame from his association with government explorer John C. Frémont. In later years he became a rancho owner in California, combining that activity with the occupations of stock drover and prospector. His name is associated with many famous Western figures—the Sublettes, Bill Williams, Mangas Coloradas, Kit Carson and others.

Clearly, Walker from his birth in 1798 to death in 1876 was engaged in a wide range of regional activities. Despite many opportunities to die young, he lived long, never suffering the withdrawal symptoms customary among mountain men who tried to settle down. Skill and luck combined to give him a charmed life, for only one person died in his

custody and that case was in 1858. He was almost uniformly highly-regarded by all who wrote about him, and he in turn seldom spoke ill of his associates, with the exception of Frémont, characterized by Walker as being morally and physically "the most complete coward I ever met."

One biographical drawback for Gilbert is that his pioneer wrote little, talked little, and was the subject of only a modest number of folk stories. These same factors have given author Gilbert the advantage of not having to dedicate himself to correction of "facts" hitherto "established" by popular authority. However, he makes one notable correction to the historical record concerning Walker's middle name, which has been repeatedly given as Reddeford. On the basis of family records and other documentation this should be Rutherford, suggesting that Joe Walker seldom, if ever, used his middle name. Apparently historians have found the erroneous name sonorous and have repeated the error, possibly in an effort to distinguish Joe from his well-known pioneer elder brother, Joel.

Walker's wide-ranging operations lead the modern author at times beyond his competence geographically and culturally. Walker's Manzanita ranch was not "near" San Francisco, nor is Napa County north of the Sacramento River. Sunset Crater is not northwest of Flagstaff, but north-northeast. Ships "hoist" anchor, they even "ship" anchor, but they don't "pull anchor" unless in heavy weather when they drag it. Mission San Juan Bautista never had twenty priests; the real figure was two. Frémont was not at Bent's Fort in July of 1884. Marshall, gold discoverer in California, was not an employee but rather was Sutter's partner in the fateful sawmill enterprise. The Hassayampa of Arizona runs almost due southward, so it would be impossible to go northeast along its banks.

As regards research methodology, Gilbert diverges from standard practice by giving only sketchy notes on general topics covered, leaving the impression, one which he fortifies in his acknowledgments, that little original research was done. This is not to suggest that Gilbert is uninformed. As a fine writer, he uses his literary skill to overcome a lack of primary research. His main effort has been to fit the details of Walker's life into the overriding theme of Anglo-American frontier advance.

In summary, despite some drawbacks, this is a book for profitable reading.

Donald C. Cutter
St. Mary's University
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The Silver Short Line: A History of the Virginia and Truckee Railroad. By Ted Wurm and Harre W. Demoro. (Glendale, Calif.: Trans-Anglo Books, 1983. 257 pp., bibliography, illustrations, appendices. $39.95)

THE RESEARCHING AND WRITING of the history of a railroad is a complex and often difficult matter. It can involve topics heavily intertwined with politics and economics, such as governmental subsidies, debt structures, the relative merits of passenger and freight services, consolidation of transportation networks, and expansion into unrelated commercial and industrial fields, just to name a few. In the case of the Virginia and Truckee, such a history can involve the political system of a state, and the economic life and health of an entire region, and judgments must be made on a diversity of leaders operating over a long period of time. The difficulties involved in producing a solid, well-balanced treatment are legion, and hard to overcome.

Although in some respects *The Silver Short Line* is a heavily-illustrated volume for the coffee table, it is also the most thorough account of the V&T yet published; the authors have dealt with the history of the line from its founding in the mid-1860s to its final demise in 1950. Ted Wurm and Harre Demoro not only rode the V&T in their younger days, but also had a personal acquaintanceship with the last of the old-time railroaders. They have taken the time to examine massive amounts of documentary material, and in addition they have been assisted by such V&T authorities as Richard Datin, Stephen Drew, and David Myrick. Unfortunately, the final result, although valuable in part, is quite uneven and features a number of major and minor historical errors and misleading assertions.

Many readers will wonder about the dedication. Did the authors intend to honor Darius Ogden Mills or Ogden Livingston Mills? One or the other was intended, but the authors came out with both in one name. In setting the scene for the emergence of the V&T, there are a number of problems. The authors mistake the nature of the Mormon settlement of Carson Valley. They are wrong on the date for the establishment of Franktown (1856, not 1853), and the location of the May, 1850, "gold strike" (Gold Canyon, not Carson Valley). It is not true that the "success" of the placer miners in Gold Canyon so "irked the Mormons" that Brigham Young decided to call them back to Utah. Allan Grosh, the Pennsylvanian who was the co-discoverer of silver in Gold Canyon in 1857, died after he *refused* to allow his frozen legs to be amputated, not because they were removed. The authors also identify Augustus Harrison as the man who sent the first ore samples to California to be assayed in the summer of 1859, but make no mention

of John F. Stone, who had previously sent samples to Nevada City. They also dredge up the old saw about James Fenimore, his famed broken whiskey bottle and the naming of Virginia City, but ignore the official naming of the city on January 18, 1861, when it was formally incorporated by act of the Utah Territorial Legislature. Wurm and Demoro also bring up the matter of Nevada silver's "saving" the Union cause during the Civil War, a misunderstanding of history if there ever was one.

William Sharon, the Virginia City agent for the Bank of California, is properly arraigned as the "old pirate" he was and is correctly given credit for founding the V&T, but the authors fail in their attempts to make the point that the railroad was the linchpin of the Bank's monopolistic hold on the economic life of the Comstock Lode. They also ignore Superintendent Henry M. Yerington's role as a lobbyist for both the V&T and the Central Pacific Railroad, activities which did not exactly endear him and his railroad to the people of Nevada. In extending the railroad north to Reno, the authors contend that this was "a logical step," yet they ignore the fact that the 1871 Nevada Legislature granted a franchise to Hill Beachey for a line up Geiger Grade. It was this fact rather than any other considerations which prompted Sharon and Yerington to go ahead with the northward connection.

There are additional omissions and mis-statements throughout the book. The authors make no mention of the fact that there were at least six previous attempts to run a railroad to the Comstock before Sharon and D. O. Mills succeeded in putting the financing together and getting the project off the ground. No mention is made of the shop facilities at Virginia City prior to the construction of the Carson City roundhouse. The latter, according to the authors, was built of "native granite"; the roundhouse actually was constructed of limestone from the prison quarry. In regard to the community of Yerington, the authors provide no more enlightenment than anyone else concerning the reasons for its naming or the date this was done. Pizen Switch was not the official name of the town prior to this change—it was Greenfield. The account of Adolph Sutro and his famous tunnel is adequate, but much more could have been done on the conflict with Sharon and the "Bank Crowd." A recent biography of Sutro indicates that his "take" from the tunnel project was no more than $800,000, not the $5,000,000 that Wurm and Demoro state.

The account of the period after 1900 is better than that of the first three decades, but more emphasis could have been given to the impact of the automobile and the truck after World War I, and to the public subsidies to such traffic in the form of highways. Against this, the V&T was expected to make its way, an impossible task. The authors are

rather hard on Major Gordon Sampson, the V&T auditor who became vice-president and general manager of the line in 1945. Sampson had to preside over the last years of the line, and any man consigned to such a fate would not receive the accolades of railfans. Perhaps Wurm and Demoro are right, but their version conflicts with Sampson's own recollections taped for the University of Nevada's Oral History Program. This is a matter that needs more investigation.

In spite of this reviewer's reservations about portions of the book as history, the volume is a delight to read and is a significant contribution to Nevada's railroad history. The photos are excellent, and Dick Datin's inspired art work is a real treat. The appendices on "Equipment Rosters," "Films Using V&T Equipment" and "Scale Drawings for Modelers" are an added bonus. The book should find a place on the shelves of those who take an interest in Western History. The work accomplished by the authors will undoubtedly inspire researchers to explore other facets of this most fascinating of all western railroads.

Phillip I. Earl
Nevada Historical Society

In the Shadow of Fremont: Edward Kern and the Art of American Exploration, 1845–1860. By Robert V. Hine. Second Edition. (Norman: University of Oklahoma Press, 1982. xxi + 180 pp. Maps, illustrations, bibliographical essay, index)

ORIGINALLY PUBLISHED in 1962 by Yale University Press as *Edward Kern and American Expansion,* this version might have been advertised more accurately as a "reprint edition" rather than a "second edition." For in truth the additions are minimal: a brief new preface, additional maps and illustrations, and a revised bibliographical essay, hardly evidence of a major reworking or rethinking of the initial manuscript.

This said, it is nonetheless gratifying that the University of Oklahoma Press saw fit to reissue the volume. For the life of Edward Kern, who began his career in exploration as the official illustrator of John C. Fremont's Third Expedition in the West, makes for a fascinating story, not only because Kern tramped the region with such a colorful and controversial character as the Pathfinder, but also because he left a superb pictorial record of the people and places they experienced. Nor does Hine waste any time getting to the heart of the story. Unlike most biographies, the reader is not asked to suffer through Kern's adolescence, for example. His childhood in Philadelphia, artistic talent, and lifetime battle with epilepsy are dispensed with quickly and suc-

cinctly; accordingly, by page 7 we follow Edward Kern to his rendezvous with the Fremont expedition in Westport, Missouri.

The subtitle of the book, *Edward Kern and the Art of American Exploration, 1845–1860,* again fails to represent the actual text, which continues to concentrate on the personalities Kern encountered rather than critique his art in greater detail. The best interpretation of that contribution comes at the very end of the volume, where Hine finally provides a brief but thorough overview of the impact of the West on Kern in particular and artists in general. Meanwhile, we are merely told that Kern was keeping busy with his drawings and paintings. The bulk of the early text centers around Fremont's arrival in California, his elevation of Kern to the command of Fort Sutter following the Bear Flag Revolt, and Kern's experiences while nominally in charge of military operations in central California during the opening months of the Mexican War. His return to Philadelphia, Fremont's court martial, and the ill-fated Fourth Expedition to the West (indirectly resulting in the death of Kern's brother, Benjamin), find the reader midway through the volume, the remainder of which discusses Kern's career in New Mexico and his important contributions as a painter and topographer while serving in the United States Navy on the Ringgold-Rodgers and Brooke expeditions to Japan, Siberia, and the western Pacific.

To re-emphasize, the major strength of this volume is its ability to introduce major historical figures colorfully and succinctly. To be sure, it is not only a biography of Edward Kern, but, for example, at times also of his equally talented brother, Richard, whose drawings and paintings also appear throughout the pictorial sections of the book. The point Hine makes so effectively is that artistic talent found a ready outlet beyond the Mississippi River. Edward Kern is often simply the organizing personality through which Hine introduces the unfolding of that period of exploration when Manifest Destiny, the Romantic Movement, and American art all finally came together in one grand outpouring of cultural nationalism.

Now that the old West is gone, it is important to recognize the role of its artists in saving a pictorial record of its passing. Hine's book, already recognized as an important addition to western history twenty years ago, should enjoy another round of popularity on this basis alone. Surely there is little need, in other words, for a publisher even to flirt with charges of false advertising as a justification for bringing a classic back into print.

Alfred Runte
University of Washington

American Farmers: The New Minority. By Gilbert C. Fite. (Bloomington: Indiana University Press, 1981. ix + 265 pp. Notes, comments on sources, index, photographs. $19.50)

WHO COULD BE better qualified to write this book, a treatise on the situation of American farmers in the twentieth century, than Gilbert C. Fite? He brings to the subject depth of research, power of interpretation, and a full measure of common sense. Fite here writes, he says, not for the specialist but for the general reader. Surely a reading of this book would inspire farmers and consumers to both personal contemplation and mutual understanding, but it also would be good for historians, politicians, and agricultural economists to study it. There is in print no clearer distillation of thought about the agricultural situation of recent times.

The basic theme of *American Farmers* is the decline in the number of farms in the United States. Fite chronicles this decrease, explains its causes, and comments on its effects. Farmers once comprised the overwhelming majority of the American population, and under Jeffersonian doctrine were the economic and moral hope of the republic. During the nineteenth and early twentieth centuries, although the number of farms increased, their relative importance diminished with the growth of business, industry, and urban population. Farmers became only a plurality, and one beset by hard times during the 1920s and 1930s. Their leaders adjusted to this status with political savvy manifest in the formation of the Farm Bloc and in the effectiveness of the farm lobby.

After a flurry of prosperity during World War II, however, the number of farms shrank dramatically, until by 1981 farmers comprised fewer than three percent of the population. This time farm advocates adjusted less readily to the change in status, or perhaps the odds against them were just becoming too great. A symptom of their desperation was the American Agriculture Movement, which employed direct action and grass-roots lobbying in ways new to farmers. A more quiet effect was the alliance between agricultural spokesmen in Congress and consumer interests. Food-stamp programs were a good example cited in the book; not mentioned is the use of target prices and deficiency payments to support farm income while at the same time reducing the cost of food. Some of the most interesting reading in the book comes near the end, where Fite describes the changing attitudes and self-images of contemporary farmers, the new minority.

The rapid decline in the number of farms resulted from several causes, the first of which was technological development that lessened the requirement for labor on the farm. Meanwhile, opportunities for employment in the city beckoned. Most of all, a cruel cost-price

squeeze gripped farmers, who still in the 1980s, as ever, bought on a seller's market and sold on a buyer's market. Competitive farmers seeking to employ the latest technologies, achieve economies of scale, and compensate for the cost-price squeeze gobbled one another up.

Should we mourn the demise of so many family farms? "I hold no brief for the so-called good old days down on the farm," says Fite, "simply because experience and statistics both confirm that they were not very good for millions of American farmers. I find little fault with the developments in commercial agriculture" (viii). If the nation had wished to have a fundamentally different farm structure, one that would have perpetuated the small farm, then it would have had to have cast different farm policies two generations ago.

Historian to the end, Fite never quite crosses the threshold into prescription, and therefore he leaves the reader longing to ask him a few questions. For instance, he recounts the continuing inroads of big corporations in farm ownership and operation. This development contradicts the evident desires of the public, and yet popular distaste for corporate take-over of agriculture is largely unexpressed in concrete policy. Perhaps in a future essay Fite may talk about what ought to be done to give public wishes expression in public policy.

Thomas D. Isern
Emporia State University

Tucson: The Life and Times of an American City. By C. L. Sonnichsen. (Norman, Oklahoma: University of Oklahoma Press, 1982. xiv + 369 pp. Illustrations, maps by Donald H. Bufkin, notes, bibliography, index. $29.95)

TUCSON, ARIZONA, HAS APPEARED prominently in several recent studies of western cities. Gerald Nash discusses this modern metropolis as one of the region's "urban oases" in *The American West in the Twentieth Century* (1973), and Carl Abbott notes its significance in *The New Urban America: Growth and Development in Sunbelt Cities* (1981). In *The Urban Southwest: A Profile History of Albuquerque, El Paso, Phoenix, and Tucson* (1982), Bradford Luckingham analyzes the forces that contributed to the development of Tucson and its sister cities. C. L. Sonnichsen, honored as the "dean of southwestern historians," now joins these students of the urban west with *Tucson: The Life and Times of an American City.*

Dedicated "to all those living elsewhere who would rather be in Tucson," Sonnichsen's study is a nostalgic, anecdotal account of this

southwestern city that remains, even today, somewhat insulated from the East Coast and Middle West. In a thoughtful introductory chapter, "Precarious Paradise," the author discusses the implications of the city's remote location and, more importantly, questions the wisdom of planting a city in the hot, arid reaches of the Lower Sonoran Desert. "Deserts were not meant for people," he writes, adding that "everything in this country was planned to repel human invasion." The obvious problems of a harsh climate and limited water supplies have remained constant throughout the city's history, and modern Tucson has multiplied its difficulties by adding pollution, crime, and urban sprawl to the list. Consequently, life in Arizona's Santa Cruz valley has become increasingly precarious.

Sonnichsen's book is not a critical appraisal of the growth of Tucson, however. Unlike Nash, Abbott, and Luckingham, whose works employ the perspectives and methodologies of urban history, Sonnichsen writes of the city's life and times. The result of this "grass roots history" is a heavily anecdotal narrative, frequently praising the contributions of the civic-minded residents who guided the city's development. In a chapter on "Roads to Civilization," for example, the author introduces Tucson's leading citizens of the late nineteenth century—a list that includes nearly every person of importance from the "little governor" Anson Peacely-Killen Safford, to the "civic leaders" who carried out the raid on the Arivaipa Apache encampment at Fort Grant in 1871. A similar chapter summarizes the careers of notable "Renegades and Desperadoes" and the men who brought them to justice.

While this chronicle of daily life in Tucson provides a unique, personal view of the city's history, larger historical themes are obscured. Tucson seemingly remained oblivious to the Progressive Era's crusading reformers, although Arizona entered the Union in 1912 with a decidedly progressive constitution, and Phoenix produced a number of important progressive politicians. Sonnichsen repeats the familiar tale of President Taft's veto of the Arizona constitution, adding that the residents of the "Old Pueblo" did not share the rest of the state's enthusiasm for the document or statehood. Similarly, Tucson in the 1920s reflected little of the "Jazz Age" flavor associated with the decade. The growing city had its bootleggers, Ku Klux Klan members, and denizens of "Gay Alley," but the town's real obsession was with the automobile and the related issues of highway construction, tourism, and the building of such luxury hotels as El Conquistador. At the end of the decade, Tucson was still a "town with a center," Sonnichsen concludes. "Almost everybody enjoyed a good life in a prosperous and hopeful community."

If Tucson's remoteness perhaps shielded it from the early twentieth century, the town could not escape the Great Depression and World War II, both of which the author describes with emphasis on local events. Following the war, Tucson developed rapidly into a regional metropolis as its population increased from 45,454 in 1950 to more than 300,000 in 1980. Perhaps the most perceptive chapter in the book, "The Price of Progress," focuses on this phenomenon and details the problems emanating from Tucson's growth. Sonnichsen raises again the issue of the city's precarious water supply, and in the final chapter boldly states that "When the water runs out, Tucson runs out, and the desert will reclaim its own." The sobering conclusion adds a paradoxical note to the book, for most of the volume praises the city's builders and promoters who fostered growth and expansion and unconsciously contributed to the dilemmas facing the city's residents today.

Tucson is a thoroughly researched work, and the author's extensive use of newspaper accounts and interviews, particularly for the twentieth century, enables him to capture successfully the flavor of the times. Long-time residents will enjoy his sympathetic, occasionally humorous, detailing of the city's past; and new residents and "snowbirds" will find the book a pleasant introduction to their newly adopted home—even if they do no more than glance at the pictures and maps. Over 200 illustrations, most of them from the Arizona Historical Society, appear in the book. The half-dozen maps by cartographer Donald H. Bufkin clearly portray the Tucson area and define the city's growth from the Spanish period to the present.

Historians will find the book less satisfying, however. Sonnichsen pays scant attention to the process of urbanization; his bibliography contains no references to even the standard works on the urban west. Similarly, women, Native Americans, and Chicanos are treated only briefly. But urban and ethnic history are not Sonnichsen's forte. He is at his best writing "grass roots history," and in *Tucson* he has produced a clearly-written, popular account of the town's history from its eighteenth-century origins to its emergence as a modern metropolis.

George M. Lubick
Northern Arizona University

Saints, Slaves, and Blacks: The Changing Place of Black People Within Mormonism. By Newell G. Bringhurst. (Greenwood Press: Westport, Conn., 1981. xix + 254 pp.; notes, bibliography, index, $27.50)

PROFESSOR NEWELL BRINGHURST'S assertion that "the changes in Mormon attitudes and practices toward black people fills a unique chapter in American religious history" is substantiated by his scholarly account of the development of such racial doctrines, attitudes and practices, and the historical setting in which these developments occurred. Based on extensive research of Mormon journals, sermons, and letters as well as contemporary non-Mormon sources, Dr. Bringhurst has achieved a remarkable degree of objectivity in his presentation of a delicate but important subject.

The author has had the advantage of "seeing the problem from the inside," because he grew up in a Mormon family in Salt Lake City. He experienced the traumatic events of the 1960s and 1970s that led to the dramatic announcement on June 8, 1978, when the Mormon Church leaders declared that "all worthy male members of the church may be ordained to the priesthood without regard to race or color," thus ending the long-standing church ban on black priesthood ordination. It was his desire to understand why this ban had existed for so long and how it had originated that led Professor Bringhurst to make the careful study that is evidenced in his book.

Bringhurst asserts that "the emergence of Mormon theories and practices directed against blacks took place within the context of a nineteenth-century American society agitated by the issues of slavery, race and abolition. In response to pressures both within and outside of Mormonism, the church adopted attitudes that were both anti-slavery and anti-abolition." (The first four chapters deal essentially with these attitudes.) His conclusion is that while racism as articulated in Mormon scriptures such as the *Book of Mormon* and the *Pearl of Great Price* developed early, the prohibition on blacks holding the priesthood and participating in temple ordinances developed slowly and did not become a pattern until Brigham Young made his strong pronouncements in 1852. During that year, the Utah Territorial Legislature legalized black slavery, thus solidifying their subordinate status. Black priesthood denial was established "as a firm fixture within Mormonism by 1865. This practice was perpetuated for over a century by the Latter-day Saints' acceptance of the historical myth that Joseph Smith had inaugurated this practice and that scripture justified it."

Following World War II, the civil rights movement began gathering force and momentum, and Catholic, Protestant and Jewish leaders

enrolled in the struggle for black equality. Mormon leaders held back, however, and in 1949 published a pronouncement declaring that black priesthood denial was "a direct commandment from the Lord," and had its origin in the beginning organization of the church.

Twenty years later, in 1969, the First Presidency made a strong declaration in favor of civil rights, but re-asserted its doctrine of black priesthood denial "for reasons which we believe are known to God, but which He has not made fully known to men." One of Dr. Bringhurst's important contributions is his analysis of events and movements that led to a reconsideration of this policy, and eventually the historic announcement in 1978 which ended the priesthood ban.

One of the most impressive aspects of Dr. Bringhurst's study is the evidence of exhaustive research. He knows the literature on the subject and gives evidence in his extensive and often detailed footnotes. For example, the first chapter consisting of eight pages contains sixty-one footnotes, and they require an additional four pages at the end of the chapter. Chapter Two, consisting of twelve pages, has seventy-nine footnotes filling seven pages. The remaining chapters follow this pattern.

Equally impressive is the author's ability to see the Mormon developments in the light of contemporary American history. Mormon attitudes are shown to be similar to those of many other Americans. A good example may be found on page 118, where Bringhurst describes the millenial expectations of Mormons during the Civil War and follows with a paragraph asserting that "The Latter-day Saints were not unique in viewing the Civil War period as a prelude to the impending millenium."

There are a few minor errors in Professor Bringhurst's book, such as his estimate of Nauvoo's population to be 20,000 (p. 89) whereas 11,000 is much closer to the truth. He also asserts that the Republican campaign slogan of 1856 to rid the nation of the "Twin relics of barbarism, slavery and polygamy" was an important aspect of Lincoln's campaign in 1860.

The author can expect a mixed reaction from his Mormon readers. Many will be happy to learn the facts concerning the development of discrimination against blacks, but will be embarrassed by the statements and attitudes of many of the church leaders, both living and dead. However, all should agree that Newell Bringhurst has produced a most complete and objective account of this unique aspect of the Mormon experience.

Eugene E. Campbell
Brigham Young University

Brigham Young: The New York Years. By Richard F. Palmer and Karl D. Butler. (Provo: Brigham Young University Press, 1982. 86 pp., notes, index, $9.95)

IN THE NINETEENTH CENTURY (and perhaps in the twentieth), no Mormon is better known than Brigham Young. He governed the Church of Jesus Christ of Latter-day Saints for thirty-three years with vigor and firm control. He is known as a colonizer, a polygamist, and a prophet. This slim volume of less than one hundred pages documents Young's experiences in, and relationships with, the state of New York. Nearly one-fourth of the book consists of pictures and maps; they are well done, and illustrate textual materials.

Brigham Young was born in 1801 in Vermont, and died in 1877 in Utah Territory, but he spent more than one-third of his life along the Erie Canal during its period of growth. John Young, his father, married Abigail (Nabby) Howe in Massachusetts. The Young family moved several times during Brigham's childhood, generally westward from Vermont into New York. John and Abigail's family consisted of five boys and six girls, and Brigham was the ninth child. His mother died when he was fourteen. Three of the Young boys became Methodist ministers, and one of the girls married a Methodist minister. Camp meeting religion was very much a part of the social milieu in which the Young family grew and traveled.

Brigham's childhood was filled with hard work and the difficulties of the New York frontier, and his schooling was limited. Lorenzo Dow Young, Brigham's brother, related a story of their poverty:

> On this occasion father had been gone two days, and brother Brigham and I had worked very hard to gather the sap, which labor fell entirely on Brigham, but I kept it a-boiling. We had eaten the last flour the day father left, and had not had a bite all day except what sugar we had eaten and we were very faint, but as night drew nigh we started for the house and to our joy a little robin came flying along and lit on a tall tree near the house. Brigham ran to the house and got the gun, and if I ever prayed in my life, I did then that he might kill the poor little robin. The gun cracked and down came the robin. We soon had it dressed and boiling in the pot, and when we thought it cooked we then wished for flour enough to thicken the broth. Finally brother Brigham got the flour barrel and told me to set a pan on the floor and he held up the barrel and I thumped it with a stick and the flour came out of the cracks and we had two or three spoonfuls and thickened the broth, and then with thanks to God for his mercy, we ate and seemed to have all we wanted, a full meal for two hungry boys on one little robin and two spoonfuls of flour. (pages 6–7)

Brigham became a bound boy at age 11 and was apprenticed at age 16 to the trades of carpenter, painter, and glazier. One of his earliest jobs came at a pail factory in 1823 for fifty cents a day.

In 1824, Miriam Angeline Works was married to Brigham, and for the next five years they lived in Aurelius, Port Byron, Oswego, and Mendon. At Mendon, Brigham harnessed a stream of water to turn a crosscut saw and a lathe. He was often in debt and it seemed that "poverty stalked" the family. To earn a living, he built "good kitchen chairs" at fifty cents a piece, framed barns, and made picket fences. Heber Kimball spoke of their work experiences together:

> Brother Brigham and myself used to work hard, side by side, for fifty cents a day and board ourselves; we had seventy-five cents a day when we worked in the hayfield; we would work from sunrise to sunset, and until nine o'clock at night if there was sign of rain. We would rake and bind after a cradler for a bushel of wheat a day, and chop wood, with snow to our waist for eighteen cents a bushel. (page 26)

Late in his life Brigham had his sons call upon those who held his debts to pay them. Although he was involved in Bible reading and revivals, he seemed to accept religion more slowly than some of his family. By 1823, he had converted to Methodism, and in April of 1832 was baptized a Mormon. His wife Miriam was baptized a short time later, but died before the year was out, leaving Brigham with two young daughters. His acceptance of Mormonism changed his life, and by the middle of 1833 he moved his family to the area of Kirtland, Ohio. He returned to New York on four separate occasions as a missionary, in 1836, 1837, 1839, and 1841.

Palmer and Butler have pieced together more of Brigham's early life than has been available before. This is a short, and rather uncritical, study of his early years.

Richard W. Sadler
Weber State College

NEW RESOURCE MATERIALS

NEVADA HISTORICAL SOCIETY

George S. Nixon Papers

The Society's collection of George Stuart Nixon papers recently expanded when Stuart Nixon, grandson of the late U.S. Senator from Nevada, donated copies of a guestbook from the Nixon mansion in Reno, several George Nixon letters, and family photographs. The guestbook contains the signatures and comments of prominent and obscure guests to the Nixon home from 1909 to 1913, stock certificates held by Nixon, the 1887 marriage certificate of George and Kate Bacon Nixon, newspaper clippings, and theatre and school graduation programs.

We wish to thank Stuart Nixon for this unique gift, one which will certainly be of interest to historians of Nevada politics.

Sanborn Map Atlas of Reno

The Society acquired a rare Sanborn Map Company fire insurance map atlas of Reno. The atlas, a 1918 set with revisions to 1953, is not listed as being held by any other library in the country; the oldest Reno Sanborn previously held by the Society is for 1949. The atlas has been added to our already extensive collection of insurance maps for Nevada communities in the decades of the 1870s to 1950s. Sanborn maps are invaluable to social, economic, and urban historians, as well as preservationists, for they plat all structures in a given community and indicate their size, height, number of doors and windows, and composition (whether made of wood, brick, stone or metal). The uses to which major buildings, and some minor ones, were put is shown on the maps, as are such features as underground water lines, fire hydrants, automatic sprinkler systems, and railroad lines and spurs.

With this addition to the Society's holdings, the physical growth of Reno is minutely recorded in a dozen Sanborn, and similar, maps dating from 1879 to 1953.

Eric Moody
Curator of Manuscripts

UNIVERSITY OF NEVADA, LAS VEGAS

Moore Collection

William J. Moore, Jr. was a participant in the Nevada Humanities Committee's oral history project, "Pioneer Tapes." Those tapes and transcriptions, plus photos, papers, architectural drawings, and memorabilia donated by his family, form an important body of materials for research in gaming and economic history.

Mr. Moore came to Las Vegas in 1941; he was en route to Los Angeles where he planned to solicit funds for another motel and theater enterprise for his uncles' motel and theater chain. Moore and one of these uncles, R.E. Griffith, were impressed by the business possibilities they found in Las Vegas, and they decided to abandon their plans for development in New Mexico and build a hotel-casino in Las Vegas.

Moore was an architect for his uncles' firm, and he drew plans and began construction as soon as possible. However, World War II had begun, and building materials not needed for the war effort were difficult to obtain. Moore tried to use such obstacles to his advantage, and he incorporated on-site structures in his building plans, found used materials to give his hotel an "old west" ambience, wired old wagon wheels as light fixtures when new ones were impossible to obtain, and salvaged wiring and conduit from an abandoned mine.

The result, the Last Frontier Hotel and Casino, the second major gaming operation on what became the famous Strip, had its grand opening in December, 1942. Moore was later involved in the Showboat and El Cortez, was a real estate developer, and had mining and oil interests. He served on the Tax Commission that began gaming regulation; was president of the Las Vegas Chamber of Commerce; and was active in an array of local community charities. William J. Moore, Jr. died in June, 1982.

His participation in the Nevada Humanities Committee's oral history project generated five hours of tapes; so far, two hours have been transcribed. After Mr. Moore's death, his family donated photos from the Last Frontier Hotel, the original architectural drawings of the Last Frontier, drawings for the Caribbean Hotel (which he did not succeed in developing), some real estate development plans, and a number of periodicals which relate to the Last Frontier Hotel.

The Special Collections Department is grateful to the Nevada Humanities Committee for the donation of tapes and transcriptions of Mr. Moore's oral history interview. Special thanks go to the Moore

Family for its generosity in depositing photos and memorabilia. The Department gratefully acknowledges the memorial fund established by the family and friends for processing the collection.

Merwin Photos of Pahrump

For the past several years, Special Collections has acquired photos and memorabilia as the result of the publication of photos in the Sunday supplement of the Las Vegas *Review Journal.* The photos are those from our collections whose dates, personages, or events are unknown. Readers then are invited to phone in any relevant information they have. The "Help Us Write History" feature is popular, and through it many readers become friends of the Library through their calls. Such was the case with Geneva Stark Merwin, who helped identify photos of Indian families from the Pahrump area. Mrs. Merwin then offered her album of ten leaves of photos depicting her experiences in the Pahrump elementary school in the 1941–42 school years.

Geneva Stark, a young Minnesota teacher, experienced considerable cultural shock when she came to the Nevada desert to teach in Pahrump's two-room schoolhouse made of tar paper and railroad ties. She recalled that for the first two weeks of the fall session she had only one student in attendance. Her usual teaching load was about eight students, and she taught all eight grades when necessary. Extreme desert heat often made the small schoolhouse uncomfortable, and her photos show classes sometimes were held in the open on the shady side of the building with students seated on rough benches. Her photos document the stark, primitive conditions she found in Pahrump.

The Merwin Collection is the department's only collection thus far that documents Pahrump in the 1940s. As she identified her photos and reminisced about her students, Mrs. Merwin considerably increased our knowledge of Indian families in the Pahrump Valley. It became apparent that she would be an excellent informant for oral history, and she agreed to a future interview. The Special Collections Department expresses its thanks to Geneva Stark Merwin for the donation of her photo collection and for sharing her knowledge of the Pahrump Valley in the 1940s.

Elizabeth Nelson Patrick
Special Collections Department
UNLV Library

UNIVERSITY OF NEVADA, RENO

Brown and Mahanny Printing Samples

The Special Collections Department of the University of Nevada, Reno Library has recently acquired an important collection of examples of early Nevada printing. The collection is comprised of 111 printing samples from a specimen book used in 1876–78 by D. L. Brown and John A. Mahanny, Virginia City job printers. The samples, which were shown to prospective customers, include advertising circulars, invitations, tickets, restaurant menus, trade cards, calling cards, and business forms. Printed by Brown and Mahanny in their Virginia City printing shop, the samples represent a wide range of the area's social and business life. In addition to job printing, Brown and Mahanny were also publishers of the *Footlight,* an advertising tabloid which reported theatrical life in Virginia City and carried the weekly program for Piper's Opera House.

DeGroot Manuscript

UNR Library's Special Collections has also acquired a manuscript mining report by well-known Nevada mining engineer and historian Henry DeGroot. Written in 1880, this forty-four page manuscript is the *Report on the Mines Woodlands Reduction Works and other Properties of the Montezuma Mill and Mining Company.* The report describes the geologic formations and geographic features of the Montezuma mining district in Esmeralda County, Nevada, and discusses the operation and yields of the mines within the district. It also gives a brief history of the area. DeGroot authored *Sketches of the Washoe Silver Mines* (San Francisco, 1860) and other publications and reports on mining in Nevada.

Lee Kosso
Special Collections Department
UNR Library

NEWS AND DEVELOPMENTS

NEVADA HISTORICAL SOCIETY, RENO

"Quilts in Nevada," an exhibition of examples of the quiltmaker's art from the Society's own collections, has attracted considerable interest, and will continue to be featured through the rest of April. On January 17, Dr. Marilyn Horn, Professor Emeritus at UNR, spoke on "The Quilt: Patchwork of Social History," and showed a film. On February 7, Julie Silbert, a nationally-known expert on quilts, spoke on "American Quilts: A Handmade Legacy," and also showed a film.

Forthcoming events at the Society's Reno facility include a photographic exhibition on the history of the Duck Valley Indian Reservation. Funded by the Nevada Humanities Committee, this will open in May and continue through June. On April 8, the Society's 1984 touring season will begin; Phillip Earl will lead a walking tour from the downtown area of Reno into some of the historic residential neighborhoods nearby. Then on June 4, the first bus tour of the year will investigate the Forty-Mile Desert, with stops at the Churchill County Museum, the pictograph site at Grimes Point, and the Hidden Cave archaeological site. For information on tours call 789-0190.

NEVADA STATE MUSEUM AND HISTORICAL SOCIETY, LAS VEGAS

The skull and thigh bone of an animal which has not roamed Nevada since the Pleistocene, some 10,000 years ago, will be placed on exhibit April 4th in Las Vegas. The large male mammoth, estimated to have stood thirteen feet at the shoulder and to have weighed five to six tons, was excavated from the Black Rock Desert of northwestern Nevada in 1982. The preparation of the nearly complete skeleton was accomplished by volunteer paleontologist Ralph Danklefson of Anza-Borrego Desert State Park, California. The skull and accompanying thigh bone will be prominently placed in the foyer to bid visitors a "giant" welcome. Call 385-0115 for information.

LOST CITY MUSEUM, OVERTON

Recent activities at the Lost City Museum have included two well-received art exhibits, "Max Bunnell's Southwest," in January and February, and "Paiute Art," in March. Scheduled for the entire month of April is a photo exhibit dealing with the Duck Valley Indian Reservation. On April 6, the Lost City Museum will host its annual membership reception after a meeting that day of the Department of Museums and History Joint Board of Trustees.

WESTERN LITERATURE ASSOCIATION'S 1984 MEETING

The nineteenth annual meeting of the WLA will be held on October 4, 5, and 6 at the Pioneer Hotel and Casino in Reno. Sponsorship is by the University of Nevada, Reno.

Papers may address any aspect of Western American Literature and literary scholarship, criticism, or pedagogy. Especially invited are discussions of works by Walter Van Tilburg Clark, Mark Twain, George Stewart, Mary Austin, Vardis Fisher, and other figures who set their writings in Nevada. Also appropriate would be papers dealing with indigenous themes, such as wagon train, mining camp, and gambling literature; interested scholars may also wish to propose special sessions. Completed papers (not to exceed ten typed pages) must be sent by July 15, 1984. Each proposal and paper should be accompanied by a 125-word extract.

Send queries, suggestions, and papers to Professor Ann Ronald, Dept. of English, University of Nevada—Reno, Reno, NV 89557.

Contributors

Ann Ronald, Professor of English at the University of Nevada, Reno, is the author of *The New West of Edward Abbey* (University of New Mexico Press, 1982), and a lover of the desert southwest. She has written several articles about Western American literature, as well as a pamphlet about Zane Grey. She serves on the Editorial Board of the journal, Western American Literature, and is the 1984 President of the Western Literature Association.

William N. Thompson is an Associate Professor of Public Administration at the University of Nevada, Las Vegas. He received his Ph.D. from the University of Missouri, and previously taught at Western Michigan University. He is the author of *State Attorneys General and the Environment* and a number of articles.

Dorothy Ritenour received her M.A. in Historical Archaeology, with an emphasis on Historic Preservation, from the University of Nevada, Las Vegas, and is the Assistant Director of the Nevada Humanities Committee. She participated as a researcher, in collaboration with Nancy Cummings, on the "Country School Legacy" project, which was funded by the National Endowment for the Humanities.

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NEVADA HISTORICAL SOCIETY

FOUNDED IN 1904, the Nevada Historical Society seeks to advance the study of the heritage of Nevada. The Society publishes scholarly studies, indexes, guidebooks, bibliographies, and the *Nevada Historical Society Quarterly;* it collects manuscripts, rare books, artifacts, and historical photographs and maps, and makes its collections available for research; it maintains a museum at its Reno facility; and it is engaged in the development and publication of educational materials for use in the public schools.