

by Guy Rocha, former Nevada State Archivist

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Nevada's nickname, "Battle Born," dates back to the Civil War. Thanks to the research of State Archives Manager Jeff Kintop, we know that constitutional delegate, and future Nevada Congressman, Thomas Fitch noted on July 6, 1864 that "Our state will be battle-born..."

People refer to Battle Born as the state's motto, a common misnomer. In fact, the second state constitutional convention adopted the motto "All For Our Country" which can be found on the Nevada State Seal.

Another once common belief is that Nevada was not legally admitted as a state in the nation. The story goes that there were not enough people living in the Nevada Territory to justify statehood and a member in the House of Representatives.

However, the issue was not an obstacle to Nevada becoming a state. The constitutional question dates to the 1890s. The Battle Born state was in the midst of a major mining depression, people were leaving the area in droves, and sparsely populated Nevada had a new nickname, "the great rotten borough," because the mining and railroad corporations so dominated political and economic life.

When the state legislature legalized boxing in 1897, and Carson City in March hosted the world's heavyweight championship between contender Bob Fitzsimmons and champion "Gentleman Jim" Corbett, many in the press and the pulpit called the nation's first legal prize fight an abomination. Combined with the fact that many of Nevada's U.S. Senators only maintained token residences in the state and actually lived in California, Nevada's reputation suffered. Eastern writers, using these and other unsavory themes, seized upon the population

issue to try and strip Nevada of its statehood. William Ellsworth Smyth, in the April 1897 issue of *Forum* asked "Shall Nevada Be Deprived of Statehood?"

The argument seemingly focused on the Northwest Ordinance of 1787, which stated that if a territory had 60,000 free inhabitants it could pursue statehood. The Nevada Territory may have had between 35,000 and 40,000 free inhabitants at the time of statehood in 1864. The general population of Nevada probably exceeded 60,000 for only a few years in the 1870s and early 1880s. The 1890 census recorded 47,355 inhabitants and by 1900 another 5,000 people had exited the state. The anti-Nevada crowd argued the Battle Born state should not have been Battle Born.

However, the Northwest Ordinance of 1787, if it applied to state-making outside of the old Northwest, had a loophole that members of Congress and President Abraham Lincoln were probably familiar with when they supported Enabling Acts for Colorado, Nebraska, and Nevada in March 1864. The language in the ordinance read that a state could be admitted to the Union, "Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

It seems, the Battle Born state was admitted to the Union legally. President Lincoln and the moderate Republicans in Congress expected the 36th state to support the reelection of the president and his reconstruction policies for the South following the end of the Civil War. They were right on both counts.

It's unlikely Congress seriously considered changing Nevada back into a territory in the 1890s. Such an effort would have raised major constitutional questions about whether the founding fathers ever intended for it to be possible to remove statehood, once granted.

In the end, Nevada's 20th-century mining boom, beginning with the Tonopah discovery in 1900, reinvigorated the nation's least populated state. The cries to rescind Nevada's statehood were silenced for the time being.

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