

In Memoriam

Adolphus Leigh Fitzgerald

PROCEEDINGS
IN THE
SUPREME COURT OF THE STATE OF NEVADA

Friday, September 9, 1921.

Present—Hon. J. A. SANDERS, Chief Justice;
 Hon. E. A. DUCKER, Associate Justice;
 Hon. B. W. COLEMAN, Associate Justice,
and the Officers of the Court.

Hon. SARDIS SUMMERFIELD, chairman of the committee previously appointed to prepare a memorial to the late Hon. A. L. FITZGERALD, presented and read the following:

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the State of Nevada:

MEMORIAL

ADOLPHUS LEIGH FITZGERALD

Honorable ADOLPHUS LEIGH FITZGERALD, former Chief Justice of the Supreme Court of Nevada, died at the home of his son in the city of Boston on the 31st day of August, 1921.

Judge Fitzgerald was a native of the State of North Carolina, born October 24, 1840. He was graduated from the University of North Carolina with the degree of Bachelor of Arts in 1861, and with the Master's degree the following year. The Civil War was then at its height and he cast his lot with the State of his nativity, enlisting as a private in a cavalry regiment, and saw active service in the sanguinary battles of the

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Wilderness, Petersburg, and the Siege of Richmond. Like the late Chief Justice of the United States, he lived to be a conspicuous figure in a reunited Nation, to which his devotion and loyalty was unbounded, and to receive the highest honors in the gift of the people of the Battle-Born State, which came into existence in order that the cause of the great conflict should forever be abolished.

Upon the conclusion of the War, Judge FITZGERALD moved to the State of California, where he was soon after called to the chair of Latin and Greek in the Pacific Methodist College at Vacaville, which position he resigned to accept that of Deputy Superintendent of Public Instruction of the State of California, later accepting the presidency of the college of which he had been a professor. During his five years as President of the Pacific Methodist College he read law and was admitted to practice in the State of California in January, 1878. The same year he moved to Nevada, locating in the then prosperous mining town of Eureka, and was admitted to the bar of this court. He practiced his profession until 1887, when he was elected Judge of the District Court of Nevada, and was reelected in 1896. At that time, and until 1896, the State comprised but one district with three Judges, his associates being Hon. Richard Rising and Hon. R. R. Bigelow. In 1894 he was elected Judge of the Third District, comprising the counties of Eureka, Lander and Humboldt and was twice thereafter reelected to the same position. In 1900 he was elected a Justice of the Supreme Court of the State of Nevada, voluntarily retiring as its Chief Justice in January, 1907. His judicial career covered a period of twenty years. His service on the district bench covered the time of greatest depression in the State of his adoption. His entry of service on the supreme bench was coincident with the revival of the mining industry of Nevada and the beginning of its rapid growth in agricultural and kindred pursuits. His career as a Judge is conspicuous for judicial learning

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and conscientious devotion to public duty. His opinions as Justice and Chief Justice of the Supreme Court are reported in Volumes 26 to 29, inclusive, of Nevada Reports. Couched in the language of one versed in the classics, his opinions will stand as monuments to his ability and integrity more lasting than chiseled marble.

Judge FITZGERALD was married in 1869 to Nancy McCoy, who died in 1882. From this union two sons and a daughter were born, who survive their distinguished father. In 1884 he was married to Mrs. Chappel, who died during his incumbency of the Supreme Court.

Judge FITZGERALD'S activities were not limited to the narrow confines of his profession. He took a deep interest in matters of civic welfare, both state and national. He was a profound student of finance and one of the foremost advocates of bimetallism in America, to to which subject he devoted his gifted pen.

A genial and lovable man, and the finest type of the southern gentleman, he was, nevertheless a man of strong and unyielding convictions as was evidenced by the fact that he declined a renomination to this Court which was equivalent to an election, rather than to endorse a political policy with which he was not in entire accord.

His work in and devotion to a great fraternal order was so conspicuous as to be deserving of mention in the briefest account of his life's work. A devotee of Masonry for more than half a century, and a member of all its branches, he was the dean of the Supreme Council of Scottish Rite Masons of the 33d degree for the southern jurisdiction of the United States and for many years its almoner.

Though the span of his life exceeded four-score years, to him it was vouchsafed to retain his faculties to the end. For three-score years he was an active participant in the changing conditions of a great Nation. He died in the fullness of years, with the respect and veneration

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due to the faithful public servant and the upright and honorable citizen who gave a life of service to his fellow men.

It is the recommendation of your committee that this memorial be spread upon the minutes of this Court and that a duly engrossed copy be forwarded to the children of the decedent.

Very respectfully,

SARDIS SUMMERFIELD,
G. F. TALBOT,
FRANK H. NORCROSS,
P. A. McCARRAN,
JOHN S. ORR,

Committee.

The Chief Justice:

Let the record show the report of the committee. The memorial will be entered in full on the minutes of the Court and published in the next volume of the Nevada Reports, and the Clerk is directed to forward copies to the members of the family of the deceased, as well as to the Secretary of the Nevada Bar Association.

The Court will now adjourn out of respect to the memory of the deceased ex-Chief Justice.