

# *Political History of Nevada*



## **Chapter 2**

Facts About Nevada



## CHAPTER 2: FACTS ABOUT NEVADA

### OFFICIAL FEATURES AND EMBLEMS

An official act of the Legislature is required to designate official features and emblems of the State. The first legislative act of this type was the designation in 1953 of the single-leaf piñon as Nevada's official state tree.

#### State Emblems

Official designations made by the Legislature include the following:

Animal (1973) Desert bighorn sheep (*Ovis canadensis nelsoni*), NRS 235.070  
 Artifact (1995) Tule duck decoy, NRS 235.085  
 Bird (1967) Mountain Bluebird (*Sialia Corrucooides*), NRS 235.060  
 Colors (1983) Silver and Blue, NRS 235.025  
 Fish (1981) Lahontan cutthroat trout (*Salmo clarki henshawi*), NRS 235.075  
 Flower (1959) Sagebrush (*Artemisia tridentata or trifida*), NRS 235.050  
 Fossil (1977) Ichthyosaur (genus *Shonisaurus*), NRS 235.080  
 Gemstone (1987) Precious Virgin Valley black fire opal, NRS 235.100  
 Gemstone (1987) Semiprecious Nevada Turquoise, NRS 235.110  
 Grass (1977) Indian ricegrass (*Oryzopsis hymenoides*), NRS 235.055  
 Insect (2009) Vivid Dancer Damselfly (*Argia Vivida*), NRS 235.062  
 Locomotive (2009) Engine No. 40, NRS 235.135  
 March (2001) Silver State Fanfare, NRS 235.035  
 Metal (1977) Silver (Ag), NRS 235.090  
 Reptile (1989) Desert tortoise (*Gopherus agassizii*), NRS 235.065  
 Rock (1987) Sandstone, NRS 235.120  
 Soil (2001) Orovida soil series, NRS 235.115  
 Song (1993) "Home Means Nevada," NRS 235.030  
 Tartan (2001) NRS 235.130  
 Trees (1953) Single-leaf piñon (*Pinum monophylla*), NRS 235.040  
 Trees (1987) Bristlecone pine (*Pinus arisrata*), NRS 235.040  
 Trees (1997) Bristlecone pine (*Pinus arisrata*) changed to Bristlecone pine (*Pinus longaeve*), NRS 235.040

The presence of Nevada's earliest inhabitants, beginning about 12,400 years ago, is marked by many petroglyphs and archaeological sites. Baskets, decoys, and ingenious traps are evidence of the resourcefulness of these early people in a harsh and arid environment.

European explorers traveled through Nevada in the early 19th century, but it was not until 1851 that the first settlements were established. An Act of Congress created the Territory of Nevada on March 2, 1861. James W. Nye of New York was appointed Nevada's first Territorial Governor by President Abraham Lincoln later that year. On October 31, 1864, President Lincoln proclaimed Nevada's admission to the Union as the 36th state. The State's first elected Governor, Henry Blasdel, took office on December 5, 1864.

Today, Nevada is the nation's seventh largest state in land area. Several hundred mountain ranges cross its landscape, many with elevations over 10,000 feet. In contrast, the State's lowest point (along the Colorado River) is only 470 feet above sea level. From majestic mountains to desert valleys, nature has endowed Nevada with diverse and unique ecosystems.

The Nevada Legislature has honored the State's natural resources and cultural heritage with a variety of State designations described on this and the following pages.

### **1. State Animal (NRS 235.070)** **Desert Bighorn Sheep**

The Desert Bighorn Sheep (*Ovis canadensis nelsoni*) is smaller than its Rocky Mountain cousin but has a wider spread of horns. The bighorn is well-suited for Nevada's mountainous desert country because it can survive for long periods without water. The large rams stand about 4.5 feet tall and can weigh as much as 175 pounds.

*Photo Credit: Department of Wildlife*



### **2. State Artifact (NRS 235.085)** **Tule Duck Decoy**

This decoy was created almost 2,000 years ago. Discovered by archeologists in 1924 during an excavation at Lovelock Cave, the decoys are formed of bundles of bulrush (tule) stems, bound together and shaped to resemble canvasback ducks.

*Photo Credit: Scott Klette*



### **3. State Bird (NRS 235.060)** **Mountain Bluebird**

The Mountain Bluebird (*Sialia currucoides*) lives in the Nevada high country and destroys many harmful insects. It is a member of the thrush family, and its song is a clear, short warble like the caroling of a robin. The male is azure blue with a white belly, while the female is brown with a bluish rump, tail, and wings.

*Photo Credit: Department of Wildlife*



#### 4. State Colors (NRS 235.025)

##### Silver and Blue



#### 5. State Fish (NRS 235.075) Lahontan Cutthroat Trout

The Lahontan Cutthroat Trout (*Salmo clarki henshawi*), a native trout found in 14 of the State's 17 counties, is adapted to habitats ranging from high mountain creeks and alpine lakes to warm, intermittent lowland streams and alkaline lakes where no other trout can live.

*Photo Credit: Department of Wildlife*



#### 6. State Flower (NRS 235.050)

##### Sagebrush

The Sagebrush (*Artemisia tridentata* or *trifida*) grows abundantly in the deserts of the western U.S. A member of the wormwood family, sagebrush is a branching bush (1 to 12 feet high) and grows in regions where other kinds of vegetation cannot subsist. Known for its pleasant aroma, gray-green twigs, and pale yellow flowers, sagebrush is an important winter food for sheep and cattle.

*Photo Credit: Division of Forestry, State Department of Conservation and Natural Resources*



#### 7. State Fossil (NRS 235.080)

##### The Ichthyosaur

This fossil (genus *Shonisaurus*) was found in Berlin, east of Gabbs. Nevada is the only state to possess a complete skeleton (approximately 55 feet long) of this extinct marine reptile. Ichthyosaurs (a name meaning "fish lizards") were predatory reptiles that filled the same ecological niche as—and quite resembled in body form—the dolphins of today, only many of them were much larger.

*Photo Credit: Division of State Parks, State Department of Conservation and Natural Resources*



### 8. State Gemstones (1 of 2) (NRS 235.100)

Precious Gemstone—Virgin Valley Black Fire Opal. Among the many gemstones found in Nevada, the Virgin Valley Black Fire Opal is one of the most beautiful. The Virgin Valley in northern Nevada is the only place in North America where the Black Fire Opal is found in any significant quantity.

*Photo Credit: Division of Minerals*



### 8. State Gemstones (2 of 2) (NRS 235.110)

Semiprecious Gemstone—Nevada Turquoise. Sometimes called the “Jewel of the Desert,” Nevada Turquoise is found in many parts of the State.

*Photo Credit: Division of Minerals*



### 9. State Grass (NRS 235.055) Indian Ricegrass

Indian Ricegrass (*Oryzopsis hymenoides*), once a staple food source for Nevada Indians, now provides valuable feed for wildlife and range livestock. This tough native grass, which is found throughout the State, is known for its ability to reseed and establish itself on sites damaged by fire or overgrazing.

*Photo Credit: State Department of Agriculture*



### 10. State Insect (NRS 235.062) Vivid Dancer Damselfly

The Vivid Dancer Damselfly (*Argia vivida*) is abundant in springs and ponds in all four regions of Nevada. The adult male is a rich blue with clear wings that appear silver when rapidly beating in sunlight, while most females are either tan or tan and gray.

*Photo Credit: State Entomologist, State Department of Agriculture*



**11. State Locomotives**  
**(NRS 235.135) Engine No. 40**

The steam locomotive known as Engine No. 40 was built in 1910. Engine No. 40 is currently located in East Ely, Nevada.

*Photo Credit: White Pine County Tourism and Recreation Board*



**12. State March (NRS 235.035) “Silver State Fanfare”**

The March was composed by Gerald Willis and codified by the Nevada Legislature in 2001.

**13. State Metal (NRS 235.090) Silver (Ag)**

In 2013, over 8.5 million ounces of silver were produced in Nevada.

**14. State Reptile (NRS 235.065)**  
**Desert Tortoise**

The Desert Tortoise (*Gopherus agassizii*) lives in the extreme southern parts of Nevada. This reptile spends much of its life in underground burrows to escape the harsh summer heat and winter cold. It can live to be more than 70 years old.

*Photo Credit: Department of Wildlife.*



**15. State Rock (NRS 235.120)**  
**Sandstone**

In its more traditionally recognized form as quartzite, sandstone is found throughout the State. In areas such as the Valley of Fire State Park and Red Rock Canyon National Conservation Area (both near Las Vegas), it provides some of Nevada’s most spectacular scenery. The State Capitol and the former U.S. Mint are built of sandstone.

*Photo Credit: Division of Minerals*





**16. State Soil (NRS 235.115) Orovada Soil Series**

Orovada soils are extensive in northern Nevada, where they have an area of more than 360,000 acres. They are common soils on semiarid rangeland with sagebrush-grass plant communities. Orovada soils are arable when irrigated and are considered prime farmland. Alfalfa for hay and seed, winter wheat and barley, and grass for hay and pasture are the principal crops grown on these soils.

**17. State Song (NRS 235.030) “Home Means Nevada”**

In 1933, the Legislature adopted “Home Means Nevada” as the official State song. Mrs. Bertha Raffetto of Reno wrote the song to honor the State.

**18. State Tartan (NRS 235.130)**

Some colors of the tartan represent the following features that make Nevada a unique and bountiful State:

- Blue represents one of the state colors of Nevada, the pristine waters of Lake Tahoe, and the Mountain Bluebird, the official state bird;
- Silver represents the other state color, the official state mineral, the granite composition of the Sierra Nevada Mountain Range, and the silver country of northern Nevada;
- Red represents the Virgin Valley Black Fire Opal, the official state precious gemstone, and the red rock formations of southern Nevada;
- Yellow represents Sagebrush, the official state flower, and symbolizes the Great Basin Region of central Nevada; and
- White represents the name of this state, meaning snow-covered, which is the translation of the Spanish word “nevada.”





**19. State Tree (1 of 2) (NRS 235.040)**

The Single-Leaf Pinon (*Pinus monophylla*) is an aromatic pine tree with short, stiff needles and gnarled branches. The tree grows in coarse, rocky soils and rock crevices. Though its normal height is about 15 feet, the Single-Leaf Pinon can grow as high as 50 feet under ideal conditions.

*Photo Credit: Division of Forestry, State Department of Conservation and Natural Resources*

**19. State Tree (2 of 2) (NRS 235.040)**

The Bristlecone Pine (*Pinus longaeva*) is the oldest living thing on Earth, with some specimens in Nevada more than 4,000 years old. The tree can be found at high elevations. Normal height for older trees is about 15 to 30 feet, although some have attained a height of 60 feet. Diameter growth continues throughout the long life of the tree, resulting in massive trunks with a few contorted limbs.

*Photo Credit: Division of Forestry, State Department of Conservation and Natural Resources*



**OFFICIAL STATE SONG**

At the 1933 Session, the Legislature adopted a state song entitled "Home Means Nevada," written by Mrs. Bertha Raffetto of Reno, Nevada. Following are the lyrics of this song:

**Home Means Nevada**

'Way out in the land of the setting sun,  
Where the wind blows wild and free,  
There's a lovely spot, just the only one  
That means home sweet home to me.

If you follow the old Kit Carson trail,  
Until the desert meets the hills,  
Oh, you certainly will agree with me,  
It's the place of a thousand thrills.

**Chorus:**

"Home" means Nevada,  
"Home" means the hills,  
"Home" means the sage and the pines.  
Out by the Truckee's silvery rills,  
Out where the sun always shines,  
There is a land that I love the best,  
Fairer than all I can see.  
Right in the heart of the golden west  
"Home" means Nevada to me.

Whenever the sun at the close of day  
Colors all the western sky,  
Oh, my heart returns to the desert grey  
And the mountains tow'ring high.

Where the moon beams play in shadowed glen,  
With the spotted fawn and doe  
All the livelong night until morning light  
Is the loveliest place I know.

**Repeat Chorus**

## LEGAL HOLIDAYS AND DAYS OF OBSERVANCE IN NEVADA

Currently, Nevada law declares 11 days as legal holidays and requires that all State, county, and city offices; courts; banks; savings and loan associations; public schools; and Nevada's System of Higher Education be closed on these days. These holidays are as follows:

- January 1 (New Year's Day)
- Third Monday in January (Martin Luther King, Jr.'s Birthday)
- Third Monday in February (Presidents' Day)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- Last Friday of October (Nevada Day)
- November 11 (Veterans Day)
- Fourth Thursday in November (Thanksgiving Day)
- Friday following the fourth Thursday in November (Family Day)
- December 25 (Christmas Day)

State law also allows such a holiday for "any day that may be appointed by the President of the United States for public fast, Thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans Day." (NRS 236.015)

It has not always been thus. In 1865, the Nevada Legislature specified certain days on which the Courts of Justice would not be open, but it was not until 1931 that the Legislature declared that *all* public offices would be closed to commemorate a particular holiday. In 1955, the Legislature first established the list of official holidays, based on the nonjudicial days.

The nonjudicial days approved in 1865 were:

- January 1, New Year's Day
- February 22, Washington's Birthday
- July 4, Independence Day
- Thanksgiving Day
- December 25, Christmas Day
- Election Day

In 1883, May 30, Memorial Day, was added to this list. Six additional days were provided for in 1927:

- February 12, Lincoln's Birthday
- First Monday in September, Labor Day
- October 12, Columbus Day
- October 31, Admission Day
- November 11, Armistice Day
- Primary Election Day

In 1931, a bill was approved to close all public offices on November 11 for the commemoration of Armistice Day. In 1939, a similar bill was passed, declaring October 31 as Nevada Day.

Apparently, it was traditionally the practice of the Governor to declare public holidays. The 1933 Legislature formally delegated this authority to the Governor and ratified all previous holiday proclamations, but did not specifically list the holidays that were to be recognized.

In 1955, the Legislature passed the first bill that provided a list of days on which all public offices would be closed each year. Those days were January 1, May 30, July 4, the first Monday in September, October 31, November 11, Thanksgiving Day, and December 25. In addition, the Legislature recognized the authority of the President of the U.S. and the Governor of the State of Nevada to declare any additional public holidays.

This list has been amended rarely in the past 41 years. In 1969, February 22, Washington's Birthday, was added; the day of commemoration was altered to be the third Monday in February in 1971. Also in 1971, Memorial Day was changed from May 20 to the last Monday in May; Veterans' Day was changed from November 11 to the fourth Monday in October; and Thanksgiving Day was specified as the fourth Thursday in November. (These amendments were actually made by the 1969 Session of the Nevada Legislature and became effective on January 1, 1971.)

The 1975 Legislature restored Veterans' Day to November 11. Martin Luther King, Jr.'s Birthday, the third Monday in January, and Family Day, the Friday after Thanksgiving, were added in 1987. Columbus Day, October 12, was on this list only once: in 1992, a legal holiday was provided to recognize the 500th anniversary of the arrival of Cristoforo Columbo in the New World. The 1997 Nevada Legislature referred an advisory ballot question to the voters to determine if Nevada Day should be observed on the last Friday in October instead of October 31. The voters supported the change, and the 1999 Legislature made the change effective in October 2000.

The Legislature also has altered the Governor's authority to declare holidays. In 1969, the law was amended to remove the Governor, thus recognizing the President as the only entity with such authority. The 1971 Legislature restored the Governor to this statute; the 1987 Legislature removed the Governor again.

In addition, the Legislature has designated certain dates as "days of observance." Although no offices are required to close, State law authorizes the Governor to proclaim the official recommendation that these days be observed by the people of Nevada with appropriate exercises and activities. Currently, such days are as follows:

- March 31, Cesar Chavez Day (NRS 236.027; added in 2009);
- The month of April, Paleontological Awareness Month (NRS 236.085);
- April 6, Tartan Day (NRS 236.055; added in 1997);
- Third week in April, Nevada Shaken Baby Syndrome Awareness Week (NRS 236.070; added in 2007);
- Last Friday in April, Arbor Day (NRS 236.018; added in 1949);
- Month of May, Archeological Awareness and Historic Preservation Month (NRS 236.075; added in 2007);
- May 1, Law Day U.S.A. (NRS 236.030; added in 1963);
- Second Sunday in May, Mother's Day (NRS 236.020; added in 1921)
- The week that begins with Mother's Day, Osteoporosis Prevention and Awareness Week (NRS 236.065; added in 1997);
- First week in June, Nevada Mineral Industry Week (NRS 236.050; added in 1971);
- June 19, Juneteenth Day (NRS 236.033; added in 2011);
- Third week of July, Nevada All-Indian Stampede Days (NRS 236.040; added in 1971);
- Third week in September, Constitution Week (NRS 236.035; added in 1989);
- September 17, Constitution Day (NRS 236.035; added in 1989);
- Fourth Friday of September, Native American Day, (NRS 236.040; added in 1989);
- First week in October, Week of Respect (NRS 236.073; added in 2011);
- Second Monday in October, Columbus Day (NRS 236.025; added in 1989); and
- December 7, Pearl Harbor Remembrance Day (NRS 236.045; added in 1995).

### THE “NEVADA LINCOLN”

The so-called “Nevada Lincoln,” an oil portrait by Charles M. Shean, has hung above the speaker’s rostrum of the Assembly Chamber in the State Capitol at Carson City since the unveiling March 14, 1915, and was then moved to the Assembly Chamber in the new legislative building in 1973.

In commemoration of the 50th anniversary of the admission of Nevada into the Union, the Legislature of 1915 authorized a special committee to procure an oil portrait of Abraham Lincoln and a frame for such portrait. For these purposes, \$1,300 was made available, and discretion was given to the committee to purchase the portrait painted by the artist Charles M. Shean or to procure a portrait by some other artist.

The preamble to the act authorizing purchase of an oil portrait of Lincoln says, “Both the Territory and the State of Nevada were established during the administration of President Lincoln.” This is not correct. The act of Congress organizing the Territory of Nevada was approved March 2, 1861, by President James Buchanan, two days before President Lincoln was inaugurated March 4, 1861.

On occasion, the “Nevada Lincoln” has been referred to as the original of the Lincoln bust on the contemporary 5-dollar bill. This statement also is in error. Three different portraits were considered for that purpose. One of the unsuccessful ones is now the property of the Nevada Historical Society in Reno. The presence of the “Nevada Lincoln” in its position in the Legislative Building is a constant reminder of the reverence in which the memory of Abraham Lincoln is held by the people of Nevada.



## NEVADA'S CAPITOL

Built in 1870-71, Nevada's Capitol Building was constructed of locally quarried sandstone. Its silver-colored cupola dome rises 120 feet above the ground, providing panoramic views of the capital city of Carson City.

The original building was constructed for a bid of less than \$100,000. Shortly after the turn of the century, an octagonal annex was added to the rear of the building to house the State Library, and later, wings were added to the north and the south ends of the building, nearly doubling its size.

In the 1950s, with the building suffering from the effects of old age, the State Planning Board developed a plan to demolish the old Capitol Building and to construct a new Capitol. However, the plan was scrapped in 1959 by legislative resolution, and in 1977 the Nevada Legislature appropriated funds for a complete rehabilitation program for the building, which included gutting the entire structure, strengthening the outer walls against earthquakes, laying a new Alaskan marble foyer, and capping the building with a new fiberglass dome, thus ensuring the Capitol Building would stand as a proud symbol of Nevada's heritage for years to come.

The State Legislature moved out of the Capitol Building and into a new building across the Capitol Complex in 1971, making Nevada one of only three states in the country with its legislature separate from the Capitol. Today, the Capitol Building houses the offices of the Governor, Secretary of State, Treasurer, Lieutenant Governor, and Controller.





## **TERRITORIAL AND STATE MOTTOES**

The 1861 act of the Territorial Legislature adopting the Nevada seal contained the motto for the Territory, “Volens et Potens” (Willing and Able), indicating loyalty to the Union and the wealth to sustain it.

When the Legislature enacted the provisions for an official State Seal in 1866, it likewise incorporated an official state motto, “All for Our Country,” in the body of the seal.

The State motto has never been changed, but Nevada once had a state slogan. In 1937, the Nevada Legislature adopted the following slogan that was to be used on all State stationery and advertising publications:

Nevada, one state without an income tax, a corporation tax, an inheritance tax, a gift tax, a sales tax. With cheap power, and liberal mining, corporation, taxation and other laws. Welcome to Nevada.

This slogan was repealed in 1951.

## **STATE FLAG OF NEVADA**

Unlike seals and mottoes that were devised early in Nevada’s history, a State flag was not provided for until after the turn of the century. Also, unlike the State Seal whose design has remained static, the basic design of the State flag has been changed significantly.

In 1905, the Legislature adopted a bill to provide the first official flag of the State of Nevada. It incorporated a design proposed by Governor John Sparks and Colonel Sylvester “Henry” Day, assistant adjutant general of the Nevada National Guard, both of whom believed a symbol was needed to honor Nevada’s rejuvenated mining industry. This act provided the following specifications:

The flag of the State of Nevada will be of blue bunting, with the following devices thereon, to wit: The word “NEVADA” in silver-colored block letters, equidistant between the top and bottom, near the top the word “SILVER” in silver color, and near the bottom, the word “GOLD” in gold color, each of which shall be in Roman capital letters, and there shall be under the word “Silver” a row of eight stars in silver color, under which and above the word “Nevada” a row of nine stars in gold color, at each end of the word “Nevada” a silver- colored star, and under the word “Nevada” a row of nine stars in gold color, under which and above the word “Gold” a row of eight stars in silver color. Each star shall have five points and be placed with one point up.



(Reproduction of 1905 Flag)

It is possible that only one flag with this first design was produced. During the 1905 Legislative Session, a banner with the proposed design was kept in Governor Sparks' office. At the Assembly's request, the flag was brought to the chambers for the members to examine. After the session ended, the Nevada National Guard purchased the flag from Governor Sparks for \$30.65. The order for the purchase was issued by Adjutant General Lemuel Allen, who was also Lieutenant Governor at the time. (Mr. Allen had served in the Assembly from the 1889 Session through the 1901 Session and again in 1909.)

In 1923, Colonel Henry Day donated this same banner to the Nevada Historical Society, which restored this valuable Nevada emblem in the early 1990s. No other flag of this design is known.

Nevada's first flag had a legal lifespan of slightly over ten years. In 1915, the Nevada Legislature repealed the 1905 Flag Act and created an official flag for the State of Nevada that was distinctly different in design. Specifications for the flag were as follows:

The body of the flag shall be of solid blue. On the blue field, and in the center thereof, shall be placed the great seal of the State of Nevada, as the same is designed and created, by section 4402, Revised Laws, 1912; the design of said seal to be in scroll border, and the words "The Great Seal of the State of Nevada" to be omitted. Immediately above the seal shall be the words "Nevada," in silver-colored block Roman capital letters. Immediately below the seal, and in the form of a scroll, shall be the words "All For Our Country," in gold-colored block Roman capital letters. Above the words "Nevada" there shall be placed a row of eighteen gold-colored stars, and below the words "All For Our Country" there shall be placed a row of eighteen silver-colored stars. Each star shall have five points, and shall be placed with one point up.



(Reproduction of 1915 Flag—With one too many stars)

This second official banner was designed by Clara M. Crisler, a Carson City native and enrolling clerk for the Assembly during the 1921 and 1923 Sessions. Again, few flags were actually produced. On July 19, 1924, *The Eureka Sentinel* reported that two Nevada flags were on display at the General Federation of Women's Clubs in Los Angeles, California, which was probably due to Ms. Crisler's long and active participation in the Nevada Federation of Women's Clubs. These flags were borrowed from the Governor's office and appeared to be the only ones in the State at that time. An additional banner was flying on the battleship *U.S.S. Nevada*.

The third official flag for Nevada was created by an act of the Legislature in 1929. A movement to change the flag yet again began on June 15, 1926, when Nevada Lieutenant Governor Maurice J. Sullivan had notices published in several Nevada newspapers announcing a contest for a new design for the official State flag. The notices indicated that the 1915 design was expensive to reproduce because it required 30 to 40 different color shades and was difficult to distinguish from many other states' flags. Mr. Sullivan offered a \$25 prize for the design chosen by a committee; however, he noted that the honor of having one's design chosen would outweigh the monetary award. Contestants could enter as many designs as they wanted and could submit descriptions of the designs; drawings were not necessary. The contest ran until October 10, 1926.

Early in 1927, each house of the Nevada Legislature appointed members to serve on a committee to select a design for the State flag. On January 27, 1927, Assemblyman Frank H. Winter announced the selection of a design by "Don" Louis Schellbach III, a State employee, out of hundreds submitted. At the time, it was planned that a flag with the winning composition would be flown at the upcoming inaugural ball.

The 1927 Legislature, however, did not consider a bill to establish a new State flag, as had been Mr. Sullivan's original intention.

On February 19, 1929, Senate Bill 51, creating a State flag using the design chosen in 1927, was introduced by Senator William F. Dressler. The measure passed the Senate without amendment and was sent to the Assembly.



(Reproduction of 1929 Flag)

Mr. Schellbach's design did not contain the word "Nevada." This omission was noticed by the 1929 Legislature, and Assemblyman Cada C. Boak supplied the missing word through the amendment approved by the Assembly. The amendment placed the word in a circle around the single star provided for in the design, specifically stating that "Nevada" would begin at the upper point of the star with the letter "N," followed by the other letters "equally spaced between the points of the star."

Despite Mr. Sullivan's contest and the action by the 1929 Legislature, the new flag received little immediate attention. *The Sparks Tribune* noted on April 24, 1936, that the *U.S.S. Nevada* still carried the 1915 flag and that, in fact, the new flag was practically unknown because less than six flags existed at that time, seven years after the legislation was enacted.

In 1935, the Nevada State Flag Association was formed in response to the lack of flags. The Association enlisted the American Legion of the State to provide monetary support and needlewomen of the Works Project Administration (WPA) to hand-make the flags. In 1937, a new flag was presented to the battleship, and by 1939, new flags had been produced for the University of Nevada and the Governor's Office.

"Don" Schellbach, the State flag's designer, left Nevada to work at the Museum of the American Indian in New York City in May 1927. Known as "Mr. Grand Canyon" when he died on September 22, 1971, in Tucson at the age of 83, he had worked for more than 24 years for the National Park Service

at the Grand Canyon. In November 1989, Nevada legislative researcher Dana Bennett discovered a clerical error in the flag's legislation of 60 years earlier. That error compromising legislative intent was independently substantiated by former State Archives and Records Administrator Guy Rocha after examining legislative records in the State Archives. The Assembly did amend the bill to place the word "Nevada" around the star, but the Senate refused to concur in that amendment. A conference committee was established on March 19 and reported back on March 20, 1929. On March 21, 1929, the last day of the session, both houses adopted the committee report, which did not place "Nevada" in a circle. Instead, the committee agreed on the following sentence:

The word "Nevada" shall also appear immediately below the sprays in silver Roman letters to conform with the letters appearing in the words "Battle Born."

Yet, the language of the report was somehow omitted from the copy of the bill signed by the leaders of the Senate and Assembly and approved by the Governor. Consequently, the conference committee's agreement did not appear in the appropriate chapter of *Statutes of Nevada 1929* nor in the corresponding section of NRS; thus, every State flag produced after the session was not in the design approved by the Nevada Legislature.

In 1991, due to finding this mistake, the Nevada Legislature changed the placement of the word "Nevada" on the State flag. The members chose to keep the word "Nevada" intact, as did the 1929 conference committee, but placed it above the sprays and in gold. The earlier action placed the word below the sprays and in silver. Following is the description of the flag currently provided by NRS 235.020:

The body of the flag shall be of solid cobalt blue. On the field in the upper left quarter thereof shall be two sprays of sagebrush with the stems crossed at the bottom to form a half wreath. Within the sprays must be a five-pointed silver star with one point up. The word "Nevada" must also be inscribed below the star and above the sprays, in a semicircular pattern with the letters spaced apart in equal increments, in the same style of letters as the words "Battle Born." Above the wreath, and touching the tips thereof, shall be a scroll bearing the words "Battle Born." The scroll and the word "Nevada" shall be golden-yellow. The lettering on the scroll must be blackcolored sans serif gothic capital letters.

Only once has a proposed State flag design failed. In the closing days of the 1953 Session, S.B. 231, which proposed a radically different design for the banner, was introduced and passed by both houses of the Legislature and sent to the Governor. According to Reno's *Nevada State Journal*, the measure was promoted by the Elko, Reno, and Las Vegas Chambers of Commerce

who complained that the existing flag was too expensive to manufacture and, therefore, many Nevada organizations could not afford to display it. The proposal would cut the manufacturing cost from \$20 to around \$7 for each flag. The description of the 1953 flag was as follows:

The body of the flag shall be in three equal vertical stripes, consisting of one ultra-marine blue stripe next to the staff or halyard hem, a central stripe of pure white, and an outer stripe of silver grey. Upon the vertical centerline of the white stripe shall be centered a solid red silhouette of the State of Nevada, extending from a distance below the top of the flag equal to one-sixth of the vertical width of the flag, to a distance from the bottom border of the flag equal to one-third of the vertical width of the flag. Within the silhouette of the State of Nevada shall be inscribed in white block capital letters the words "Battle Born" in two lines contained within the upper half of the State representation. Height of the letters shall be equal to one-seventh of the height of the State representation. Within the lower portion of the center white stripe there shall be further inscribed the word "Nevada" in red block capital letters, centered upon the vertical center-line of the white stripe, the letters to be equal in height to one-seventh of the vertical width of the flag placed with the base of the letters at a distance from the bottom border of the flag equal to one half the height of the letters in the word "Nevada."



(Reproduction of 1991 and Current Flag)

However, Governor Charles H. Russell vetoed the bill. His message stated that the 1929 flag, "while, probably, . . . not an adequate display symbol for the State, . . . has a dignity which is not found in the proposed flag. Furthermore, it is my considered judgment that the proposed flag is not symbolic of Nevada." Governor Russell suggested that any new banner be proposed by a commission that conducts "a careful study made to embody true Nevada tradition into [the flag's] meaning." By the time the 1955 session convened, the earlier support for the new flag had evaporated, and the Legislature sustained the veto.

## SEALS OF THE TERRITORY AND THE STATE OF NEVADA

Nevada's first seal was described in an act of the First Regular Session of the Legislative Assembly of the Territory of Nevada in 1861 as follows:

Mountains, with a stream of water coursing down their sides, and falling on the overshot wheel of a quartz-mill at their base; a miner leaning on his pick, and upholding a United States flag, with a motto expressing the two ideas of loyalty to the Union, and the wealth to sustain it. "Volens et Potens."



(Reproduction of Territorial Seal)

The Territorial Legislature also authorized the Secretary of the Territory to have general supervision over the preparation of the designing and cutting of the seal. No mention was made concerning custody of the seal by the Governor.

The first action taken toward providing the State of Nevada with an official State Seal was the adoption of a description of a design for the "Great Seal of the State of Nevada" by the Constitutional Convention in 1864. Subsequently, the convention adopted a resolution that authorized the Secretary of the Territory to procure a state seal, after the adoption of the *Constitution* by the people, and in accordance with the design adopted by the Constitutional Convention.

Unfortunately, the Constitutional Convention failed to incorporate this action in the *Constitution*. Being omitted from the *Constitution* as approved by the people, the action taken by the convention concerning adoption and resolution had no binding effect in legally establishing a State seal.

In spite of these expressions, no amendment was offered to alter the suggested wording of Article V, which reads:

Sec. 15. There shall be a Seal of this State, which shall be kept by the Governor and used by him Officially, and shall be called "The Great Seal of the State of Nevada."



No one has ever initiated an amendment to the *Constitution* altering this requirement. The seal actually is kept by the Secretary of State for the obvious reason that the Secretary, not the Governor, attests to and affixes the seal to certified copies of records and other official documents, as required by State law. Some members of the Constitutional Convention recognized the Secretary of State as the logical custodian of the State Seal; however, the situation was not clarified at the convention and has continued to this day as an impractical provision in the *Constitution*.

The description of the State Seal was provided by the Second Session of the State Legislature in 1866 and was identical to that adopted by the Constitutional Convention in 1864. Therefore, the official and legal provision for a State Seal dates from the action of the Legislature in 1866.

In 1875, the Legislature clarified the seal by establishing its dimensions as follows:

. . .and the size thereof shall not be more than two and three fourths inches in diameter; and when completed, shall be known as the Great Seal of the State of Nevada, and shall be used instead of the present Great Seal.

The measure, in recognition of practical considerations, also provided for access to the seal by the Secretary of State, as follows:

Sec. 2. The Secretary of State shall at all times have access to said seal, and may use the same in verification of all his official acts.

This action in 1875 gave official recognition to the problem raised by the Governor having custody of the State Seal. Since that provision is a constitutional one, the Legislature would have to initiate a constitutional amendment to change custody. Instead, legislators chose to modify the provision by providing for access to the seal by the Secretary of State. The logical aspect of its custody remained unresolved.

Further action concerning the State Seal was not taken until 1955. In that year, the Legislature amended the original 1866 law to establish a penalty for the malicious or commercial use of the State Seal. Such misuse of the State Seal constituted a misdemeanor.

The current description of the State Seal in the *Nevada Revised Statutes* (NRS) is substantially the same as that in the original act and reads as follows:

NRS 235.010: In the foreground, there shall be two large mountains, at the base of which, on the right, there shall be located a quartz mill, and on the left a tunnel, penetrating the silver leads of the mountain,

with a miner running out a carload of ore, and a team loaded with ore for the mill. Immediately in the foreground, there shall be emblems indicative of the agricultural resources of the state, as follows: A plow, a sheaf and sickle. In the middle ground, there must be a railroad train passing a mountain gorge and a telegraph line extending along the line of the railroad. In the extreme background, there shall be a range of snow-clad mountains, with the rising sun in the east. Thirty-six stars and the motto of our state, "All for Our Country," must encircle the whole group. In an outer circle, the words "The Great Seal of the State of Nevada" must be engraved with "Nevada" at the base of the seal and separated from the other words by two groups of three stars each.

Several state seals have been designed for use by State departments and agencies, and variations of the seal appear on some of Nevada's State buildings. Certain inconsistencies are noted among these seals. The most nearly authentic seal is the one that is impressed by the Secretary of State on various documents; it is quite close to the legal description. A few minor differences, however, may be observed in the pictorial portion of the seal. Some of these are quite definite, such as the reference to a "train of railroad cars" (plural), when only one car follows the engine. Others are less definite, such as the reference to a "range of snow-clad mountains," and on the seal as used there is little indication that the mountains are, in fact, wearing a mantle of snow.



(Reproduction of State Seal)

## THE MYSTERIOUS ORIGIN OF NEVADA'S TERRITORIAL SEAL

By GUY ROCHA  
Former Nevada State Archivist

In comparing Iowa's state seal with Nevada's territorial seal, one is struck by the similarity. Is this just coincidence? Maybe. However, upon further investigation, circumstantial evidence suggests that Iowa's state seal was the model for Nevada's territorial seal.

The Iowa state seal, made official by Iowa's first state legislature in 1847, includes a soldier in the foreground, leaning on a rifle and standing in a field of wheat, holding an American flag. To the right of the soldier, in the background, smoke trails to the right from the chimney of a small cabin.

The Nevada territorial seal, made official by Nevada's First Territorial Legislature in 1861, includes a miner in the foreground, leaning on a pick and standing on a mining claim, holding an American flag. To the right of the miner, in the background, smoke trails to the right from the chimney of a five-stamp quartz mill.

Orion Clemens, President Abraham Lincoln's appointee as Secretary of Nevada Territory, presented a design for a territorial seal to the first Legislature in Carson City on October 7, 1861. After some debate and much delay, the Council passed the House Territorial Seal Resolution on November 28, 1861. Councilman Ira Luther from Genoa noted that the Territorial Seal Committee's tardiness in reporting on the seal matter was related to an unsuccessful effort to generate an original idea other than what Clemens had proposed. Governor James Nye signed the bill the following day, the last day of the legislative session.

So what has Nevada's territorial seal to do with Iowa's state seal? Interestingly enough, Orion Clemens moved from Hannibal, Missouri, to Muscatine, Iowa, in September 1853, where he operated a small commercial print shop and started the *Muscatine Journal*. On December 19, 1854, Orion married "Molly" Stotts in her hometown of Keokuk, Iowa.

In June 1855, the couple moved to Keokuk, where Orion bought the "Ben Franklin" Book and Job Office and employed his brother, Samuel (the future "Mark Twain"). Daughter Jennie was born on September 14.

Orion and his family left Iowa for Tennessee, Orion's birthplace, in the fall of 1857, only to return to live with his in-laws in Keokuk by 1859. In the meantime, Orion finished his law studies and became an attorney.

Despite having no documentary evidence that Clemens based the Nevada territorial seal design on Iowa's state seal, it is difficult to imagine that in all his time in Iowa as a newspaper publisher, printer, and attorney he was not familiar with the state seal. The similarity of the two seals suggests that Clemens, consciously or unconsciously, drew on the Iowa state seal as a model for Nevada's territorial seal.

Orion certainly took great pride in his creation. In a letter written by the Territorial Secretary on December 3, 1861, and kept in the Nevada State Archives, Clemens entrusted his seal design to an engraving firm. "I rely upon you to see that it is skillfully executed, both in design and engraving," wrote

Orion. "It is a bantling [a very young child] of my own, and my pride will be to have the prettiest seal in the Union."

Orion and Mollie Clemens left Nevada in March 1866 (Jennie died in Carson City on February 1, 1864), and after a brief sojourn to California, returned to Iowa. Orion spent the greater part of his life there, dying in Keokuk on December 11, 1897.

In the end, maybe Orion Clemens' Iowa and Nevada connections have been forever sealed.

(Original version published in *Sierra Sage*, Carson City/Carson Valley, Nevada, February 2003 edition)

### **BLOWING SMOKE: ANOTHER STATE SEAL MYTH**

By GUY ROCHA  
Former Nevada State Archivist

"Nevada's first State Seal had a mistake on it," wrote Gary BeDunnah in *Discovering Nevada*, a school text published in 1994. "The smoke from the train and the mill blew in opposite directions."

There has been a long-standing belief in Nevada that the smoke from the passenger train locomotive and the quartz mill should have been blowing in the same direction on the original State Seal. Some claim the smoke blowing in opposite directions was a hoax perpetrated by Territorial Enterprise reporter Mark Twain and some of his associates.

The claim has nothing to do with the design of the State Seal as promulgated in the 1863 and 1864 State Constitutional Conventions in Carson City and officially adopted by the 1866 State Legislature. Nothing in the description, officially or unofficially, identified which way the smoke should blow.

"Nevada's 1860s seal was executed in the pictorial heraldic style that was popular in the 19th century," according to vexillologist James Ferrigan III.

This replaced the symbolic heraldry of the 18th century. In pictorial heraldry the focus is the center of the image, which generally contained the principal activities or aspirations of the state or territory. The smoke was incidental to the mill and would have been naturally drawn blowing out of the frame of reference. The train, a significant technology of the 19th century, was central, and assumed to be in motion, so the smoke was behind it. Hence smoke in two directions.

The fanciful story suggests that if the wind is blowing the smoke from the quartz mill smokestack one way in the foreground of the State Seal, then the smoke from the locomotive smokestack in the background logically must conform to the same wind direction. However, on the presumption the train is traveling across the viaduct at some speed, and not standing still, the smoke will inherently trail behind the train. Debate over the State Seal in the 1863 State Constitutional Convention made it clear that the speed of the train would be left to the imagination of the people. The words “very slowly” were dropped from the draft description and an amendment to adopt “rapidly” failed. Depending on which way the wind is blowing, the smoke from the mill and a moving locomotive could blow in different directions.

That was clearly the case when John Church, the first Nevada State Printer, printed the State Seal on publications beginning in August 1865—before the Legislature officially adopted the seal design on February 24, 1866. The smoke from the locomotive is blowing to the left and the smoke from the quartz mill is blowing to the right.

There is no evidence that Samuel Clemens, alias Mark Twain, had anything to do with which way the smoke ended up blowing on the official State Seal. It is true that he humorously commented on the spirited 1863 debate over what the motto would be on the State Seal: either “volens et potens” (willing and able), which was on the territorial seal designed by his brother Orion, the Secretary of the Territory; or “The Union Must and Shall be Preserved.” And, it is also true that he proposed, tongue-in-cheek, a state seal that included “a jackass-rabbit reposing in the shade of his native sagebrush, with the motto ‘Volens enough but not so d....d Potens.’”

However, despite conjecture in *Nevada’s Symbols: Reflections Of The Past* (1978), a school text directed at seventh graders, Mark Twain could not have collaborated with his so-called “drinking partner,” State Printer John Church, and “good friend” Alanson W. Nightingill, a delegate to the first State Constitutional Convention who served on the state seal committee, to mastermind a hoax showing winds “coming from two directions at the same time.” “There is no evidence that this is what happened,” wrote Angela Brooker, “but it only takes a little imagination to see Twain, Nightingill, and Church sitting around a barroom table plotting to play a mischievous trick on Nevada’s lawmakers.” In other words, if it didn’t happen this way, it should have!

The statement made by Brooker that “Lance” Nightingill designed the State Seal has no basis in fact. The designer remains unknown. In addition, Nightingill was not a delegate to the second State Constitutional Convention in July 1864 and, therefore, did not participate in the debate over the State Seal’s final design, which included adopting the motto “All For Our Country.”

Mark Twain, after offending some folks in Carson City and being challenged to a duel by an angry Virginia City newspaper editor, made a quick exit to California in May. Twain did not torment the second convention. The “Wild Humorist of the Pacific Slope” did not return to Nevada until October 1866 to lecture about his trip to the Hawaiian Islands.

Finally, the State Legislature did not elect John Church the State Printer until January 11, 1865, some six months after the constitutional convention had adjourned. Twain was long gone and Nightingill had been elected Nevada’s first State Controller.

While there was no hoax in 1865, there did appear to be some confusion in 1915 over which way the smoke should blow. Publications in that year had state seals with the smoke blowing in opposite directions and also in the same direction. From 1917—thanks to State Printer Joe Farnsworth—to the present, the smoke from the locomotive and the mill on the State Seal blows to the left on all State publications. However, not until May 1929 did the official State Seal kept by the Secretary of State for the Governor look the same as the State Printer’s seal.

Only time will tell if blowing smoke in Nevada will again be an issue.

(Original version published in *Sierra Sage*, Carson City/Carson Valley, Nevada, October 2002)

## THE “TRESTLE” ON THE STATE SEAL

By GUY ROCHA  
Former Nevada State Archivist

DENNIS MYERS  
Journalist

In 1979, Houston Oil & Mineral, a mining company, expanded an open-pit gold mine near Virginia City, which threatened the destruction of much of upper Gold Hill. Comstock residents fighting the mining company said the property was so historic and hallowed it was depicted on the Nevada State Seal. The basis for the claim—sometimes repeated by State politicians—is a railroad “trestle” appears on the seal, and the Crown Point Trestle on the Virginia & Truckee (V&T) Railroad had been located in upper Gold Hill until it was dismantled in 1936 and the Crown Point Ravine filled in.

Ty Cobb, a Virginia City native and long-time Reno newspaper reporter named for the colorful and controversial Detroit Tigers baseball player, helped his father tear down the engineering wonder. Cobb, in a story appearing in the *Reno Evening Gazette* on July 15, 1936, wrote that the Crown Point bridge, “one of the most historic structures in the West . . . is pictured on the official seal of the State of Nevada.” He repeated the claim in his article, “Nevada’s

Crown Point landmark,” published in the *Nevada Official Bicentennial Book* (1976). Cobb confided in me (Rocha) shortly before his death in May 1997, that one of his teachers at the Fourth Ward School in Virginia City, where he graduated from high school in 1933, told him that the Crown Point Trestle was depicted on the State Seal. “When the V&T suspends operations there will go out of existence not alone the last of the glamorous passenger carrying short line railroads of Nevada,” wrote Comstock promoters Lucius Beebe and Charles Clegg in *Virginia and Truckee: A Story of Virginia City and Comstock Times* (1949), “but also an institution so important in the state’s economy that its representation is an integral part of the Great Seal of Nevada. The trestle remains only in memory and in reproachful immortality in the Great Seal.”

The claim is widely accepted in Nevada, but there is no truth to it. The State Seal was originally designed in 1863 during the first Constitutional Convention in Carson City, slightly modified during the second constitutional convention in 1864, and adopted by the State Legislature in 1866. The structure on the State Seal is made of stone and is more properly called a viaduct. Work on the V&T and the Crown Point Trestle, constructed of wood, did not begin until three years later in 1869.

Actually, it makes a better story this way. After all, when the viaduct was first depicted in the seal, there were no steam-powered railroads at all in Nevada. The Central Pacific Railroad did not arrive until 1868. Its inclusion by lawmakers in such an important state symbol was an act of faith in Nevada’s future, knowing the nation’s first transcontinental railroad would run through the heart of the Silver State. In fact, Nevada’s First Territorial Legislature in 1861 approved a bill granting the “Big Four” the right to build a railroad across Nevada from west to east.

And upper Gold Hill—with its elegant Gold Hill Hotel, historic Greiner’s Bend, and V&T railroad depot—survived the decline of the mining company when, with the price of gold in decline, it closed down its operations in the early 1980s.

(Original version published in *Sierra Sage*, Carson City/Carson Valley, Nevada, August 1996 edition. Reprinted March 2004.)



